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Report on UK

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**Brussels, 31 January 2014**

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REV 1**

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**GENVAL 65  
EUROJUST 106**

Evaluation report on the sixth round of mutual evaluations:

"The practical implementation and operation of the Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime and of the Council Decision 2008/976/JHA on the European Judicial Network in criminal matters."

Report on UK

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## 1. EXECUTIVE SUMMARY

- The evaluation visit to the UK has been held in a very positive and constructive atmosphere.
- The Evaluation Team considers that the preparation by the UK authorities has been remarkable: all key interlocutors were involved in the process which, in view of the diversity of the legal systems at stake and the number of actors concerned both amongst prosecutors and at law enforcement level, represented a real challenge in terms of organisation for the UK authorities.
- In view of the complexity of the UK legal systems, the constant presence during the interviews of the Eurojust National Member for the UK and, during most of them, of the Deputy National Member, has brought undeniable added value to the visit as it has facilitated the mutual understanding between the Evaluation Team and the persons interviewed of the questions and issues at stake.
- Neither the Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view of reinforcing the fight against serious crime, nor the Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust and amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime have been implemented by legislative measures.
- No specific legislation has been deemed necessary by the UK in order to comply with the implementation requirements. The UK authorities have used common law and existing primary legislation to give effect to the decisions, i.e. the Criminal Justice (International Co-operation) Act 1990, the Crime (International Co-operation) Act) 2003, the Proceeds of Crime Act 2002 and the Extradition Act 2003.
- The approach to the implementation of the Eurojust and EJM Decisions by the UK authorities is characterised by a great degree of pragmatism and flexibility.

### *Introduction to the UK system*

- The UK is a common law system. The Judiciary have no role as examining magistrates or investigators rather they are the independent cornerstone of the system that is adversarial in character.

- The United Kingdom has separate legal systems: England and Wales, Northern Ireland and Scotland. Each has its own police force(s). In England and Wales there are a number of separate Police Areas with a considerable degree of autonomy. The recently announced National Crime Agency does have a remit that extends across the UK. Her Majesty's Revenue and Customs (HMRC) likewise has a mandate across the UK and has its own investigators.
- In England and Wales the Crown Prosecution Service is responsible for nearly all criminal prosecutions. It is independent of both the Police and the Judiciary. Prosecutors do not instigate criminal investigations or carry out criminal investigations, these are roles for the police, although the police may (and in reality often do) request advice and assistance. For example it is prosecutors and not investigators who make outgoing requests for Mutual Legal Assistance to assist a criminal investigation. However, The Serious Fraud Office has a specialised remit and prosecutors do become involved in the investigation process. The decision on whether to prosecute is one for the prosecutor in all serious cases.
- The relationship between prosecutors and investigators is different in Scotland (and to some extent Northern Ireland). The prosecution services in England and Wales, Scotland and Northern Ireland are independent of each other.

### ***Eurojust***

- The practical implementation is ongoing as far as Article 12 of the Eurojust Decision is concerned: the ENCS has been created and meets regularly, and a Eurojust Oversight Body has been set up. The prosecutors and police officers have direct contacts with the National Member and with the Deputy National Member at Eurojust. In many cases they know each other and work together very well. National authorities consult in advance and discuss any particular issue with the National Member at Eurojust. That the National Member and the Deputy are experienced prosecutors is an advantage in the daily work. This helps in having a smooth co-operation between the National Member and the practitioners.

- Instructions have been given to prosecution services with relation to the obligation to comply with the requirements of Article 13 of the Eurojust Decision, but not to police. The concrete implementation of that provision is complicated, among other factors due to the division of roles between police and prosecution authorities, as well as to mixed feelings as to the usefulness of the compulsory exchange of information and, for these reasons, represents a matter for further consideration.
- The statistics indicate a huge level of activity of the UK desk both in terms of requests received and issued.
- The flow of information between Eurojust and the UK authorities is informal but operational. Scotland uses both formal and informal methods of contacting Eurojust. Investigating and prosecuting authorities often solicit Eurojust's assistance in the facilitation of requests for legal assistance and in coordinating the organisation of JIT's.
- The transmission and exchange of information should be seen within the context of the division of responsibility between prosecutors and the police in England, Wales and Northern Ireland. In Scotland, however, prosecutors can direct the police in the investigation of crime.
- The particularities of the system in England, Wales and Northern Ireland mean that, unlike in many Member States, the prosecution service does not have control over the activities of the law enforcement agencies. Therefore, particular attention has been paid by the evaluators to mechanisms put in place in order to ensure that information required is adequately transmitted to Eurojust.
- The UK authorities value in particular the support provided by Eurojust to setting up and functioning of Joint Investigations Teams (JIT's) and demonstrate real expertise in that field.
- JIT's are increasingly important tools used by the law enforcement in UK. The Eurojust National Member plays an important role in facilitating organisation of JIT's and promoting the practical aspects of their use. According to the opinion of the representatives of the competent authorities in United Kingdom, JIT's have proved a valuable means of enhancing practical cooperation between United Kingdom and other EU Member States in addressing cross-border crimes.
- In general, the Evaluation Team has noted a high level of satisfaction expressed by all actors as regards the role played by Eurojust in facilitating judicial cooperation, and by the genuine commitment shown by all of them in supporting the ongoing implementation process.



***EJN***

- The implementation process of the EJM Decision can in general be considered satisfactory in all UK jurisdictions.
- There seems to be in practice no overlap nor confusion between the use of Eurojust and the EJM by the UK authorities and an efficient level of complementarity seems to be in place. United Kingdom has a common law system for criminal proceedings. The investigation of criminal offences is shared amongst relevant law enforcement authorities, such as the Serious and Organised Crime Agency or the Serious Fraud Office, but also police.

***Training***

- There is no specific policy regarding training for law enforcement officers and prosecutors on the role of Eurojust. However, there is extensive online guidance on international enquiries including the requirements of mandatory transmission of information to Eurojust. Face to face training is targeted mainly at those involved in international mutual assistance.
- Although judges do not basically require on their own mutual assistance they need to understand some tools of international co-operation. Judges in England and Wales receive training in tools of international co-operation where to do so is relevant to the discharge of their judicial functions; for example to assess the legality of evidence obtained by the MLA process. The Judicial Institute for Scotland provides training to Scottish judges on relevant law and practice related to the application of EU law and agencies.

## 2. INTRODUCTION

Following the adoption of the Joint Action 97/827/JHA of 5 December 1997<sup>1</sup>, a mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organised crime has been established.

In line with Article 2 of the Joint Action, the Working Party on General Matters including Evaluations (GENVAL) decided on 22 June 2011 that the sixth round of mutual evaluations should be devoted to the practical implementation and operation of the Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime<sup>2</sup>, as amended by Decisions 2003/659/JHA<sup>3</sup> and 2009/426/JHA<sup>4</sup> and of the Joint Action 98/428/JHA of 29 June 1998 on the creation of a European Judicial Network<sup>5</sup> repealed and replaced by Council Decision 2008/976/JHA on the European Judicial Network in criminal matters<sup>6</sup>.

The evaluation aims to be broad and interdisciplinary and not focus on Eurojust and European Judicial Network (EJN) only but rather on the operational aspects in the Member States. This is taken into account to encompass, apart from cooperation with prosecution services, also, for instance, how police authorities cooperate with Eurojust national members, how the National Units of Europol will cooperate with the Eurojust National Coordination System and how feedback from Eurojust is channelled to the appropriate police and customs authorities. The evaluation emphasises the operational implementation of all the rules on Eurojust and the EJN. Thus, the evaluation will

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<sup>1</sup> Joint Action of 5 December 1997 (97/827/JHA), OJ L 344, 15.12.1997 pp. 7 - 9.

<sup>2</sup> Council Decision of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime (2002/187/JHA), OJ L 63, 2.3.2002, pp. 1-13.

<sup>3</sup> Council Decision 2003/659/JHA of 18 June 2003 amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime, OJ L 245, 29.9.2003, p. 44-46.

<sup>4</sup> Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust and amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime, OJ L 138, 4.6.2009, pp. 14-32.

<sup>5</sup> Joint Action 98/428/JHA of 29 June 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, on the creation of a European Judicial Network, OJ L 191, 7.7.1998, p. 4-7.

<sup>6</sup> Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network, OJ L 348, 24.12.2008, p. 130-134.

also cover operational practices in the Member States as regards the first Eurojust Decision, which entered into force in 2002. Experiences from all evaluations show that Member States will be in different positions regarding implementation of relevant legal instruments, and the current process of evaluation could provide useful input also to Member States that may not have implemented all aspects of the new Decision.

The questionnaire for the sixth round of mutual evaluations was adopted by GENVAL on 31 October 2011. As agreed in GENVAL on 17 January 2012, Eurojust was also provided with a questionnaire. The questionnaire to Eurojust was adopted by GENVAL on 12 April 2012. The answers to the questionnaire addressed to Eurojust were provided to the General Secretariat of the Council on 20 July 2012, and have been taken into account in drawing up the present report.

The order of visits to the Member States was adopted by GENVAL on 31 October 2011. United Kingdom was the fourteenth Member State to be evaluated during this round of evaluations.

In accordance with Article 3 of the Joint Action, a list of experts in the evaluations to be carried out has been drawn up by the Presidency. Member States have nominated experts with substantial practical knowledge in the field pursuant to a written request on 15 July 2011 to delegations made by the Chairman of GENVAL.

The Evaluation Team consists of three national experts, supported by two staff from the General Secretariat of the Council and observers. For the sixth round of mutual evaluations, GENVAL agreed with the proposal from the Presidency that the European Commission, Eurojust and Europol should be invited as observers.

The experts charged with undertaking the evaluation of United Kingdom were Mrs Susana Figueiredo (Portugal) and Mr Björn Blomqvist (Sweden). Three observers were involved: Ms Sabine Tuerck (European Commission), Ms Sylvie Petit - Leclair (Eurojust) and Ms Catherine Deboyser (Eurojust), together with Mr Michael Carlin and Mr Slawomir Buczma from the General Secretariat of the Council.

This report was prepared by the expert team with the assistance of the General Secretariat of the Council, based on findings arising from the evaluation visit that took place in England and Wales between 13 - 15 and 17 May 2013, and in Scotland on 16 May 2013 and detailed replies to the evaluation questionnaire together with their detailed answers to ensuing follow-up questions.

### 3. GENERAL MATTERS AND STRUCTURES

#### 3.1. General information

For the purpose of evaluation Member States were asked to indicate all relevant provisions in place to introduce or amend their legislation to bring national law in conformity with the Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view of reinforcing the fight against serious crime and the Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust and amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime or indicating intentions to do so in this respect. The same relates to indicating by Member States statutory provisions introduced or amended in order to implement Joint Action 98/428/JHA of 29 June 1998 on the creation of European Judicial Network as well as Council Decision 2008/976/JHA adopted on 16 December 2008 and repealing the Joint Action.

As regards United Kingdom, no specific amendments have been made in order to bring UK law in conformity with the Council Decisions. There is in place common law and existing primary legislation which are used to give effect to the Council Decisions. The principal legislation in relation to international co-operation is also applied to provide the possibility to interact with Eurojust and EJN. The most important pieces of legislation applied for this purpose are the following: the Criminal Justice (International Co-operation) Act 1990, the Crime (International Co-operation) Act 2003 (CICA), the Proceeds of Crime Act 2002 and the Extradition Act 2003.

In practice the actual implementation of the Eurojust and EJN Decisions is in a practical manner ensured by the Home Office who coordinates the functioning of the Eurojust National Co-ordination System (ENCS). The Ministry of Justice is not involved in this process due to division of governmental competences. Part of those tasks is also executed through guidances in order to provide the framework for the exchange of information with Eurojust. The Serious Fraud Office (SFO) and the Crown Prosecution Service (CPS) issued guidances on the UK obligation to exchange information with Eurojust.

### *3.1.1. Eurojust National Coordination System (ENCS)*

The Eurojust National Coordination System has been set up by way of an administrative decision taken by the Home Office as a result of the Eurojust Council Decision on the strengthening of Eurojust in 2009. The ENCS is co-ordinated by the International Department of the Home Office in which one person is appointed to facilitate the functioning of ENCS.

The members of ENCS are practitioners representing the following institutions:

- Public Prosecution Service for Northern Ireland (PPSNI)
- Crown Prosecution Service (CPS)
- Serious Organised Crime Agency (SOCA)
- Crown Office and Procurator Fiscal Service (COPFS)
- Metropolitan Police Service (MET)
- Judicial Co-operation Unit (JCU)
- Serious Fraud Office (SFO)
- Border Force
- Her Majesty's Revenue and Customs (HMRC)

The Deputy National Member is also a part of the ENCS.

Since the functioning of ENCS is not regulated by law the practitioners agreed to meet at least once a year.

In the United Kingdom, it has been set up a Eurojust Oversight Board (EOB) which sets the direction of UK Eurojust policy. The EOB meets twice a year and is chaired by the Home Office, the lead department in the UK for judicial co-operation with representatives from law enforcement, prosecutors and policy advisers.

