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Report on the Czech Republic

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THE EUROPEAN UNION**

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**GENVAL 26
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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 the Czech Republic

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1. EXECUTIVE SUMMARY

- The overall assessment of the Evaluation Team is very positive. The evaluation visit to the Czech Republic took place in a very constructive atmosphere.
- Eurojust and the European Judicial Network (EJN) are well known in the Czech Republic and are perceived to provide substantial added value in international judicial cooperation in criminal matters.
- Before January 2014, despite the lack of formal implementation of the Eurojust and EJN Decisions, the Czech authorities showed clear determination to comply with most requirements provided for in these instruments and to ensure their effectiveness.
- The Czech Republic has put in place a centralised Eurojust National Coordination System (ENCS), which seems to work very well in practice.

Eurojust

- The implementation of the Eurojust Decision was completed on 1 January 2014, just one week before the evaluation visit took place, with the entry into force of the Act on International Judicial Cooperation in Criminal Matters No 104/2013 (the IJCCM Act).
- However, even before that, the Czech authorities had given effect to the provisions of the Eurojust Decision. The Czech authorities used existing primary and secondary legislation to ensure that the National Member at Eurojust and his deputy had the powers needed to fulfil all of their tasks at Eurojust and to ensure the implementation of the Eurojust Decision and EJN Decision in practice.
- The ENCS was created before the entry into force of the IJCCM Act but is now regulated by that Act. The Czech Supreme Public Prosecutor's Office (SPPO) forms the core of the ENCS.

- The exchange of information with Eurojust is regulated by the IJCCM Act to comply with Article 13 of the Eurojust Decision and will take place in a decentralised manner. Both judges and prosecutors are obliged to exchange information with Eurojust.

EJN

- Implementation of the EJN Decision was completed on 1 January 2014 when the IJCCM Act came into force. Even before that date, the Czech authorities made use of the EJN, and no overlaps or confusion related to the scope of activities of Eurojust and the EJN were noted.
- As regards the practical implementation of the EJN Decision, the Czech authorities chose a centralised system of EJN contact points selected from the Czech SPPO and the Ministry of Justice.
- Neither judges nor prosecutors from regional level have been selected to act as EJN contact points, although the legal framework does provide that option.

Training

- The Judicial Academy is responsible for providing training for judges and prosecutors on domestic and EU law. To a lesser extent, the Ministry of Justice and the SPPO are also involved in training regarding mutual legal assistance.
- Many seminars are organised to raise awareness of the role of Eurojust and the EJN.
- The Judicial Academy should continue its efforts to give training for judges and prosecutors on judicial cooperation and language training.

2. INTRODUCTION

Following the adoption of the Joint Action 97/827/JHA of 5 December 1997¹, a mechanism has been established for evaluating the application and implementation at national level of international undertakings in the fight against organised crime.

On 22 June 2011, in line with Article 2 of the Joint Action, the Working Party on General Matters including Evaluations (GENVAL) decided that the sixth round of mutual evaluations should be devoted to the practical implementation and operation, with respect to criminal matters, of the Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime², as amended by Decisions 2003/659/JHA³ and 2009/426/JHA⁴ and of the Joint Action 98/428/JHA of 29 June 1998 on the creation of a European Judicial Network⁵, repealed and replaced by Council Decision 2008/976/JHA on the European Judicial Network⁶.

The evaluation aims to be broad and interdisciplinary and not to focus on Eurojust and the European Judicial Network (EJN) alone but rather on operational issues in the Member States. By this we mean to encompass, besides cooperation with prosecution services, also e.g. how police authorities cooperate with Eurojust national members, how the National Units of Europol will cooperate with

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

² 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.

³ 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, pp. 44-46.

⁴ 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.

⁵ 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.

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

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. The evaluation will thus also cover operational practices in the Member States as regards the first Eurojust Decision, which entered into force in 2002. Experience from all evaluations shows that Member States will be at different points regarding implementation of relevant legal instruments, and the current process of evaluation could also provide useful input 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. The Czech Republic was the twentieth 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 was drawn up by the Presidency. Member States 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 teams consist 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 the Czech Republic were Mrs Anna Ondrejova (Slovakia), Ms Merja Norros (Finland) and Mr Bo Eliasson (Sweden). Four observers were also present: Ms Frances Kennah (Eurojust) and Ms Ioana van Nieuwkerk (Eurojust), Jeroen Blomsma (Commission) and Mr Andrea Marinelli (Europol), together with Mr Hans G. Nilsson 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 the Czech Republic between 7 and 9 January 2014, and on the Czech detailed replies to the evaluation questionnaire together with their detailed answers to subsequent follow-up questions.