The National Member and the following institutions participate in the functioning of EOB:

- Home Office (HO)
- Attorney General Office (AGO)
- Crown Prosecution Service (CPS)

- Serious Fraud Offence (SFO)
- Ministry of Justice (MoJ)
- Serious Organised Crime Agency (SOCA)
- Crown Office and Procurator Fiscal Service (COPFS)
- Foreign and Commonwealth Office (FCO)
- Her Majesty's Revenue and Customs (HMRC)
- Public Prosecution Service for Northern Ireland (PPSNI)

The EOB keeps the composition of the ENCS under constant review. The ENCS system is informal because of the multiple jurisdictions system and the separation of functions for investigations and prosecutions. The Home Office coordinates its work by organising meetings and keeping updated the membership of the ENCS.

### *3.1.2. National Correspondents*

The most important stakeholders in the process of fighting crimes in the UK have designated National Correspondents to co-operate with UK National Desk and thus with Eurojust.

The main tasks of the National Correspondents are:

- to act as central contacts within their respective organisations,
- providing guidance on when and how to engage Eurojust;
- to increase awareness of the obligations arising under the Eurojust Decision,
- to assist, if necessary, their colleagues in interacting with the UK Desk in operational casework.

The National Correspondents have been designated by the following institutions acting under the auspices of the Home Office:

- Crown Prosecution Service (CPS), Serious Fraud Office (SFO), Serious Organised Crime Agency (SOCA) and the Metropolitan Police Service in England and Wales;
- Crown Office and Procurator Fiscal Service (COPFS) in Scotland;
- Public Prosecution Service for Northern Ireland (PPSNI) in Northern Ireland.

The International Directorate of the Home Office is responsible for the functioning of the ENCS. During the co-ordinating meetings organised each year by the Home Office they exchange experience and facilitate co-operation with Eurojust.

### *3.1.3. Operation of the ENCS and connection to the CMS*

A person designated from the International Directorate of the Home Office is responsible for the functioning of the ENCS.

The ENCS is an informal network and the National Correspondents are free to communicate with each other and with the UK Desk as and when necessary. The UK has multiple jurisdictions and any prosecutor or law enforcement official who needs the services of Eurojust can, and is encouraged, to liaise directly with the UK Desk. It is not necessary to go via the National Correspondents.

National Correspondents are principally responsible for guidance within their respective organisations to ensure that their colleagues are aware of when and how to use Eurojust. National Correspondents may contact the UK Eurojust Desk directly via a phone line to obtain any information required from the CMS. They have not been granted direct access to CMS.

In Scotland the contact with Eurojust will in principle be made by members of the International Co-operation Unit (ICU), with the agreement of the Scottish ENCS Correspondent, who is a prosecutor, based in ICU. The ENCS Correspondent again maintains connection with the UK desk via phone line.

The operation of the ENCS is incorporated into the day to day work of the persons involved.

#### *3.1.4. Cooperation of the ENCS with the Europol national unit*

The SOCA's member of the ENCS manages the UK's Europol National Unit and has oversight and responsibility for Europe-wide operational coordination. This person also performs the role as one of the UK's JIT experts and is the head of SOCA's Europe Operations.

The ENCS is not accountable for maintaining any contacts with the UK's Europol National Unit. This belongs to SOCA's responsibility. Should the ENCS find a need to contact with the UK's Europol National Unit, the SOCA's Correspondent will have to deal with this in the scope of his duties.

In Scotland, the Procurator Fiscal (prosecutor) is responsible to the Lord Advocate, who is independent head of the system of prosecution, for the investigation and prosecution or other disposal of all crimes made known to him which are committed within the Procurator Fiscal's jurisdiction. The Procurator Fiscal has responsibility for the investigation of crime committed within his jurisdiction and any crime referred to him by another Procurator Fiscal. The Procurator Fiscal will ensure close contact and co-operation with and direction to the Police Force policing his district and must ensure that the police are made aware that they are subject to control in the investigation and reporting of criminal offences which fall to be dealt with by the Procurator Fiscal. It is the duty of the Procurator Fiscal to ensure that all evidence which may be relevant to the crime under investigation is secured. Police (Scotland) Act 1967 s17(3) provides: "In relation to the investigation of offences the chief constable shall comply with such lawful instructions as he may receive from the appropriate prosecutor."

#### **3.2. National Desk at Eurojust**

Four persons are currently appointed to the National Desk at Eurojust. The National Desk consists of the National Member and one Deputy National Member, one Seconded National Expert and also an Assistant National Member appointed from Scotland.



The activity of the UK Desk is quite intensive. The statistics are as follows:

- Involvement in 47 coordination meetings in 2009, 52 in 2010, 58 in 2011, 62 in 2012, 48 in 2013;
- JITs commenced in 2011 - 9, 12 in 2012 and 14 in 2013;
- Involvement in 34 JITs financially supported by Eurojust between 25 October 2010 and 31 October 2013;

The UK requested Eurojust's assistance in 2011 in 71 cases and in 2012 in 80 cases whereas UK assistance was requested through Eurojust in 2011 in 197 cases and in 2012 in 190 cases.

### *3.2.1. Organisation*

The National Member, the Deputy National Member, and the Seconded National Expert are based permanently at Eurojust in the Hague. An Assistant National Member representing the Scottish legal system is not stationed in the Hague but is based in Scotland. However, she visits Eurojust every six - eight weeks for a few days work on ongoing Scottish cases. The Assistant to the National Member is a senior Crown Office prosecutor and works in close interaction within the Scottish prosecution service and with the UK Desk.

The Crown Office and Procurator Fiscal Service in Scotland sends also trainee solicitors on rolling three months placements in order to gain practical experience related to co-operation with Eurojust.

### *3.2.2. Selection and appointment*

The National Member and one Deputy Member are selected through an open competition. The power to designate UK representation to Eurojust is left to the Competition Board consisting of the officials from the Crown Prosecution Service, the Human Resources and the International Directorate of the Home Office. The call for competition is announced on the governmental website. Therefore, anybody having access to it and fulfilling the conditions may apply.

The significant role in appointing the National Desk at Eurojust is played by the Deputy Director of International Directorate of the Home Office who has line management responsibility for the National Member and is countersigning officer for the Deputy National Member.

The Assistant National Member is selected by the Crown Office and Procurator Fiscal Service in Scotland. The current post is performed by a well experienced prosecutor from the Crown Office.

There are no specific legal provisions governing the procedure of selection and appointment of the National Desk at Eurojust.

### *3.2.3. Powers granted to the national member*

#### *3.2.3.1. General powers*

##### Article 9b of the Eurojust Council Decision

The National Member and the Deputy National Member, the Seconded National Expert and also the Assistant National Member have been granted powers as required by Article 9b of the Eurojust Council Decision. In effect, they are entitled, in their capacity as competent national authorities, to receive, transmit, facilitate, follow up and provide supplementary information in relation to the execution of requests for, and decisions on, judicial cooperation, including regarding instruments giving effect to the principle of mutual recognition.

In case of partial or inadequate execution of a request for judicial cooperation, the National Member, in its capacity as competent national authority, is entitled to ask the competent national authority for supplementary measures, so that the request be fully executed.

##### Article 9e of the Eurojust Council Decision

The National Member has not been empowered to exercise rights as provided for in Article 9c nor in Article 9d.

Article 9c exemplifies powers of national members relating to issuing and completing requests for, and decisions on, judicial cooperation, to executing in their Member State requests for, and decisions on, judicial cooperation, to ordering in their Member State investigative measures considered necessary at a coordination meeting organised by Eurojust to provide assistance to competent national authorities concerned by a concrete investigation, to authorising and coordinating controlled deliveries in their Member State.

Article 9d sets out possibility for the national members to authorize and to coordinate in urgent cases controlled deliveries and to execute a request for or a decision on judicial cooperation in relation to the UK.

The UK has not provided the National Member with the powers specified in Articles 9c nor 9d. However, pursuant to Article 9f the UK empowered the National Member to have the competence to submit proposals to competent authorities in the UK to undertake the activities specified in Articles 9c and 9d.

The reasons justifying limited range of competences given to the National Member are those mentioned in Article 9e. During the on-site visit the UK representatives strongly stressed the importance of division of powers between police, prosecutors and judges. Providing the National Desk with the above mentioned powers would infringe fundamental aspects of the criminal justice system.

#### Article 9f of the Eurojust Council Decision

Article 9f provides for an obligation to entrust national members to participate in Joint Investigation Teams, including in their setting up, in accordance with Article 13 of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union or the Council Framework Decision 2002/465/JHA of 13 June 2002 on joint investigation teams.

The National Desk members are entitled to participate in JIT's as well as to take actions in order to set them up.

The National Member does not play any role in the authorisation and coordination of controlled deliveries. This results from the division of powers. Controlled deliveries is a matter of the competence of law enforcement. Therefore, the National Member and the Deputy have not been empowered to undertake practical actions in this respect.

#### *3.2.3.2. Access to national databases*

In the UK prosecution and law enforcement authorities use a number of databases to manage their information and records, such as the PNC. Authorities make a judgement call on a case-by-case basis as to what information is relevant when participating in co-ordination meetings.

The National Member and the Deputy National Member are not granted direct access to databases of law enforcement authorities. The same relates to access to the registers set out in Article 9.

However, the National Member and the Deputy National Member may obtain access upon request in an individual case from relevant databases, such as the Police National Computer (PNC). The situation is the same as it would be if this individual was working as a national prosecutor in England and Wales.

In regards to queries about the existence of ongoing investigations or name/personal data checks made through Eurojust, the UK National Member also contacts law enforcement. These are regarded by the Liaison Bureau as police enquiries and as such the correct route is via existing police channels including the Europol secure SIENA channel (Liaison Bureau to Liaison Bureau).

The Scottish Assistant is a member of the Crown Office and Procurator Fiscal Service (COPFS) which is the sole prosecution service in Scotland. Therefore, he has access to COPFS's management systems. This involves the access to all prosecution documents collected in a given case.

The databases which have the most relevance in Scotland in relation to the exchange of information are internal COPFS case management systems. The systems (called FOS (future office system)) and SOS (standard office system) contain a full electronic record of the prosecution case. The prosecutors attending a co-ordination meeting (where a case has reached the stage of having been reported to COPFS) would have access to these systems before attendance at the meeting, and are likely to do so in order to prepare for the meeting.

The rules on access to PNC are similar to those for England and Wales. The prosecutor has no independent access to PNC. However, he may obtain information stored in PNC upon request to the relevant police force. This includes access to such documents as copies of records of previous convictions.

*3.2.3.3. Access by the National Desk to the restricted part of the Case Management System (CMS)*

The National Member, the Deputy National Member as well as the Seconded National Expert have full right of access to the Case Management System. The use of CMS is exercised in accordance with the Eurojust Council Decisions and with internal Eurojust guidance and regulations.

**3.3. EJM contact points**

*3.3.1. Selection and appointment*

The United Kingdom has not incorporated any legal provisions in order to set out the procedure for selection and appointment of the EJM contact points. Nonetheless, there is in place an operational system of selecting and appointing the EJM contact points.

The EJM contact points are selected by the relevant competent authorities involved in international co-operation, such as SOCA, CPS, SFO, MPC, COPFS, PPSNI. They are appointed by the Judicial Co-operation Unit (JCU) at the Home Office.

The contact points in Scotland and Northern Ireland are prosecutors with significant experience in all aspects of international work and the Scottish system of prosecution.

*3.3.2. Practical operation of the EJM contact points in the UK*

England and Wales

The EJM contact point overlay an extant national system for the sharing of information in the field of judicial co-operation. In practice, EJM specific meetings and tasks are arranged and co-ordinated by the EJM National Correspondent who is based in the UK Central Authority (UKCA) at the Home Office.

Meetings of EJM Contact Points may be combined with wider national meetings. In 2012 it was held a national CPS forum at same time as the national Contact Points meeting. Contact Point attendance at the external EJM meetings is decided by the National Correspondent based on interest from Contact Points and the relevance of the agenda to the Contact Point area of expertise.

The UK Contact Points attended a national meeting on 28 September 2012 in London where the expectations of their role were discussed. There had been expressed a desire for organising meetings on 6 monthly basis to coincide with the EJM plenaries. It was agreed that those Contact Points who attend the plenary meetings should give feedback in topics of discussion to the regional meetings. A further UK EJM Contact Points meeting took place on 22 March 2013.

Scotland

Scottish EJM Contact Points are based in the same office. When a query is received by one of the contact points, it will either be answered by that contact point or passed on to a person who is competent to answer it. Since the contact points are based in the same office, any discussion on the query that is required may be done swiftly and effectively. The Scottish EJM Contact Points meet on a weekly basis. During those meetings any EJM issues arisen are discussed.

### Northern Ireland

The EJM Contact Point is nominated by virtue of working within the operational area responsible for processing this type of work, although the person appointed must be a senior lawyer.

#### *3.3.3. The involvement of the central authority*

Central authorities have the function of receiving, acceding to and ensuring the execution of MLA requests. All formal requests for assistance must be sent to a UK central authority for processing.

The UK has three central authorities:

- UK Central Authority (UKCA) for MLA requests in England, Wales and Northern Ireland;
- Crown Office for MLA requests in Scotland;
- Her Majesty's Revenue and Customs (HMRC).

The UKCA, HMRC and the Crown Office in Scotland aim to take initial actions as quickly as possible. Initial actions will include acknowledging receipt of the request and providing the requesting authority with the name of the executing authority, the central authority case worker/Procurator Fiscal Depute and their contact details.

As a general remark, the evaluators are of the opinion that the overall efficiency of mutual legal assistance in the UK is impacted by the involvement of the central authority in every single case. Particularly in serious financial and economic crimes, the benefits of such involvement should be assessed taking into account not only the added value it brings but also the delay it may entail.

### 3.4. Conclusions

#### 3.4.1. *Formal (legislative) implementation process*

- The UK considered that no specific piece of legislation was needed in order to comply with the implementation obligations stemming from the Eurojust Decisions of 2002 and of 2008.
- The evaluators consider that the UK seems to have implemented in practice the Eurojust and EJM Decisions, as far as general principles and structures are concerned.
- The EOB is an interesting idea to support functioning of the UK Desk.

#### 3.4.2. *Division of prosecution tasks between police and prosecutor's office*

- The police enjoys an operational independence of the prosecution services.
- Investigations are initiated and conducted exclusively by the police and there is no supervision by prosecutors on investigations until the prosecution phase.
- Although there is no formal requirement imposed on the police to inform the prosecutor of ongoing investigations that could lead to prosecutions, police authorities will generally in complex cases if not always inform the prosecutors already at an early stage and seek their advice.
- The police authorities have strong incentives to consult the prosecution services at an early stage of the investigation to evaluate the evidence and decide whether prosecution should take place. Therefore, it is in the common interest of police and prosecution services that an assessment takes place as to the viability of an investigation and that evidence is collected in a lawful and appropriate way so that it leads to a successful prosecution.
- When it comes to incoming MLAs the incentive for the police to cooperate is not equally strong.



- The police can act independently in a transnational case in terms of police-to-police cooperation but they need to make use of relevant prosecutorial and judicial powers in regards of mutual legal assistance or extradition / EAW warrants to be exercised.
- However, the traditional division of tasks between police and prosecutors in the UK – which is inherent to the UK system - should not lead to a situation where other National Desks are directed towards their Europol National Units in order to access information available in the UK police databases.

#### 3.4.3. *The National Desk at Eurojust*

- The composition of the National Desk at Eurojust complies with the requirements of the Eurojust Decision.
- The Assistant National Member will be permanently based in Scotland and in that capacity will retain and be able to use his powers as a Fiscal Depute in relation to Eurojust cases insofar as it is not inconsistent with Article 9e. It should be noted that the Eurojust caseload relating to Scotland is very small –1 active UK case and 4 Member State cases (as at 31 May 2013).
- In addition, the designation of seconded national expert originating from the Crown Prosecution Service (England and Wales) as well as trainee prosecutors from the Crown Office and Procurator Fiscal Service (Scotland) on rolling three months placements ensures a positive exposure of the prosecution services to the work of Eurojust.
- The procedure for the selection of the members of the UK Desk is considered adequate.
- UK complies with the Eurojust Decision in relation to the powers granted to its National Member who has been granted the powers required by Article 9b of the Eurojust Decision and may participate in a JIT in accordance with Article 9f. Pursuant to Article 9e, he/she may submit proposals to the competent authorities to exercise the powers referred to in Articles 9c and 9d.

- The members of the UK Desk do not have direct access to national databases such as the Police National Computer. Information on data contained in such databases can only be obtained via a request submitted to the police. This places the National Member and her Deputy in the same situation as if they were working as national prosecutors in the UK and, as such, the UK complies with the requirements of Article 2 of the Eurojust Decision.
- The evaluators think that consideration could be given to the possibility to grant direct access to relevant information, such as the national register of convictions and other similar databases. Alternatively, the National Desk at Eurojust should proceed with addressing the query to their police authorities themselves so as to be able to provide the required information to the requesting National Desk and in that way fulfill their role in accordance with the Eurojust Decision.
- The level of activity of the UK Desk at Eurojust is high.

#### 3.4.4. *Implementation of the ENCS*

- All UK authorities playing a role in judicial cooperation in criminal matters have designated a National Correspondent to Eurojust. One of them, the National Correspondent placed in the International Directorate of the Home Office, is responsible for the functioning of the ENCS. This fact ensures a central coordinating role for that person.
- The national coordinator for counter-terrorism has been designated National Eurojust Correspondent for terrorism matters.
- The ENCS is coordinated by the Eurojust policy official in the International Directorate of the Home Office. It is also composed of the members referred to in Article 12 of the Eurojust Decision and does not include additional authorities, such as a contact point from the Europol National Unit. However, in England and Wales and in Northern Ireland, SOCA's member of the ENCS is also the Head of SOCA's Europe Operations and manages the Europol National Unit, ensuring *ipso facto* the desired interrelation required by Article 12 of the Eurojust Decision between the ENCS and the Europol National Unit.

- The ENCS has already met twice in 2013. It is intended to meet at least once a year.
- In principle, any authority can decide to refer a case to Eurojust, such as the CPS, the COPFS, the police, the Europol National Unit, etc. This is the case in practice, thanks to an intense marketing that has created awareness about the role of Eurojust at all levels. A good information system ensures that everyone is informed about cases referred to Eurojust, in order to prevent duplication. In that respect, the UK Desk at Eurojust sometimes contributes to ensuring a smooth coordination at national level.

#### 3.4.5 *EJN*

- The UK considers that no specific piece of legislation had to be adopted in order to comply with the implementation obligation of the previous Joint Action and the 2008 EJN Decision.
- Nonetheless, the EJN contact points of relevant authorities involved in criminal co-operation have been selected and appointed by Judicial Cooperation Unit (JCU) at the Home Office.
- The meetings of EJN contact points are coordinated by the EJN National Correspondent based in UKCA.
- The assessment of the functioning of the UK branch of EJN is positive but consideration could be given to whether the involvement of the central authority in every single case might create a risk of delaying mutual assistance.

#### **4. EXCHANGE OF INFORMATION FROM JUDICIAL AND LAW ENFORCEMENT AUTHORITIES TO EUROJUST**

##### **4.1. In general on exchange of information**

The system put in place in the UK with respect to information exchange and the referral of cases to Eurojust is informal and flexible. It is also much decentralised in England, Wales and in Northern Ireland.

This results in the following: any prosecutor or law enforcement official who needs the services of Eurojust can directly approach the Eurojust UK Desk, and is indeed encouraged to do so, whereas in Scotland, the contacts with the UK Desk will be made by the members of the International Cooperation Unit with the agreement of the Scottish ENCS Correspondent.

Informal dialogue and direct oral contact by e-mail and phone are preferred to formal written communications.

The UK Desk assessment is that it is contacted in relevant cases by the UK authorities, and on time.

Nevertheless, since there is no control assigned to the prosecution service over the activity of the police relating to investigation it might happen that in cases where the transmission of information would be needed it will not be executed. Therefore, the police should be obliged to give such information to Eurojust falling within the scope of Article 13.

A positive trend has been noted in Northern Ireland in the last 2-3 years: Eurojust and EJN have become much more familiar to all prosecutors in the Public Prosecution Service and to the police as a result of successful awareness campaigns.

The UK Desk considers that cases are sometimes referred too quickly, e.g. as a mere conduit for the transmission of MLA requests or the obtaining of an “update” on the execution of MLA requests that have only just been issued at a stage where:

- (1) no particular difficulty has been encountered that would justify referral to Eurojust,
- (2) no specific need for coordination has occurred,
- (3) where the EJN would be best placed to assist.

These cases of too quick referrals can be explained by the success encountered in numerous cases by the UK Desk (*“successes feed successes”*).

On occasion, practitioners have said that feedback received from other National Desks at Eurojust has been considered poor and the response “disappointing”. Concerns have also been raised as to the formal requirements in place (need for formal opening of a case at the College plenary before even “basic” information can be provided) and as to the difficulties sometimes experienced to before a case can be closed, even when all requests have been complied with.

The UK authorities, particularly the UK Central Authority, have reported serious issues linked to the quality of the translation of incoming Mutual Legal Assistance requests. For requests issued by the UK, the CPS has put in place quality control standards and procedure that also covers translation: the feedback received is generally positive.

The UK, like other EU member States, has seconded liaison magistrates in other EU countries and “hosts” in London liaison magistrates from EU countries. Their role is considered very important and useful in bilateral cases, but cannot supplant that of Eurojust.

## 4.2. Specific cases of exchange of information

### 4.2.1. *Implementation of Article 13 of the Eurojust Decision*

The obligation created by Article 13 of the Eurojust Decision to exchange certain types of information with Eurojust falls, in the UK, under the responsibility of the prosecution services. It has been brought to the attention of prosecutors via a short Guidance issued on 9 September 2011 by the Chief Operating Officer of the Crown Prosecution Service and detailed Guidance issued by the Serious Fraud Office (competent for England and Wales and Northern Ireland, not Scotland).

In England and Wales and, perhaps to a lesser extent, in Northern Ireland, the concrete implementation of that provision by UK is being complicated by the division of roles between police and prosecution authorities and the operational independence of the police authorities vis-à-vis the prosecution services. Investigations are initiated and conducted exclusively by the police and there is no supervision by prosecutors on investigations until the prosecution phase.

It is to be noted that no obligation has been imposed on the police to inform the prosecutor of ongoing investigations that could lead to prosecutions. However, that is in many cases done so as to enable the prosecution services to evaluate the evidence and decide whether prosecution should take place.

Moreover, the police cannot act independently in a transnational case other than a police-to-police basis. Therefore, if the police will need mutual legal assistance or extradition requests the prosecutors will be involved. Thus prosecutors will be, in practice, informed of cases which fall under Article 13(5) to (7) of the Eurojust Decision and require formal notification to Eurojust, but not necessarily at an early stage of proceedings.

In addition, this information will not always be transmitted in a structured way and sometimes not even in writing. The implementation of this provision is also made difficult due to certain doubts as to the usefulness of the compulsory exchange of information.

The exchange of information must take place in a structured way. To facilitate the transfer of data, Eurojust has produced an electronic form. However, serious practical difficulties in the use of this form have been reported to the Evaluation Team by the practitioners in charge.

A technical issue has been reported by the Scottish authorities in relation to the incompatibility of the software used by the COPFS and Eurojust, which obliges the UK desk to introduce the information manually into the system.

These combined factors explain why the number of formal notifications to Eurojust to date is very low (less than 20 in total). This assessment should however be mitigated by the fact that, in practice, the UK Desk at Eurojust is informed of cases falling under the scope of Article 13, where the setting up of JITs is concerned.

#### *4.2.2. Obligation to exchange information under Article 13(5) to (7) of the Eurojust Decision*

As a result of the Eurojust Council Decision, the Crown Prosecution Service (CPS) and the Serious Fraud Office (SFO), have issued guidance on the UK obligation to exchange information with Eurojust.

The Guidance issued by the SFO cites the relevant provision of Article 13(5) - 13(10) of the Eurojust Council Decision and gives an overview on the domestic law in place relating to the international co-operation applicable also to Eurojust. From the practical point of view the guidance mentions that the SFO is empowered to provide relevant information to Eurojust. However, the relevant rules on disclosure of information must be satisfied (Section 3(5) of Criminal Justice Act of 1987). Furthermore, the Director of the SFO may impose conditions on the use and on the further disclosure of information provided to another body, including to Eurojust. However, those conditions have not been exemplified in the Guidance.

The evaluators recognise a strong will of the SFO to develop its structure. The SFO aims to set up in the future new divisions aiming to ensure an efficient exchange of information with Eurojust.

The Guidance issued by the CPS have a more general nature as they relate to various forms of international co-operation, in particular to mutual legal assistance (MLA). One defines the MLA as such and specifies the most important instruments related to international co-operation. There is also other Guidance specifically related to the co-operation with Eurojust. The latter cites the content of Article 13, including the conditions on passing on information to Eurojust. There has been pointed out that supplying information is not required if to do so would harm essential national security interests or jeopardise the safety of individuals.

When information is passed on to the UK National Desk, prosecutors complete an electronic form with drop down menus. All Areas and Central Casework Divisions have each nominated one prosecutor to act as courier of forms in their unit. These nominees are currently obtaining secure Eurojust webmail (email) accounts as forms may only be transmitted from this account. Until nominees have a secure account interim arrangements are that the completed form should be emailed to an appointed person for onward transmission to Eurojust. The transmission of information will only be interpreted by the UK Eurojust Desk as a request for their assistance if the CPS prosecutor specifically requests such assistance.