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3. GENERAL MATTERS AND STRUCTURES

3.1. General information

Structure

The Ministry of Justice in the Czech Republic is the central state authority *inter alia* for courts and prosecutors' services. The Ministry of Justice is also involved in legislative actions regarding the preparation of draft legislation concerning international cooperation. It also has responsibility for signing bilateral agreements on cooperation in criminal matters, participates in various networks and is involved in the Council's negotiations on EU legal instruments and for their implementation in domestic law. The Ministry of Justice provides assistance to judges and courts and organises seminars and educational activities for judges.

The judges are independent of the Ministry of Justice. There are 3048 judges in the Czech Republic. The courts in the Czech Republic are organised as follows:

- 86 District Courts
- 8 Regional Courts
- 2 High Courts (in Prague and in Olomouc)
- the Supreme Court (in Brno)
- the Supreme Administrative Court (in Brno)
- the Constitutional Court (in Brno), dealing exclusively with constitutional matters

There are 1230 prosecutors. The structure of the prosecution service is built on district prosecutors' offices (one level) and regional prosecutors' offices (two levels, one of which is for more serious crimes). The higher-ranking prosecution services are Prague High State Prosecutor's Office and Olomouc High State Prosecutor's Office. At the top of the structure is the Supreme State Prosecutor's Office.

Mutual legal assistance (MLA)

The role of central authority for mutual legal assistance is shared by the Supreme Public Prosecutor's Office for the prosecution service for pre-trial proceedings and the Ministry of Justice for proceedings commenced after delivery of a formal indictment to the competent court and the execution of sentences.

Prosecutors are empowered to issue letters of request, freezing orders and requests to courts to issue arrest warrants. If the Czech Republic is to take over criminal proceedings from other states, the Supreme Public Prosecution Office must take the decision unless an international treaty provides for a direct contact. It also has exclusive power in terms of setting up JITs. However, the Minister of Justice is currently entitled to appoint EJN contact points, national correspondent for Eurojust and national member at Eurojust.

The regional prosecutors are the competent authorities and key figures in judicial cooperation (Section 48(5) of the IJCCM Act).

Courts are involved in mutual legal assistance only at the trial stage. All judges of district, regional and high courts are empowered to issue MLA requests and arrest warrants, including EAWs. However, the regional courts decide on the admissibility of extradition requests and the execution of EAWs as well as on the execution of MLA requests.

The police do not issue MLA requests but are involved in executing them. They are responsible for international operational cooperation (including cooperation with Europol).

*3.1.1. Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust
and Council Decision 2009/426/JHA on the strengthening of Eurojust*

Prior to 1 January 2014, there was no explicit statutory implementation of the Council Decision of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime (hereinafter referred to as the Council Decision of 2002) or of 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 (hereinafter referred to as the Eurojust Decision).

However, the appointment of the National Member and the deputy was regulated by the Act on the Public Prosecutor's Office (No. 283/1993 Coll. as amended) and their powers were established by the following laws:

- the Code of Criminal Procedure (No. 141/1961 Coll. as amended),
- the Act on the Public Prosecutor's Office,
- the Order of the Ministry of Justice on the Rules of Procedure of Public Prosecutor's Offices (No. 23/1994 Coll.),
- the General Instruction of the Supreme Public Prosecutor on international judicial assistance in criminal matters (No. 1/2011 as amended).
- Rules of Organisation and Approbation of the Supreme Public Prosecutor's Office.

Therefore, according to the Czech authorities, the National Member at Eurojust could carry out all tasks necessary for the functioning of the national desk at Eurojust and give considerable help to practitioners in the Czech Republic.

The role of national correspondents for Eurojust is regulated by the Provision of the Supreme Public Prosecutor on National correspondents and their Expert Teams (No 2/2013), dated 12 March 2013.

The Act on International Judicial Cooperation in Criminal Matters (No. 104/2013 Coll., hereinafter referred to as the IJCCM Act), which entered into force on 1 January 2014 implements the Council Decision of 2002 and the Eurojust Decision (Sections 21-33). In addition, on 16 December 2013 the Supreme Public Prosecutor issued a new General Instruction for the further practical use of public prosecutors (No. 10/2013), which came into effect on 1 January 2014 and accompanies the IJCCM Act.