In practice the requirement to notify Eurojust will only arise in cases that have an international dimension, and where it does arise, knowledge of such cases by the UK Desk is likely to be of practical benefit to the CPS. The first category is 'joint investigation teams' where Eurojust commonly play a role in their creation. The second category, 'cases of particular gravity', only arises where formal MLA requests have been sent to at least 2 EU Member States and where at least 3 Member States are 'directly involved', i.e. where an investigation or prosecution has been or might be initiated. The third category, 'particular scenarios', all relate to situations where Eurojust involvement can help to either resolve a difficulty (conflicts of interest and problems in execution of CPS requests) or assist in the undertaking of the request itself (controlled deliveries).

The Evaluation Team has not been however informed on any practical experience relating to passing on information to the UK National Desk with use of the template forms.



In Scotland, the competent authority for the receipt and issuing of MLA requests is the Crown Office. In practice, this function is exercised by the International Unit at Crown Office. In any Scottish investigation or prosecution where a Letter of Request is required, a report is made to this Unit. All requests are initially seen and assessed by the head of the MLA team, who is responsible for oversight of the work of the team, and allocation of work within the team. He will then be aware of cases in which the Article 13 requirements are made out, and will alert the ENCS Correspondent. If the ENCS Correspondent is absent, the head of the MLA team will make the reference.

The same process is followed in Northern Ireland. UKCA is notified and the central unit manages the exchange of information under Article 13. MLA in PPSNI is carried out by a very small team and the head of the team sees all the requests. Relevant cases to date have involved JITs hence although a template form was not completed there was considerable contact with the UK National Desk. Details of all outgoing requests are notified to UKCA.

It is to be pointed out that the police is not involved in exchange of information with Eurojust. If the situation occurs to inform Eurojust according to Article 13(5) - (7), the task is currently fulfilled by a prosecutor. There is no legal obligation imposed on the police to share this information with a prosecutor or to make sure Eurojust will be informed in some other way.

#### *4.2.3. Exchange of information on the basis of Article 13 (5) to (7) of the Eurojust Decision*

To date, the number of Article 13 notifications has been limited (less than 20).

In the opinion of the UK authorities the benefits of this provision in practice have not been clear. The UK encourages direct contact with the National Desk, from any relevant UK prosecution or investigative agency. Thus it is likely that national authorities prefer this informal and direct approach, speaking to a UK Desk lawyer, rather than the more formal Article 13 route. In practice it is common that, in the scenarios set out in Article 13(5) -(7), the UK Desk is simply contacted directly by national authorities, i.e. to inform them verbally, and to seek advice on what role Eurojust might be able to play. It is likely that prosecutors and investigators see this direct communication as preferable to completing and submitting a form.

The UK authorities informed that exchange of information on the basis of Article 13 (5) to (7) of the Eurojust Decision is exercised, as follows:

***Article 13(5)***

The UK Desk is confident that the overwhelming majority of UK JITs are established within the framework of the current JIT Funding Project administered by Eurojust. The UK National Member must be invited to participate or funding is not available under the project. The UK Liaison Bureau at Europol is very active in looking for JIT opportunities and they bring these to the early attention of the National Member. The first question asked is whether a UK prosecutor is involved and the UK Desk makes immediate contact with prosecutors before work on the JIT proceeds further. The UK Desk works closely with UK prosecutors over the drafting and finalisation of JITs.

***Article 13(6)***

The UK National Member becomes aware of the cases specified in Article 13(6) in a number of ways:

- i) a UK prosecutor asks for assistance/case co-ordination and the UK Desk opens a case to other Member State in Eurojust;
- ii) another Member State opens a case to the UK;
- iii) the UK National Member receives a notification using an Article 13 template.

Under i) the UK prosecutor is already aware of the involvement of other Member States because they initiated the opening of a Eurojust case (usually as a result of information they receive from UK law enforcement). The responsibility for making requests for MLA, etc. is one for a prosecutor. Feedback on the results of processing information is provided very quickly by the UK Desk.

Under ii) if another Member State has identified a link to a UK investigation/prosecution and opened a case to UK, the UK Desk provides feedback on the results of processing information by Eurojust very quickly when it receives it.

Under iii), the UK Desk does not receive a high volume of Article 13 templates. However, the Crown Office gave an example of the speedy feedback given to them on links with other MS which were identified by Eurojust after they submitted an Article 13 template in 2013. A UK case was opened immediately at Eurojust and a co-ordination meeting held. The prosecutor tried unsuccessfully to complete the template twice before eventually emailing the information to the UK Desk for them to complete the template for analysis within Eurojust.

#### *Article 13(7) cases*

The UK National Member is informed where conflicts of jurisdiction arise although these are infrequent and co-ordination meetings have been held to resolve these within Eurojust.

The UK National Member is informed about repeated difficulties regarding execution of requests for judicial co-operation. By way of example, the UK National Member was informed about UK concerns about EAWs from another Member State and as a result a case co-ordination meeting was quickly held at Eurojust in June 2013. The UK is generally an end destination not a transit destination, so UK requests for controlled deliveries affecting three States are likely to be fairly infrequent.

The UK Desk records information provided to the National Member as an Article 13 notification on the Eurojust Case Management System when it is sent to them using the template form. The figures are 2013 (April) = 1; 2012 = 9, 2011 = 2.

If following Article 13 data entry at Eurojust, the CMS data analysis reveals a link to Eurojust cases, then this information would be passed back to the issuing national authority. In practice, national authorities in Article 13 scenarios (whether the information is submitted via a form, or contact made with the UK Desk directly) are seeking advice on 'their case' and possible involvement by Eurojust, i.e. over and above seeking a possible 'hit' with another Eurojust case.

*4.2.4. Application of obligation to exchange information under Article 2 of Council Decision 2005/671/JHA*

The Metropolitan Police Service is the competent body in the UK that has a specialist counter terrorism unit and one of its Deputy Assistant Commissioner's is both the national Eurojust Correspondent for terrorism matters and national co-ordinator for counter terrorism.

A Metropolitan Police Detective Sergeant, UK CT Liaison Officer at Europol, interacts with Eurojust relating to data acquisition of UK CT statistics and qualitative contributions for the Europol TESAT document (an EU situation report of CT) each year, and attendance at various CT themed meetings and conferences. He also provides advice and where necessary represents UK CT Police at relevant Eurojust meetings.

The Security Service takes primacy for UK CT investigations, and the UK CT police network is involved from the outset of CT investigations. In practice the network uses bilateral liaison for judicial cooperation via the usual UKCA channels, and bilateral Liaison Officer Network.

*4.2.5. Channels for information exchange with Eurojust*

Information pursuant to Article 13 of the Eurojust Decision should be generally submitted in a structured way, for instance using a form of electronic template created by Eurojust.

National authorities should submit the information on the Eurojust template by secure channels including Eurojust Webmail accounts (as UK policy does not permit 'restricted' level material to be emailed to non 'Government Secure Intranet', GSI, accounts).

Since the exchange of information is based on informal contacts between the competent authorities and the UK National Desk, also the means they are provided in are informal. In the most cases information is given by phone calls or via emails. This is the most common way how the UK Desk is contacted, for example by the Crown Prosecution Service in England and Wales.

Scotland is presently developing a system which will enable the template forms provided by Eurojust to be used effectively - owing to software incompatibilities, the templates cannot be used by COPFS. Therefore, the obligation to use the template forms is exercised in a manual way. Once the technical difficulties will be overcome, Scotland fulfils the obligation regarding the form of notification.

#### *4.2.6. The E-POC project*

The UK does not participate in the E-POC IV project. However, the UK authorities believe they will be able to receive updates on the project.

The UK is currently reviewing its protective marking rules. Under current rules, “restricted” material should not be shared outside of the Government Secure Intranet (GSI). The UK competent authorities are providing I.T. equipment to the National Desk to enable them to operate GSI email accounts from The Hague.

### **4.3. Conclusions**

- In England and Wales and also to some extent in Northern Ireland, the concrete implementation of Article 13 by the UK is being complicated by the division of roles between police and prosecution authorities and the operational independence of the police authorities.
- Although the prosecution service has no powers granted to put some pressure on the police force to receive all the necessary information the police in practice seem to supply the prosecution with information on request.

- Thus formally the UK National Desk is depending on the the collaboration with UK law enforcement. This might be useful as long as the UK police finds it useful to participate in Eurojust work and in JIT's but cannot be guaranteed in the long run when priorities may conflict.
- Nevertheless, the police can often not act independently in a transnational case. When they need mutual legal assistance or extradition requests, the prosecutors will therefore automatically be involved as soon as the step that triggers the obligation created by Article 13 is met. However, since the police is not obliged to transmit any information it may pose risk to limit the transmission of information only to cases where the police need it.
- The implementation of this provision is also made difficult due to certain doubts as to the usefulness of the compulsory exchange of information.
- However, this information will not always be transmitted at early stages of investigation nor in a structured way and sometimes not even in writing. To facilitate the transfer of data, Eurojust has produced an electronic form. However, serious practical difficulties in the use of this form have been reported to the Evaluation Team by the practitioners in charge.
- The prosecutors responsible for transmission of information to the UK Desk should be encouraged to make use of the electronic template prepared by the Eurojust.
- The UK National Desk must contact relevant law enforcement authorities in order to receive information stored in their database or to contact the UK Europol's Desk. This might be the best way regarding the complicated system but seems to be something that could be regulated in another way for the future. The UK authorities believe in the possibility for improvement of exchange of information with Eurojust that could be based on a more informal way of exchange of information which has proved its value in terms of practical experience.
- It is to be pointed out that quality control standards and procedure that also covers translation put in place in the UK seem to be a useful tool to raise the quality of MLA requests.

## 5. OPERATIONAL ASPECTS

### 5.1. Statistics

The Evaluation Team has not been provided with the overall statistics relating to contacts between the competent authorities within UK and with the UK National Desk. There has not been designated any central body responsible for collecting statistics in this regard.

The same relates to the UK National Desk which does not keep statistics on the number of times it was contacted by national authorities, but it keeps a folder with ad hoc queries. Statistics available relate to the number of cases formally opened at the College, whether 'by' or 'to' the UK National Desk.

Additionally, statistics relating to 'Temporary Work Files' are kept, i.e. cases or topics which are not opened to other Member States but which nonetheless invariably involve providing assistance to national authorities in international cases.

The statistics show that in 2012 the UK was registered as the requesting country in 80 cases (18 cases had a multilateral dimension and 62 a bilateral dimension) and as the requested country in 190 cases. To 31 October 2013 the UK registered 74 cases as the requesting country and 145 cases were opened to the UK.

## 5.2. Practical experience in relation to Eurojust

The UK National Desk assists the national authorities in operational cases in accordance with the objectives of Eurojust as set out in Article 2 of the Eurojust Council Decision. The UK National Desk policies ensure a common approach to file management, case progression, JIT drafting and respect for Eurojust data protection policies. Weekly team meetings, and daily informal contact, ensure that UK Desk members discuss with each other cases of particular complexity and / or sensitivity.

The UK National Desk members advise and assist their respective national authorities but in accordance with the structure of UK prosecution and law enforcement agencies, the UK National Desk does not and can not order or compel national authorities. As tools of primary importance are considered:

- (1) Joint investigation teams
- (2) Co-ordination meetings
- (3) 'Days of action'
- (4) The expertise of the National Desks themselves, and their ease of access to relevant home authorities.

### (1) Joint investigation teams (JITs)

Figures published by Eurojust in May 2013, relating to the period October 2010 to May 2013 showed that 29 JITs involving the UK had been funded by Eurojust. JITs can be a very successful mechanism to progress complex international cases. In each case, the creation of the JIT is only step 1. The success of the JIT depends on the necessary step 2, i.e. deploying the JIT in practice and ensuring that commitments 'signed up to' in the JIT agreement are followed.. The use of JITs can obviate the need for time-consuming MLA requests; it ensures that issues concerning 'best venue' and conflicts of jurisdiction are highlighted and dealt with at an early stage and enhances coordination.



The UK Desk has taken some key practical steps in order to encourage a more streamlined JIT process by modifying the EU templates to make them more “user friendly”. They have also included text that relates to key UK legal concepts (e.g. disclosure and interceptions of telecommunications), and text that seeks to ensure a joined up approach in respect of Press Releases. The UK Desk is also, via direct contact with other Eurojust Desks, able to discuss the possible benefits of a JIT, very soon after being contacted by national authorities. The ‘neutral’ venue of Eurojust, the excellent translation facilities, the chairmanship of co-ordination meetings by the Desks, all also help to create the platform where discussions relating to JITs, and speedy progression to their signing, is made easier than would otherwise be the case.

(2) Co-ordination meetings

The relevance of co-ordination meetings is elaborated in point 5.4.1.

(3) ‘Days of action’

‘Days of action’ require co-ordinated investigative measures in two or more Member States; e.g. the day when arrests are made in a particular case in two or more States, and / or, simultaneous house searches of premises of organised crime gangs. Unless co-ordinated and effectively simultaneous, actions in one Member State could have negative consequences in another. Given the need for close collaboration, ‘days of action’ usually arise within the framework of a JIT. Whilst a new tool for Eurojust and not one used frequently to date, the UK experience is positive. Usually, an ‘office’ at Eurojust (or sometime Europol) is set up: members of National Desks, and usually Eurojust Casework Analysis Unit, attend, and provide an immediate link between authorities undertaking arrests and searches in Member States. Keeping track of actions undertaken is made easy, communication between national authorities of different Member States also, and Eurojust expertise (i.e. MLA experts) can give ‘real time’ advice to national authorities on legal issues that arise during the day.

(4) The expertise of the National Desks themselves, and their ease of access to relevant home authorities.

Members of the Desks are experts on the MLA frameworks in their own states. Having ease of access to that expertise, i.e. of another state, is a key component to the value that Eurojust brings. Queries and problems that can arise in international cases due to an understandable lack of knowledge regarding the law and procedure of another Member State can be easily overcome via contact with Eurojust, over and above the level of assistance afforded via the EJM Contact Points. Assistance can take many forms: clarification of what is possible via formal MLA, and how to frame a request, and where to send it; clarification of what may be done by perhaps quicker and less formal routes; advice on specific laws in another Member State, and issues including ‘dual criminality’ in EAW cases, or ‘extra-territorial jurisdiction’. Additionally, where a National Desk cannot answer a query itself, they will invariably know who in their Member State can do so.

### **5.3. Allocation of cases to Eurojust, the EJM or others**

In general, the EJM is used for exchanging information on a practical level. Therefore, EJM contact points in other Member States are contacted by UK practitioners in order:

- (a) to find a competent authority in this Member State and the detailed address,
- (b) to ask a specific question about how MLA is done in another Member State,
- (c) to ask a specific question in relation to an aspect of law in the other State (e.g. regarding dual criminality and EAWs).

It is not used by UK practitioners to coordinate operational cases. Where that is required, Eurojust/Europol are the chosen venues.

*5.3.1 Cases related to the tasks of Eurojust acting through its national members (Article 6)*

The UK National Desk only applies to College to formally open cases in accordance with the tasks of Eurojust. The UK Desk does experience some cases being opened to it by other Desks where the request is essentially merely using Eurojust as a conduit for the sending of an MLA request, or where Eurojust is used to obtain an 'update' on an MLA request that has only recently been issued, e.g. in the last 3 months.

The UK Desk never opens cases on this basis, unless there is a clear and pressing need for urgency in the MLA request, and where they believe that Eurojust involvement, over and above direct communication between issuing and executing authority, may be able to help. In reality, the UK national authorities do not approach the UK Desk in 'trivial' cases.

*5.3.2. Requirements for cooperation between the UK national authorities and Eurojust*

No formal requirements or specific procedures are foreseen by the UK national law. The ENCS contacts are focal points within their respective organisations for advice on Eurojust. However, the UK does not require contact with the National Desk to be via the ENCS; rather it encourages direct contact from UK prosecution and law enforcement practitioners.

If the UK Desk is not the appropriate recipient for any given query, advice is given by the UK Desk to the 'caller' as to who the appropriate contact is.

Eurojust's assistance is found by the UK authorities as justified in terms of MLA requests, if needed to obtain evidence, to look for a competent authority to able to help or to get information on the rules of legal assistance of the other EU Member State. The evaluators believe that in some of these circumstances consideration should be given to use the EJM instead of Eurojust.

Although law enforcement representatives form a part of the ENCS only prosecutors are empowered to send a letter of request. If they feel they need information on specific tools related to mutual legal assistance they may contact the UK National Desk directly.

#### *5.3.3. Cases related to the powers exercised by the national member (Article 6)*

If the scenarios envisaged in Article 6(1a) are present, the UK National Desk is obliged to interact with national authorities directly, and to speak with the relevant prosecutor or investigator. Reliance is not placed on formal written communications citing Article 6. Rather the focus, by both the UK National Desk and the relevant competent national authority, is on dialogue, discussion and a desire to reach consensus.

#### *5.3.4. Cases related to the tasks of Eurojust acting as a College (Article 7)*

The UK competent authorities have not been solicited to perform any tasks under Article 7.

### **5.4. Practical experience related to coordination meetings**

#### *5.4.1. Qualitative perception*

The Evaluation Team has noted that Eurojust and notably the UK Desk enjoy a very good standing and are seen as experienced, open, easily approachable, competent and trusted advisers.

The approach is pragmatic: relations between national authorities and the UK Desk are easy, informal and frequent. The feedback received from Eurojust is considered as being very good.

The primary purpose of co-ordination meetings is to further co-operation between Member States in operational cases. The UK Desk is mindful of the financial costs incurred in holding co-ordination meetings and tries to ensure that there is a tangible case benefit to those involving the UK. The effectiveness of co-ordination meetings relies on 3 stages:

- (1) Planning
- (2) The meeting itself
- (3) Follow up

### **(1) Planning**

In cases where the UK Desk opened a file, when a first request is made by UK national authorities for a co-ordination meeting is made to the UK Desk, it replies with a 'template A'. Obtaining this information has several functions: it means the other Member States involved can easily identify their relevant contacts; it ensures that useful information is exchanged between national authorities prior to the meeting; and it ensures that both there is a clear and agreed purpose and objectives to the meeting, and that the said purpose and objectives are likely to be satisfied via such a meeting.

A recent College decision also requires there to be a prior meeting between National Desks (Level 2) before a next step is undertaken (Level 3). This helps to focus the attention of Desks to the purpose of a meeting, and helps to ensure that they are only held where appropriate.

In cases where the UK Desk is a requested party, a similar process occurs. National authorities are not encouraged to attend unless there is a clear relevance to the UK (i.e. the UK's involvement is not merely ancillary in a multi-lateral case), a clear purpose to the meeting, and also a clear likelihood that that purpose can be achieved. If a need is not identified for a UK national authority to attend, the UK Desk will consider its own attendance also.

*A. Template sent by UK Desk to home authorities when the latter request a co-ordination meeting in a UK Eurojust file.*

### ***UK DESK REQUIREMENTS BEFORE A CO-ORDINATION MEETING***

1. *A full briefing note on the state of play, suitable to disclose to other National Desks involved.*
2. *A full list of Contact Points at the Crown Prosecution Service (including the 'reviewing lawyer' and law enforcement level (including the 'senior investigating officer').*
3. *A full list of Contact Points in the other Member States involved, ideally at both judicial and investigative levels, and details of prior interaction between UK and other States.*
4. *A written note from the UK as to what they are seeking to achieve and the objectives of the meeting.*
5. *Copies of Letter of Request including drafts / EAWs and correspondence with Judicial authorities etc should be provided.*
6. *If a JIT is proposed, the parties can progress the drafting of the JIT agreement, decide whether Europol participation is required etc. and get as close as possible to an agreed draft in advance of the meeting. This is only possible if we have a firm indication at a Judicial Level from all Member States concerned that a JIT is the objective of the Level 3.*

*The above information identifies the CPS and investigative leads, such that the UK Desk can be satisfied that the request for a co-ordination meeting has received proper consideration in the UK. It also provides immediate contact details for our colleagues on other National Desks to allow them to liaise appropriately with their home authorities.*

## **(2) The meeting itself**

The meeting will be held if there is a clear purpose to the meeting but also the need to reach agreement on 'Action points' for future work. This is the focus for the UK, whether the co-ordination meeting relates to a UK or other Member State' file.

After the meeting, it is important that 'Action points' are circulated promptly and timely notes placed on the UK Desk file. To this end, the UK Desk's internal UK File Protocols reference note-taking and co-ordination meetings. An extract is at 'B' below.

### *B. Extract from UK Desk File Protocols*

*Level 2 and 3 meetings should always have specific purposes. In part they will always include an element of file review. When the UK Desk attends a Level 2 or 3, the attendee should always produce a brief, typed note as soon as possible. It is not sufficient to have handwritten notes on file; if done, and you want to keep them, put them in the file's backflap.*

*The formal Level 3 minutes from Casework Analysis Unit can take 1-2 months, or more, to be finalised. We need contemporaneous notes on file, for both Level 2 and 3 meetings. The note can be brief: attendees, conclusions and actions; with very brief reference to 'presentational' aspects of the meeting (e.g note, 'Presentations by ES, FR, UK – see back of file for copies').*

### **(3) Follow up**

The UK Desk will always monitor the extent to which 'action points' are adhered to, and will contact their national authorities and other National Desks where appropriate to ensure that they are adhered to, wherever possible.

With the above structure in place, the UK Desk experience is very positive in regard to co-ordination meetings organised in UK cases. With regard to co-ordination meetings held by other National Desks, their experience is usually, but not always, as positive. They believe that all Desks would benefit from using a similar methodology to their own in respect of such meetings.

The internal assessment made by the stakeholders involved in cooperation with the UK Desk as well as in coordination of such cooperation is also very positive e.g. the Crown Prosecution Service has found the coordination meeting facility to be helpful in appropriate cases. To be beneficial, clear and structured agendas, and agreed objectives are vital, and should be agreed by participants in advance of the meeting. It is also necessary to ensure that 'action points' are agreed on the day, and that 'follow up' takes place in a meaningful way. These are obvious but nonetheless important points. Translation facilities also help support such meetings.

#### *5.4.2. Role of the ENCS*

The establishment of ENCS is considered to be a useful tool due to complexity of the UK system.

The ENCS is coordinated by the Eurojust policy official in the International Directorate of the Home Office. It is also composed of the members referred to in Article 12 of the Eurojust Decision and does not include additional authorities.

The main tasks of these National Correspondents are to act as central contacts within their respective organisations, providing guidance on when and how to engage Eurojust; to increase awareness of the obligations arising under the Eurojust Council Decision. Also, where necessary, the National co-ordinators can assist their colleagues in interacting with the UK Desk in operational casework.

The National correspondents, who are principally responsible for guidance within their respective organisations to ensure that their colleagues are aware of when and how to use Eurojust, may be helpful to their colleagues to receive relevant information without undue delay.

The practical functioning of ENCS in the UK will be, however, verified in the future by the UK authorities.

#### **5.5. Use of the On-Call Coordination (OCC)**

The entry into force of OCC has not resulted in any changes in the organisation of the National Desk at Eurojust or of the national authorities.

The Evaluation Team has been told that use of OCC by the authorities in UK has been rather minimal in practice. The reason for it is that the type of activities that may require urgent activity outside normal office hours are matters of law enforcement agencies (e.g. hot pursuit, kidnaps, controlled deliveries). It is unlikely that the role of the National Desk could tangibly assist 'out-of-hours' in real-time activity due to its current composition.

However, the information on existence of OCC has been disseminated through a range of stakeholders, including the representatives of the ENCS or the Eurojust Oversight Board.

The National Member has not been asked by other National Members at Eurojust to authorise controlled deliveries but has been asked for immediate advice relating to actions to be undertaken by law enforcement.

It has not yet been checked to what extent the OCC may be workable. Since no calls in relation to the UK Desk have been registered for the time being, it could be useful to analyze the lack of contact through the OCC.



## 5.6. Experience of cases relating to the cooperation between the ENCS and the Europol national unit

The Evaluation Team had not been informed on any specific experience of cases relating to the co-operation between the ENCS and the Europol National Unit.

However, in England and Wales and in Northern Ireland, SOCA's member of the ENCS is also the Head of SOCA's Europe Operations and manages the Europol National Unit, ensuring *ipso facto* the desired interrelation required by Article 12 of the Eurojust Decision between the ENCS and the Europol National Unit.

## 5.7. Conclusions

- The ENCS is built on a number of contact points representing a range of the most crucial authorities in the UK. Although, it is composed of many practitioners, it is not clear, if its work has any significant role to play in practice.
- The ENCS is relatively new and its precise role and practical implications of its functioning will need to be assessed on an ongoing basis.
- Since no calls in relation to the UK Desk have been registered for the time being, it could be useful to analyze the lack of contact through the OCC.
- The evaluators consider that in the UK practice of having guidelines on coordination meetings and protocols as a follow-up of the meetings is a good practice.

## **6. COOPERATION**

### **6.1. Cooperation with EU agencies and others**

The United Kingdom does not have policy for co-operation with EU Agencies and others but takes decisions on case by case basis.

### **6.2. Cooperation with third states**

The Judicial Co-operation Unit (JCU) in the Home Office leads on UK policy on judicial co-operation within the EU and with third countries. The work of JCU also covers MLA and extradition casework relating to England and Wales and Northern Ireland. The Extradition Section of JCU processes requests to and from non-EU countries for the surrender of person who stand accused or convicted of extradition crimes. JCU also exercises powers as the UK Central Authority (UKCA) which receives, accedes to and ensures the execution of incoming requests for MLA (both EU and non-EU). UKCA also transmits outgoing requests for MLA to non-EU countries, and to EU countries where direct transmission is not appropriate (e.g. outgoing requests to restrain or confiscate the proceeds of crime).