The powers of the National Member and his/her deputy are explicitly regulated by the IJCCM Act. Since the law establishes that the National Member should be a prosecutor of the Supreme Public Prosecutor's Office, his/her powers within the prosecutor's offices are also provided for in the Act on the Public Prosecutor's Office, in the Order of the Ministry of Justice on the Rules of Procedure of Public Prosecutor's Offices and in the General Instruction of the Supreme Public Prosecutor, as well as in the Provision of the Supreme Public Prosecutor on National Correspondents and their Expert Teams.

3.1.2. Council Decision 2008/976/JHA on the European Judicial Network

Prior to 1 January 2014, there was no explicit statutory implementation of the Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network repealing Joint Action 98/428/JHA.

However, officials from the Ministry of Justice and prosecutors from the International Affairs Department of the Supreme Public Prosecutor's Office specialising in international cooperation were appointed as EJM contact points.

The IJCCM Act implements the Council Decision 2008/976/JHA (Section 34) and is accompanied by the Supreme Prosecutor Public Prosecutor's Office General Instruction on international judicial assistance in criminal matters (No 10/2013). At the time of the evaluation the Instruction on judicial cooperation in criminal matters (No 104/03) issued by the Ministry of Justice were being revised to also accompany the IJCCM Act.

3.2. Implementation of the Eurojust National Coordination System

3.2.1. Eurojust National Coordination System (ENCS)

As from 1 January 2014, the ENCS is provided for in the IJCCM Act (Section 27). However, even prior to the implementation of the legal provisions concerned, the ENCS was in practice established in the Czech Republic.

The core of the ENCS is based at the Supreme Public Prosecutors Office since the majority of cases involving Eurojust are in the pre-trial stage of the criminal proceedings.

Regular meetings are organised by the Supreme Public Prosecutor's Office with representatives of the Police Presidium of the Czech Republic, the International Police Cooperation Division, particularly from the 1st section – International Searches, Permanent Service and Urgent Operations (SIRENE, Interpol), since the SIRENE office is responsible for the SIS in the Czech Republic (including communication of EAWs, cross-border surveillance and controlled deliveries).

Individual meetings with contact points for OLAF and the Customs General Directorate of the Czech Republic are conducted on *ad hoc* basis.

Judges are not part of the ENCS and not involved in its work.

3.2.2. *National correspondents*

The IJCCM Act covers matters relating to appointment and dismissal of national correspondents for Eurojust.

According to section 25 of the IJCCM Act, the national correspondent for Eurojust and the national correspondent for terrorism (and possibly other national correspondents selected for other fields) are appointed with their consent upon a petition of the National Member by:

- a) the Minister of Justice, from the ranks of judges or employees of the Ministry,
- b) the Supreme Public Prosecutor, from the ranks of public prosecutors,
- c) the President of Police, from the ranks of members of the Police of the Czech Republic.

So far, only one national correspondent for Eurojust has been appointed – the Director of the International Affairs Department of the Supreme Public Prosecutor's Office. This choice is explained by statistics showing that the majority of cases for Eurojust relate to pre-trial proceedings. The national correspondent and her deputy within prosecutor's offices are appointed by the Supreme Public Prosecutor from among the public prosecutors of the Supreme Public Prosecutor's Office.

There are also national correspondents for particular areas of criminal law in the Czech Republic, who cooperate with the Czech national Desk at Eurojust. These are:

- a) national correspondent for Eurojust, European Judicial Network and for Joint Investigation Teams;

- b) national correspondent for terrorism, extremism, extraordinary events, protection of cultural assets and crime against the environment; strategy of combating terrorism and extremism, strategy of combating organised crime;
- c) national correspondent for genocide, crimes against humanity, war crimes and other crimes not subject to the statute of limitations;
- d) national correspondent for combating corruption and money-laundering and for searching and draining proceeds of crime; and national strategy for combating corruption;
- e) national correspondent for combating trafficking in human beings, abuse of women and children, illegal migration and employment and for the protection of rights of victims of crime; national strategy of prevention of violence against children, strategy of prevention of crime;
- f) national correspondent for combating financial and cybernetic crime, protection of interests of EC and rights to incorporeal assets; national strategy of information security (cybernetic threads), national strategy against fraudulent conduct harming financial interests of the EC;
- g) national correspondent for drug and pharmaceutical crime and crime in healthcare departments and national anti-drug policy strategy.

The national correspondents provide the National Member with information necessary for carrying out his/her activities in Eurojust and exchange important findings in the field, which they were appointed for.