In the co-operation with third countries are also involved prosecutorial authorities in UK such as the Crown Prosecution Service, the Crown Office in Scotland or the Public Prosecution Service for Northern Ireland.

International Division of the Crown Prosecution Service assists also with capacity building projects overseas which are closely linked to the government's wider strategy of building capacity overseas in the area of criminal justice reform, in particular enabling other countries to successfully prosecute serious crimes. For the purpose of exercising those tasks the division has currently Criminal Justice Advisors and Liason Prosecutors based in Western and Central Africa, Asia, Middle - East and the Caribbean.

The International Cooperation Unit part of the Serious and Organised Crime Division of the Crown Office operates on behalf of the Crown Agent, as the designated central authority for all judicial cooperation requests from and to third states whether MLA or extradition, connected to Scotland.

PPSNI does not deal with incoming requests for MLA other than those requesting restraint and confiscation having been referred to it by UKCA but does issue outgoing requests. These are sent to third states via the UKCA not directly.

#### *6.2.1. Policy with respect to the involvement of Eurojust*

In the opinion of the UK authorities, any involvement by Eurojust in external matters, including relations with third countries or parties, should be based on clear and demonstrable evidence of added value.

#### *6.2.2. Added value of Eurojust involvement*

In the opinion of the UK authorities, Eurojust's role in cases related to the third parties should be similar to that of the involved Member States.

### **6.3. Practical experience of the EJM**

#### *6.3.1. Cooperation between the UK member and the EJM*

The UK National Member was previously the UK's National Correspondent for the EJM (2007-10) so is very familiar with the operation of the network. She was also Tools Correspondent for part of this time. Queries which are best directed to EJM contact points are re-routed. The UK National Member has close working relationships with UK EJM contact points because in the main they are key contacts in the field of judicial co-operation in their organisations. The UK National Member

and Deputy National Member attended the MLA meeting convened alongside the UK EJM Contact Points National Meeting on 28 September 2012 and this provided an ideal opportunity to build on existing relationships. The UK National Member is familiar with the EJM Secretariat, having worked closely with them in her previous capacities as EJM National Correspondent and Tools Correspondent.

EJM is built on the idea to provide direct contact between competent authorities. As it has been described in point 3.3.3 the role of the central authorities in the UK is to select the competent domestic authority to execute the MLAs. Therefore, barring Scotland, there are no direct contacts between competent authorities in the beginning of the process. In the view of the evaluators this could jeopardise the outcome of a case. If there is a need due to the national system there must be safeguards put in place so that there are no delays in transmission of MLAs.

#### *6.3.2. Resources allocated domestically to the EJM*

The EJM Contact Points are selected by each institution involved in criminal co-operation (such as SOCA, SFO, CPC, etc.). Those persons are appointed by the Judicial Co-operation Unit at the Home Office.

The EJM Contact Points in Scotland and Northern Ireland are recruited amongst prosecutors with significant experience. However, there is no formal procedure in place.

None of those persons has been allocated only to perform the tasks related to the co-operation with EJM which are executed in terms of their existing professional duties.

#### *6.3.3. Operational performance of EJM contact points*

In England and Wales there are EJM specific meetings held. The tasks are arranged and co-ordinated by the EJM National Correspondent who is based in the UK Central Authority at the Home Office. Meetings of EJM Contact Points (there are 32 UK contact points) may be combined with wider national meetings.

In Scotland, the EJM Contact Points are based at the same office. They meet each other a on weekly basis where the most important EJM issues are discussed. Since they are based at the same office the flow of information and consultation is swift and efficient.

In Northern Ireland, the Contact Point is based within PPSNI and is appointed from senior prosecutors. Taking into account the scale of PPSNI, it seems to be sufficient to perform EJM cases.

#### *6.3.4. Perception of the EJM Website and its tools*

The Evaluation Team has been informed that the EJM website is generally useful for identifying contact points and understanding the approach taken in different Member States regarding specific investigative measures. However, it could be a lot better and should be more widely promoted as a resource.

In the opinion of the UK competent authorities, the *fiche Belge* could be improved to accommodate different legal systems. There should also be scope to add links to other useful resources particular to an individual Member State.

It has been also proposed to enrich the information available on the EJM website with reports and summaries on important case law, in particular with relation to the implementation of the European Arrest Warrant.

#### 6.4. Conclusions

- The overall assessment the functioning of the UK branch of the EJN is positive.
- No specific issues were reported as to the adequate use of Eurojust or the EJN: the UK practitioners in need of assistance seem to generally refer adequately their case or request to the most appropriate actor and, if the UK Desk is not the appropriate recipient for any given query, it will ensure that the query be redirected with no difficulty.
- The EJN tools are considered important and useful by all practitioners encountered by the Evaluation Team. However, issues related to the accuracy and completeness of the information contained has been underlined. It was suggested that at least the date of the last update of the information provided on instruments and contact points should be indicated.
- Furthermore, it is deemed necessary to enhance the promotion and the use of the website by Eurojust and national authorities.
- The « *fiches belges* » could be improved to accommodate different legal systems.

## 7. SPECIAL INVESTIGATIVE TECHNIQUES - PRACTICAL EXPERIENCES

### 7.1. Controlled deliveries (Article 9d (a))

The UK National Desk is not involved in authorisation nor coordination of controlled deliveries as they have no powers in this respect but may advice in such cases (see point 3.2.3.1).

Controlled deliveries, that cross the UK borders, are coordinated by the Criminal and Financial Investigation (Border) team that were previously in the UK Border Agency and will form a part of the National Crime Agency (NCA).

The National Crime Agency will be fully operational in October 2013 and its tasks will focus on:

- the fight against organised crime
- the strengthening of borders
- the fight against fraud and cyber crime
- the protection of children and young people

It will take on the work of the Serious Organised Crime Agency and the Child Exploitation and Online Protection Centre, and will incorporate functions of the National Policing Improvement Agency.

For the time being, coordination of operational activities is carried out by the investigating UK law enforcement agencies.

Her Majesty's Revenue and Customs (HMRC) are responsible for controlled deliveries in respect of their functions.

## 7.2. Participation of national members in joint investigation teams (Article 9f)

The UK has a vast experience in JITs and the UK Desk at Eurojust has developed recognised expertise in the setting up of JITs, drafting of the agreements, etc.

The UK Desk has developed a tailor-made JIT model agreement that takes into account all particularities of the national legal framework as well as practical issues identified in previous experiences with JITs, making it simpler and easier for their practitioners to set up a JIT.

The UK National Member is able to participate in a JIT, as well as the Deputy or Assistant. The UK law enforcement officers are always appointed JIT leaders in the UK because they have investigation powers and are responsible for the conduct of investigations.

The UK prosecutors are not appointed as JIT leaders but as parties. Under the framework of the Eurojust Council Decision and the current JIT Funding Project the UK National Member must be invited to participate or funding is not available under the project.

The UK has the highest number of JITs funded under the current JIT Funding Project in Eurojust and they were all negotiated by or in conjunction with the UK desk. The UK National Member, Deputy or Assistant were invited to participate in all of them as foreseen by the Decision. The financial support provided by Eurojust thanks to an EU grant is very much appreciated and considered an important incentive. As to whether Eurojust was the appropriate body in charge of EU financing of JITs, the responsible persons responded positively. During the period October 2010 to September 2012 around 20 JITs involving UK were funded by Eurojust.



The practitioners met by the Evaluation Team, in particular in the London Metropolitan Police, appreciate in general the added value brought by JITs in conducting investigations in terms of reduced bureaucracy and speediness. They also appreciate the support offered by Eurojust in the setting up and functioning of JITs.

As a whole the UK considers that JIT's enable law enforcement and prosecution services to:

- identify, investigate, disrupt and prosecute the individuals with the organised crime group identified by the JIT, irrespective of is it in UK or overseas;
- identify, restraint and confiscate criminal assets;
- reduce criminality by tackling organised crime groups;
- facilitate gathering, timely exchange and enhanced use of law enforcement intelligence, information and evidence for an ongoing investigations/prosecutions.

### **7.3 Conclusions**

- JITs seem to bring an added value in terms of reduced bureaucracy and speediness for the UK in conducting investigations.
- The UK authorities appreciate the support offered by Eurojust in the setting up and functioning of JITs as well as in financial support while establishing them.
- A tailor-made JIT model agreement as set up by the UK Desk in Eurojust is a best practice.

## 8. TRAINING AND AWARENESS RAISING

### 8.1. Promoting the use of Eurojust and the EJM

#### 8.1.1. Training

Each national organisation is responsible for its own training relating to mutual legal assistance. The UK National Desk has attended events to provide presentations and promote its role in relation to the cooperation with Eurojust.

As an example it has been mentioned that the Crown Prosecution Service holds regular meetings every 3-4 months under the MLA Forum. Approximately 15-20 prosecutors dealing with international work from across the country attend the meetings. Detailed MLA guidance and EU learning is also available by the Crown Prosecution Service' prosecution college. There is also detailed guidance on International enquiries on the CPS intranet, which is available to all CPS staff and on the Government Legal Service LION website which is available to all government prosecutors.

Additionally, a regular feature of training in the Serious Fraud Office has been on the topic of obtaining international assistance.

In Scotland, the International Unit of COPFS is a small unit, comprising 8 lawyers (3 of whom are EJM contact points) and 3 support staff. When new members of staff join the Unit, the function of Eurojust and the EJM is explained to them. Lawyers in the unit are encouraged to consider the EJM as a resource which they can access. Members of staff attend training at ERA (the Academy of European law) in Trier, Germany, which often includes information about both agencies. The ICU has benefitted from training about the EJM provided by members in the past – in particular in relation to the launch of the new website.

In Scotland, in addition to training courses, the International Unit sit on two different internal fora in relation to Sheriff, Jury and High Court work. The member of the International Unit who attends these fora (both of which meet every 3 months) ensures that there is discussion of EJM or Eurojust matters, and that the discussion is minuted.

The minutes of these fora are available to all staff in COPFS, via the departmental intranet. It is also expected that the delegates inform members of the appropriate team of the content of discussions from the meeting.

The role of Eurojust and the EJM are also regularly discussed at meetings with International Liaison officers (specialist members of police forces who deal with international issues).

There is also a general training provided for the police. The UK created the College of Policing announced by the Home Secretary in December 2011. Its role is inter alia to identifying needs in policing, sharing knowledge and enabling its use, developing, maintaining and testing standards and enabling professional development.

However, the evaluators have not been informed of its role in raising awareness amongst police officers in terms of co-operation with Eurojust.

The same relates to officers from Her Majesty Revenue and Customs (HMRC) and from the Border Force who are rather more familiar with whom to contact in order to receive proper information than on the role of Eurojust and on the way how to co-operate with Eurojust.

No information has been delivered in respect of judges who are not basically involved in mutual assistance. However, they may need to avail themselves of some tools of international co-operation if requested by defence. Judges in England and Wales receive training in tools of international co-operation where to do so is relevant to the discharge of their judicial functions. Also, in Scotland, the Judicial Institute for Scotland provides training to Scottish judges on relevant law and practice related to the application of EU law and agencies.

### 8.1.2. Other measures

The national authorities in the UK are informed of the projects on which Eurojust or the EJM are working, such as the documents disseminated by Eurojust or the EJM or documents and details of projects and seminars. They are emailed directly by the UK Desk to key UK stakeholders, where the UK National Desk deemed it useful.

In Scotland such information would be done through the various forums mentioned above, in particular the functional forums (High Court forum and Sheriff and Jury forum) and training courses mentioned above.

### 8.2. Specific training for national members and EJM contact points

The UK authorities confirmed that a need to provide the National Desk and the EJM contact points with specific training has not been identified at this stage, but is assessed on an ongoing basis.

Members of the National Desk are able to undertake training opportunities where required in the same manner as if they were not on secondment to The Hague. Owing to their experience, no specific training for the National Member or Deputy are deemed necessary at present.

The EJM contact points regularly attend EJM events, both nationally and throughout Europe, to discuss issues which have arisen.

No formal training is provided by COPFS for the EJM contact points in their role.

All stakeholders aware of the roles of Eurojust and the EJM are encouraged to disseminate and cascade their knowledge where appropriate. Recent opportunities have included the EJM regional meetings held in February 2011 and September 2012. Members of the National Desk have also delivered presentations to relevant fora about their work.

Operational Guidance is also provided and delivered on internal electronic communications networks.