The tasks of national correspondents within the public prosecutors' offices are set out in section 27 of the IJCCM Act and by the Provision of the Supreme Public Prosecutor of 12 March 2013 on National Correspondents and their Expert Teams (No. 2/2013).

The provision states that the national correspondents and their expert teams are, within the scope of their activity, the guarantors of interdepartmental cooperation and cooperation with foreign countries, and that they analyse case law and expert publications and participate in the drafting of questionnaires and in educational activities, in particular those conducted by the Judicial Academy.

The activities of national correspondents and their expert teams are governed and coordinated by the Deputy of the Supreme Public Prosecutor. Directors of Departments of the Supreme Public Prosecutor's Office have to provide them with necessary cooperation.

The names of prosecutors who are the national correspondents or their deputies are published on the extranet of the Supreme Public Prosecutor's Office.

3.2.3. Operation of the ENCS and connection to the CMS

The Czech Republic has put in place a centralised ENCS, which seems to work very well in practice.

There are a number of experts in the Czech Republic who communicate with Eurojust on a daily basis concerning their cases. These experts also participate in regular meetings of the ENCS.

There are also regular meetings of national correspondents from the Supreme Public Prosecutor's Office, organised by the Deputy of the Supreme Public Prosecutor. Likewise, there are regular meetings of specialists for international cooperation, organised by the national correspondent for Eurojust, European Judicial Network and for Joint Investigation Teams - the Director of the International Affairs Department of the Supreme Public Prosecutor's Office.

These meetings are usually held twice a year. Participants in these meetings are:

- the EJM contact points from International Affairs Department of the Supreme Public Prosecutor's Office and from the International Department for Criminal Matters of the Ministry of Justice,

- representatives of the Police Presidium of the Czech Republic, International Police Cooperation Division, particularly from the 1st section – International Searches, Permanent Service and Urgent Operations (SIRENE, Interpol),
- prosecutors specialising in international cooperation in criminal matters from both High and all Regional Prosecutor's Offices in the Czech Republic,
- the Czech National Member at Eurojust and / or his deputy.

Direct connection between members of the ENCS and the Case Management System (CMS) has not been technically possible yet.

According to the Czech authorities, such a connection has not been needed yet for practical reasons. If there is a need for cooperation with Eurojust, the competent authorities request assistance from the national desk. This results from the legal obligation to cooperate with Eurojust only via the National Member (Section 28(1) of the IJCCM Act).

The Czech Republic has established a secured connection between the domains "justice.cz" and "eurojust.europa.eu" via s-Testa. Any email sent between these domains is transmitted via secured channels (the memorandum of understanding on the establishment of a secure connection between Eurojust and the Czech Republic was signed on 19 August 2013).

3.2.4. Cooperation of the ENCS with the Europol national unit

There is no practical experience regarding cooperation by the ENCS with the Europol National Unit. The Europol National Unit in the Czech Republic is responsible for conveying operational police data to Europol and there is no judicial supervision over such activity.

The more natural partners for the ENCS are the representatives of SIRENE or Interpol, who are responsible for communication of EAWs via SIS. The SIRENE office situated within the International Police Cooperation Division (IPCD) at the Police Presidium is also responsible for communicating information on practical cases concerning cross-border surveillance and controlled deliveries (judicial approval of such a cooperation is provided by prosecutors and its practical execution is handled by police). The SIRENE office is regarded by the Czech authorities as efficient and well organised, though not well staffed.

3.3. National desk at Eurojust

3.3.1. Organisation

The national desk at Eurojust currently consists of the National Member, his deputy, a seconded national expert (SNE) and an administrative assistant. All the persons mentioned have their seat of work at Eurojust in The Hague.

The national desk has been supported by seconded practitioners. Five SNEs have worked for a period of six months each at Eurojust and six trainees have visited Eurojust to date.

3.3.2. Selection and appointment

In accordance with the law, the National Member and his/her deputy are appointed, with their consent, upon a petition of the Supreme Public Prosecutor by the Minister of Justice, from the ranks of public prosecutors assigned to hold the office at the Supreme Public Prosecutor's Office and with professional and language skills and experience sufficient to provide a guarantee for due performance in office.

Both the National Member and his/her deputy are also removed from office by the Minister of Justice upon a petition of the Supreme Public Prosecutor (Sections 21(2), 22(2) of the IJCCM Act). The term of office of the National Member is four years and may be renewed (Section 21(3) of the IJCCM Act).