### 8.3. Conclusions

- As described below the training is considered as adequate.
- Training and awareness are based on the internal resources of each institution involved in co-operation in criminal matters.
- It has been identified that more general information on the exchange of information with Eurojust and on the forms of co-operation is granted for prosecutors than the law enforcement officers.
- The UK authorities have indicated that police officers should not be expected to provide specific information relating to co-operation with Eurojust if they are not aware of the existence of such obligation. It should however be noted that the obligation to send information under Article 13 to Eurojust lies on the Member States and not only on the judicial authorities.
- This, however, does not automatically mean that the obligation to inform Eurojust in cases set out in Articles 13(1) and (5) - (7) has not been fulfilled. The evaluators note that such training could develop an awareness at the law enforcement level.
- There are namely different experiences related to England and Wales where the prosecutors from the Crown Prosecution Office use to that purpose informal channels like phone calls or emails whereas the prosecutors from the Crown Office in Scotland try to manage this in the form of the template and only technical reasons hamper the use of electronic transmission of information.
- Each institution involved as well as ENCS should more focus on providing law enforcement and prosecutors with general training or awareness raising campaigns about the role of Eurojust and situations requiring contact with Eurojust.

## 9. GENERAL OBSERVATIONS

### 9.1. Overall assessment

- The Evaluation Team has taken account of the complexity of the UK legal system of judicial cooperation in criminal matters and of the existence of three legal systems: England and Wales, Scotland, and Northern Ireland.
- There is a clear division of responsibilities between, on the one hand, the investigation of crimes, and, on the other hand, the prosecution of these crimes. There is no formal hierarchical control over law enforcement authorities by prosecutors. However, in relation to Scotland prosecutors can direct the police.
- All practitioners met by the Evaluation Team in the three jurisdictions, either at prosecutorial or law enforcement level, have proven to have a good knowledge of Eurojust and are able to adequately appreciate the type of cases and situations which could or should prompt a referral to Eurojust.
- The Evaluation Team has noted that Eurojust and notably the UK Desk enjoy a very good standing and are seen as experienced, open, easily approachable, competent and trusted advisers.
- The approach is pragmatic: contacts between national authorities and the UK Desk are easy, informal and frequent. The feedback received from Eurojust is generally considered to be very good.

### 9.2. Further suggestions from the UK

- The UK authorities pointed out that Eurojust's core role should be to provide support to Member States' authorities in complex cases.
- The UK competent authorities see any attempts to expand the powers of Eurojust as detrimental to the organisation because it would risk damaging the very relationships with those operational partners that Eurojust is intended to help.

- The EJM should act solely as a facilitator and central point for information on Member State practices. It should not be yet another link in the chain between requesting and obtaining evidence. To that end there should be a focus on and promotion of the website, where Member States should be encouraged to explain their processes in a useful way.

### **9.3. Perception of the evaluation process with regard to the subject under review**

- The Evaluation Team has been told that the UK authorities are very interested in the conclusions of the evaluation, which may help to improve operational aspects of the functioning of the system.
- The UK authorities have also stressed that handling of the complexity of the UK system and the way they deal with international co-operation may be an example to be followed by the other Member States.
- The evaluation has - within the scope of the evaluation - taken into account the particularities of the UK legal system and the constraints that inevitably derive therefrom in the formal and practical implementation of both Decisions.
- The overall impression is that UK authorities have made real efforts to effectively fulfill the obligations stated in the Eurojust Decisions.

## 10. RECOMMENDATIONS

### 10.1. General remarks

The UK considered that no specific legislation was needed in order to comply with the implementation obligations stemming from the Eurojust Decisions of 2002 and of 2008.

The ENCS has been created by way of an administrative decision and meets regularly. The UK has, in addition, created a Eurojust Oversight Body that meet twice a year and is in charge of discussing and deciding on high-level policy issues and resources of the UK Desk at Eurojust, business planning, etc.

In view of the multiplicity of jurisdictions and the variety of bodies and persons involved in Eurojust matters at national level, the creation of a Eurojust Oversight Board, in charge of high-level policy issues related to Eurojust as well as resources and business planning, is considered as a very good practice that could inspire other Member States.

As regards the practical implementation and operation of the Decisions on Eurojust and the European Judicial Network in criminal matters, the expert team involved in the evaluation of United Kingdom has been able to satisfactorily assess the system in United Kingdom.

The system put in place in the UK with respect to the referral of cases to Eurojust is informal and flexible. It is also much decentralised in England and Wales and in Northern Ireland (any prosecutor or law enforcement official who needs the services of Eurojust can directly approach the Eurojust UK Desk, and is indeed encouraged to do so), whereas in Scotland, the contacts with the UK Desk will be made by the members of the International Cooperation Unit, with the agreement of the Scottish ENCS Correspondent.



The UK structure regarding incoming MLA is complex and not easy to understand when it comes to the question of the final responsibility for the handling of a request. The division of responsibilities between the Home Office, the Prosecution Service and the law enforcement as a chain offers no clear overview. Possibilities to detect if information get stuck in the chain may therefore be lacking, which would increase the risk for a slower handling of a MLA request.

The division of powers between prosecutors and the police increases the risk that the National Member may not be duly informed. The prosecutors and indirectly the UK National Member are indeed depending on the police regarding transmission of information. The challenge is to ensure that the police prioritise and act quickly when it is not in their direct interest to do so. This might work well as long as UK police finds it useful to participate in Eurojust work and in JITs, but the system carries risks in the long run, in particular when a choice between different priorities must be operated.

Informal dialogue and direct contact by e-mail and phone are preferred to formal written communications. The assessment of the UK Eurojust Desk is that it is contacted in most relevant cases by the UK authorities, in a timely manner. However, the Evaluation Team would note that the reliance on informal contacts will imply certain vulnerabilities, as the system will to some extent depend on the availability and quality of personal contacts. The question if the UK National Member can perform all the tasks defined in the Council Decisions also remains open. It seems that the National Member sometimes will be obliged to take the long way via the UK Europol Desk to get in touch with the police in UK. This might at first sight be the best way with regard to the complex system, but seems to call for more detailed rules in the future.

The model with Home Office “in the middle” as a central authority gives a guarantee for high quality in the MLA work. However, as the Home Office is not the performing authority, the system may lack of incitement for quick response on MLA`s.

Therefore, the Evaluation Team thought it fit to make a number of suggestions for the attention of the United Kingdom authorities. Furthermore, based on the various good practices, related recommendations to the EU, its institutions and agencies, Eurojust in particular, are also put forward.

The United Kingdom should conduct a follow-up on the recommendations given in this report 18 months after the evaluation and report on the progress to the Working Party on General Affairs, including Evaluations (GENVAL). The results of this evaluation should also, at some point, be examined by the Working Party on Cooperation in Criminal Matters (COPEN).

## **10.2. Recommendations to the UK**

The UK competent authorities should:

1. Take action to ensure appropriate awareness raising amongst all competent authorities including law enforcement on the usefulness of the exchange of information with Eurojust and to ensure proper monitoring of its implementation. In particular UK should ensure that the relevant information is transmitted by the police to the prosecutors who have the obligation to forward the information to Eurojust; (cf. 4.1, 4.2.2 and 4.3)
2. Take all appropriate measures to ensure that the transmission of information to Eurojust takes place in a timely, structured, transparent and coherent way, in accordance with the requirements of the Eurojust Decision. The UK authorities should encourage the use of the Eurojust template for the transmission of information; (cf. 4.1, 4.2.5 and 4.3)
3. As regards incoming requests for mutual legal assistance, the UK should consider the possibility of allowing direct contacts between competent authorities, in particular in the most urgent cases and when the competent executing authorities are specialised in order to increase the efficiency; (cf. 3.3.3 and 3.4.5)

4. Consider to adapt the composition of the office of the Eurojust National Desk to the need to be able to fulfill all its tasks in the most efficient way. Because of the division of tasks at national level, this should include involvement of law enforcement representatives with access to crucial investigation tools, such as national registers of convictions and other similar databases; (cf. 3.2.3.2 and 3.4.3)
5. Ensure that all competent and relevant law enforcement authorities are involved in co-operation with Eurojust at an early stage of criminal proceedings; (cf. 3.2.3.2, 3.4.2 and 3.4.3)
6. Ensure effective training on the role of Eurojust to all practitioners including law enforcement who may benefit from its competences in facilitating criminal investigations; (cf. 8.1.1 and 8.3)

### **10.3. Recommendations to the European Union, its institutions and agencies, and to other Member States**

1. The Member States should take appropriate measures aimed at ensuring that the national authorities of the Member States use appropriate channels of cooperation, and do not overload Eurojust with cases where the EJM is better placed to assist; (cf. 4.2.5 and 6.3.4)
2. The Commission and the Member States should analyse problems linked with the length and quality of the translation of documents and requests exchanged in the field of judicial cooperation in criminal matters, and submit proposals aimed at remedying them. One possibility for instance, could be to ensure such translations via Eurojust; (cf. 4.1)

3. The Member States should consider to put in place the quality control standards and procedures for MLA requests that also cover translations. (c.f. 4.1 and 4.3)
4. The Member States should consider sending also trainee solicitors on rolling placed in Eurojust in order to gain practical experience related to co-operation with Eurojust; (cf. 3.2.1)
5. The EU should continue promoting and facilitating the use of JITs by the provision of funding through Eurojust; (c.f. 4.2.3. and 7.2)

#### **10.4. Recommendations to Eurojust/the EJN**

1. Eurojust should examine practices in relation to the opening and closure of cases, and, where appropriate, take initiatives aimed at facilitating and smoothing procedures; (cf. 4.1)
2. Eurojust should examine the possibilities aimed at solving problems linked to the length and the quality of translations of Mutual Legal Assistance requests; (cf. 4.1)
3. Eurojust should collect feedback from national authorities on the practical issues linked with the use of the electronic Article 13 form and take all necessary measures aimed at improving it with a view to facilitating its use; (cf. 4.2.5 and 4.3)
4. Eurojust should examine the issues arising from incompatibilities of software; (cf., 4.2.1, 4.2.5 and 4.3)
5. Eurojust should consider using the experience of national desks in developing internal guidelines for the organisation of, and follow-up to, coordination meetings and the handling of cases; (5.4.1 and 5.7)

6. Eurojust should consider developing tailor-made agreements of JITs taking into account specificities of each legal system; (c.f. 7.2 and 7.3)
7. Eurojust should promote the use and the improvement of the EJM website. Eurojust should also ensure appropriate update of the information available on the EJM website and the overall quality and completeness of the information provided; (cf. 6.3.4)
8. Eurojust should explore the possibility to provide practitioners with information and summaries of case law related to the implementation of EU instruments, in particular the European Arrest Warrant; (cf. 6.3.4)
9. Eurojust should improve use of «*fiches belges*» so that Tools Correspondent could easier complete/update it. This should include an obligation to update them regularly/confirm that the information is still accurate and provide a possibility to add links to other useful resources particular to an individual Member State; (cf. 6.3.4)
10. Consider to analyse reasons for the rare use of the OCC within Eurojust; (cf. 5.5 and 5.7)

## ANNEX A: PROGRAMME FOR THE ON-SITE VISIT AND PERSONS INTERVIEWED/MET

UNITED KINGDOM		
Eurojust / European Judicial Network (EJN) Evaluation		
Monday 13 <sup>th</sup> May 2013		
DATE/TIME	SITES and ACTIVITIES	ATTENDEES
Representatives to travel independently	Arrival of evaluation team and check-in at the hotel ( <i>Premier Inn London Victoria 82-83 Eccleston Square, London SW1V 1PS</i> )	<p><b><i>Evaluation team:</i></b></p> <p><u><i>Council side –</i></u></p> <p><i>Mr Michael Carlin</i></p> <p><i>Mr Slawomir Buczma</i></p> <p><u><i>Commission</i></u></p> <p><i>Ms Sabine Tuerck (she will only participate from 13-15 May)</i></p> <p><u><i>Member States' experts –</i></u></p> <p><i>Mr Fergus Healy (Ireland)</i></p> <p><i>Mr Bjorn Blomqvist (Sweden)</i></p> <p><i>Ms Carla Figueiredo (Portugal)</i></p> <p><u><i>Eurojust</i></u></p> <p><i>Ms Sylvie Petit-Leclair</i></p> <p><i>Ms Catherine Deboyser</i></p>

<b>Tuesday 14<sup>th</sup> May 2013</b> <b>Day 1: Home Office and Law</b> <b>Enforcement meetings</b>		
<b>09:00</b>	Departure from the hotel to the Home Office HQ	
<b>09:30-11:30</b>	Introductory meeting with Home Office International Directorate (leads Ebrima Chongan, Jonathan Rushton and Emma Gibbons) (PG 57 Conf room 11, 2 Marsham street London SW1P 4DF)	<i>Evaluation team</i> <i>Emma Gibbons (ID)</i> <i>Sherin Shefik (LAB)</i> <i>Ebrima Chongan (ID)</i> <i>Jonathan Rushton (ID)</i> <i>Alessandra D'Annunzio (ID)</i> <i>Fenella Tayler (JCU)</i> <i>Frances Kennah (Eurojust)</i> <i>Dominic Barry (Eurojust)</i> <i>Amardeep Dhani (Police Personnel, Powers and Procedures)</i>
<b>11:30-11:45</b>	<b>Coffee break</b> (PG 57 Conf room 11, 2 Marsham street London SW1P 4DF)	<i>Evaluation team</i> <i>Emma Gibbons (ID)</i> <i>Sherin Shefik (LAB)</i> <i>Ebrima Chongan (ID)</i> <i>Jonathan Rushton (ID)</i> <i>Alessandra D'Annunzio (ID)</i> <i>Fenella Tayler(JCU)</i> <i>Frances Kennah (Eurojust)</i> <i>Dominic Barry (Eurojust)</i> <i>Amardeep Dhani (Police</i>

		<i>Personnel, Powers and Procedures)</i>
<b>11:45-13:00</b>	Meeting with UK Central Authority (leads Harvey Palmer and Abdul Hafez) (PG 57 Conf room 11, 2 Marsham street London SW1P 4DF)	<i>Evaluation team</i> <i>Harvey Palmer (JCU)</i> <i>Abdul Hafez (EJN</i> <i>National Correspondent and lawyer)</i> <i>Nicola</i> <i>Kentfield(Caseworker)</i> <i>Ebrima Chongan (ID)</i> <i>Jonathan Rushton (ID)</i> <i>Alessandra D’Annunzio (ID)</i> <i>Frances Kennah (Eurojust)</i> <i>Dominic Barry (Eurojust)</i>
<b>13:00-14:00</b>	<b>Lunch</b> (with informal opportunity to ask questions) ( <i>Private Dining room 1)</i>	<i>Evaluation team</i> <i>Emma Gibbons (ID)</i> <i>Harvey Palmer (JCU)</i> <i>Abdul Hafez (JCU)</i> <i>Nicola</i> <i>Kentfield(Caseworker JCU)</i> <i>Debbie Price (Head of UKCA)</i> <i>Ebrima Chongan (ID)</i> <i>Jonathan Rushton (ID)</i> <i>Alessandra D’Annunzio (ID)</i> <i>Frances Kennah (Eurojust)</i> <i>Dominic Barry (Eurojust)</i>



<b>14:00</b>	Departure to Scotland Yard	
<b>14:15-16:30</b>	Meeting at New Scotland Yard with the Metropolitan Police, (leads Romana Richards and Richard Briers) and Serious and Organised Crime Agency (leads Steve Bennett and Paul Cypher) ( <i>New Scotland Yard, 8-10 Broadway, SW1H 0BG</i> )	<i>Evaluation team</i> <i>Romana Richards (MET)</i> <i>Steve Bennett (SOCA)</i> <i>Paul Cypher (SOCA)</i> <i>Richard Briers (Europol)</i> <i>Ebrima Chongan (ID)</i> <i>Frances Kennah (Eurojust)</i> <i>Dominic Barry (Eurojust)</i>
<b>16:30</b>	Departure to Hotel	
<b>18:30</b>	Departure from hotel to restaurant	
<b>19:00-21:00</b>	<b>Dinner at Osteria Dell'Angolo</b> ( <i>47 Marsham Street, Westminster SW1P 3DR</i> )	<i>Evaluation team</i> <i>Emma Gibbons (ID)</i> <i>Ebrima Chongan (ID)</i> <i>Jonathan Rushton (ID)</i>
<b>21:00</b>	Departure to hotel	
<p style="text-align: center;"><b>Wednesday 15<sup>th</sup> May 2013</b></p> <p style="text-align: center;"><b>Day 2: Criminal Justice, borders and revenue and customs meetings</b></p>		
<b>9:00</b>	Departure from the hotel to the Crown Prosecution Service	
<b>9:30-12:00</b>	Meeting at the Crown Prosecution Service (lead Terrence Palfrey) ( <i>Rose Court, 2 Southwark Bridge, London, SE1 9HS</i> )	<i>Evaluation team</i> <i>Terrence Palfrey (CPS)</i> <i>Natalie Soule (CPS)</i> <i>Nick Vamos (CPS)</i> <i>Clara Pickering (CPS)</i> <i>Ebrima Chongan (ID)</i> <i>Frances Kennah (Eurojust)</i> <i>Dominic Barry (Eurojust)</i>

<b>12:00</b>	Departure to the Serious Fraud Office	
<b>12:30 – 14:00</b>	Meeting with Serious Fraud Office, including <b>lunch</b> (leads Anthony Wilson and Kristin Jones) (2-4 Cockspur Street London SW1Y 5BS)	<i>Evaluation team</i> <i>Anthony Wilson (SFO)</i> <i>Kristin Jones (SFO)</i> <i>Louise van der Straeten (SFO)</i> <i>Ebrima Chongan (ID)</i> <i>Frances Kennah (Eurojust)</i> <i>Dominic Barry (Eurojust)</i>
<b>14:00</b>	Departure to 2 Marsham Street, London SW1P 4DF	
<b>14:30-16:30</b>	Meeting at HMRC and Border Force, lead Rakesh Modi and Christopher Foster, including <b>coffee break</b> at 15:30 (Room P.138, 2 Marsham Street, London SW1P 4DF)	<i>Evaluation team</i> <i>Rakesh Modi (HMRC)</i> <i>Christopher Foster(Immigration)</i> <i>Ebrima Chongan (ID)</i> <i>Dominic Barry (Eurojust)</i> <i>Jonathan Rushton (ID)</i> <i>Alessandra D’Annunzio (ID)</i>
<b>16:30 – 17:00</b>	Opportunity for questions and points of clarification	
<b>17:00</b>	Departure to hotel (free time in the evening)	

<b>Thursday 16<sup>th</sup> May 2013</b> <b>Day 3: Scotland and Northern</b> <b>Ireland meetings</b>		
<b>London City 08:55 – Edinburgh 10:15</b>	Delegates flying from London City Airport to Edinburgh, Scotland	<i>Evaluation Team</i> <i>Ebrima Chongan (ID)</i> <i>Frances Kennah</i> <i>(Eurojust)</i>
<b>Agenda</b>  <b>11:00- 12:00:</b> Presentation from International Cooperation Union <b>12:00-12:45:</b> Presentation from Northern Ireland colleagues <b>12:45-13:30: lunch</b> <b>13:30-15:00:</b> Interviews with prosecutors: Scotland <b>15:00-15:30: tea</b> <b>15:30-16:30:</b> Interviews with prosecutors: Northern Ireland <b>16:30-17:15: Wash up session</b>	Meeting with the Crown Office and Procurator Fiscal Service, lead David Dickson; and Northern Ireland, lead Ann Kyle ( <i>Crown Office</i> <i>25 Chambers Street Edinburgh</i> <i>EHI ILA</i> )	<i>Evaluation Team</i> <i>David J Dickson</i> <i>(Scotland)</i> <i>ADD: the Head of the</i> <i>MLA unit</i> <i>Ann Kyle (Northern</i> <i>Ireland)</i> <i>Trevor Browne (Northern</i> <i>Ireland)</i> <i>Roisin Moloney (Northern</i> <i>Ireland)</i> <i>Ebrima Chongan (ID)</i> <i>Frances Kennah</i> <i>(Eurojust)</i>

	Hotels in Edinburgh  <i>(Hotel Missoni 1 George IV Bridge, Edinburgh EH1 1AD)</i>  <i>(Fraser Suites in Edinburgh, no 12 26 St Giles Street, EH1 1PT)</i>	<i>Ebrima Chongan (ID)</i> <i>Frances Kennah (Eurojust)</i>  <i>Evaluation Team</i>
<b>Friday 17<sup>th</sup> May 2013</b> <b>Day 4: Wash up meeting in London</b>		
<b>Edinburgh 09:10– London Heathrow 10:35</b>	Departure of evaluation team from Scotland to London Heathrow	<i>Evaluation Team</i> <i>Ebrima Chongan (ID)</i> <i>Frances Kennah (Eurojust)</i>
<b>12:00-13:00</b>	Wash up meeting in London ( <i>room P.131, 2 Marsham Street, London SW1P 4DF</i> )	<i>Evaluation Team</i> <i>Ebrima Chongan (ID)</i> <i>Frances Kennah (Eurojust)</i> <i>Jonathan Rushton (ID)</i> <i>Alessandra D’Annunzio (ID)</i>
<b>Representatives to travel independently</b>	Departure of evaluation team from London-home	<i>Evaluation Team</i>

## ANNEX B: PERSONS INTERVIEWED/MET

## Meetings 14 May 2013

*Venue: Home Office*

Person interviewed/met	Organisation represented
Emma Gibbons	Home Office (ID)
Ebrima I Chongan	Home Office (ID)
Jonathan Rushton	Home Office (ID)
Alessandra D'Annunzio	Home Office (ID)
Fenella Taylor	Home Office (ID)
Frances Kennah	National Member at Eurojust
Dominic Barry	Deputy National Member at Eurojust
Fenella Taylor	Home Office (JCU)
Sherin Shefik	Home Office (LAB)
Amardeep Dhani	Home Office (Police Personnel, Powers and Procedures)
Abdul Hafez	EJN National Correspondent and lawyer
Nicola Kentfield	Caseworker (JCU)
Harvey Palmer	Home Office (JCU)
Debbie Price	Head of UKCA

*Venue: Scotland Yard*

Person interviewed/met	Organisation represented
Romana Richards	MET
Steve Bennett	SOCA
Paul Cypher	SOCA
Richard Briers	Europol
Chris Raymer	DCI - Surrey Police
Ebrima I Chongan	Home Office (ID)
Frances Kennah	National Member at Eurojust
Dominic Barry	Deputy National Member at Eurojust

**Meetings 15 May 2013***Venue: Crown Prosecution Service*

<b>Person interviewed/met</b>	<b>Organisation represented</b>
Terrence Palfrey	Crown Prosecution Service
Natalie Soule	Crown Prosecution Service
Nick Vamos	Crown Prosecution Service
Cara Pickering	Crown Prosecution Service
Ebrima I Chongan	Home Office (ID)
Frances Kennah	National Member at Eurojust
Dominic Barry	Deputy National Member at Eurojust

*Venue: Serious Fraud Offence*

<b>Person interviewed/met</b>	<b>Organisation represented</b>
Anthony Wilson	Serious Fraud Offence
Kristin Jones	Serious Fraud Offence
Louise van der Straeten	Serious Fraud Offence
Ebrima I Chongan	Home Office (ID)
Frances Kennah	National Member at Eurojust

*Venue: HMRC and Border Force*

<b>Person interviewed/met</b>	<b>Organisation represented</b>
Rakesh Modi	HMRC
Christopher Foster	Border Force
Ebrima I Chongan	Home Office (ID)
Frances Kennah	National Member at Eurojust
Dominic Barry	Deputy National Member at Eurojust

**Meetings 16 May 2013**

*Venue: Crown Office and Procurator Fiscal Service*

Person interviewed/met	Organisation represented
David Dickson	COPFS Scotland
Ann Kyle	PPSNI Northern Ireland
Trevor Browne	PPSNI Northern Ireland
Roisin Moloney	PPSNI Northern Ireland
Ebrima I Chongan	Home Office (ID)
Frances Kennah	National Member at Eurojust

**Meetings 17 May 2013**

*Venue: Home Office*

Person interviewed/met	Organisation represented
Ebrima I Chongan	Home Office (ID)
Jonathan Rushton	Home Office (ID)
Frances Kennah	National Member at Eurojust

ANNEX C: LIST OF ABBREVIATIONS/GLOSSARY OF TERMS

LIST OF ACRONYMS, ABBREVIATIONS AND TERMS	ACRONYM IN ORIGINAL LANGUAGE	ENGLISH OR ACRONYM IN ORIGINAL LANGUAGE	ENGLISH
AGO	<i>AGO</i>	-/-	Attorney General Office
COPFS	<i>COPFS</i>	-/-	Crown Office and Procurator Fiscal Service
CPS	<i>CPS</i>	-/-	Crown Prosecution Service
ENCS	<i>ENCS</i>	-/-	Eurojust National Coordination System
EOB	<i>EOB</i>	-/-	Eurojust Oversight Board
FCO	<i>FCO</i>	-/-	Foreign and Commonwealth Office
HMRC	<i>HMRC</i>	-/-	Her Majesty's Revenue and Customs
JCU	<i>JCU</i>	-/-	Judicial Co-operation Unit
JIT's	<i>JIT</i>	-/-	Joint Investigation Teams
MET	<i>MET</i>	-/-	Metropolitan Police Service
MLA	<i>MLA</i>	-/-	mutual legal assistance
MoJ	<i>MoJ</i>	-/-	Ministry of Justice
NCA	<i>NCA</i>	-/-	National Crime Agency



LIST OF ACRONYMS, ABBREVIATIONS AND TERMS	ACRONYM IN ORIGINAL LANGUAGE	ENGLISH OR ACRONYM IN ORIGINAL LANGUAGE	ENGLISH
PNC	<i>PNC</i>	-/-	Police National Computer
PPSNI	<i>PPSNI</i>	-/-	Public Prosecution Service for Northern Ireland
SFO	<i>SFO</i>	-/-	Serious Fraud Office
SOCA	<i>SOCA</i>	-/-	Serious Organised Crime Agency
UKCA	<i>UKCA</i>	-/-	United Kingdom Central Authority