The assistant of the National Member is appointed with his/her consent upon a petition of the National Member by the Minister of Justice from the ranks of judges or employees of courts, public prosecutors or other employees of the public prosecutor's office or employees of the Ministry with professional and language skills and experience sufficient to provide a guarantee for due performance in office. The assistant is also removed from office by the Minister of Justice upon a petition of the Supreme Public Prosecutor. The term of the office of the assistant of the National Member is four years and may be renewed (Section 22(3) of the IJCCM Act).

The National Member is obliged to report quarterly in writing on the activities of the Czech desk. The report is addressed to the Minister of Justice, the Supreme Public Prosecutor, his deputies and the Director of the International Affairs Department of the Supreme Public Prosecutor's Office.

3.3.3. Powers granted to the national member

3.3.3.1. General powers

In 2004 the National Member and his/her deputy were granted general powers, which they possess as public prosecutors of the Supreme Public Prosecutor's Office. Both retain their status of domestic public prosecutors while appointed to Eurojust. The same applies to the assistant, who retains all powers resulting from his/her office at the national level.

Since 1 January 2014, the powers of the National Member (and deputy or assistant when acting on behalf of the National Member) are stipulated by the IJCCM Act (Section 29).

Under the Art. 6(2) of the Rules of Organisation and Approbation of the Supreme Public Prosecutor's Office, in the fulfilment of their tasks the National Member and his/her deputy exercise the authority of the International Affairs Department of the Supreme Public Prosecutor's Office.

Therefore, the National Member has the same powers as other prosecutors of the Department. The powers of the International Affairs Department are established in the following national legislation, besides international treaties (i.e. declarations to these treaties):

- Chapter 25 of the Penal Procedure Code (No. 141/1961 Coll. as amended). These provisions will be in effect till the end of 2013. Since 1 January 2014, the entire Chapter 25 of the Code was replaced by the IJCCM Act;
- the Public Prosecutor's Office Act (No. 283/1993 Coll., as amended);
- the Order of the Ministry of Justice on Rules of Procedure of Public Prosecutor's Offices (No. 23/1994 Coll., as amended);
- the General Instruction of the Supreme Public Prosecutor on international judicial assistance in criminal matters (No. 1/2011 as amended), dated 21 January 2010. As of 1 January 2014, the General Instruction was replaced by the General Instruction No. 10/2013.

3.3.3.2. Access to national databases

Generally, the prosecutors in the Czech Republic have access to all databases concerning criminal proceedings. These are:

a) Police databases

There is a central database of suspected or accused persons and victims in the Czech Republic, as well as specialised police databases, e.g. the databases of stolen cars, stolen work of art, DNA samples and finger prints. The prosecutors have no online access to these databases, but may receive information following a request via the police if they need it to fulfil their official duties.

b) Prosecutors' databases

On request, prosecutors have access to the registers of all Prosecutors' Offices. Every office has its own register. The Prosecutors' Offices also have a centralised database of prosecuted persons in the Supreme Public Prosecutors' Office, which is the administrator of that database.

c) Court databases

There is no online central database for courts. Every court has its own register of criminal matters. On request, prosecutors may acquire information from court registers.

d) Specialised databases

Prosecutors may request information from the Register of incarcerated persons (i.e. persons who are in pre-trial or trial detention or persons serving the imprisonment sentence). Prosecutors have no online access to this database, but can request such information.

Prosecutors can also request information from the judicial records (registers concerning sentenced persons) under the same conditions.

The National Member, being a prosecutor, may have access to the above-mentioned databases.

3.3.4. Access by the national desk to the restricted part of the CMS

All members of the Czech desk (including the administrative assistant) have been granted access to the restricted part of the CMS by decision of the National Member.

There are no rules regulating access to the CMS. This practice is motivated by practical needs and results from the fact that all members of the Czech desk work with the CMS on a daily basis.

3.4. EJM contact points

3.4.1. Selection and appointment

Prior to 1 January 2014, EJM contact points were appointed by the Directors of the International Department for Criminal Matters of the Ministry of Justice and the Supreme Public Prosecutor's Office.

EJM contact points are now appointed and dismissed by the Minister of Justice from the ranks of judges, public prosecutors and employees of the Ministry. In selecting and appointing contact points, the Minister takes into account their professional and language skills and experience. In the case of public prosecutors, the Minister will select and appoint the EJM contact points upon a petition of the Supreme Public Prosecutor (Section 34(2) of the IJCCM Act).

The Minister of Justice will also appoint a national correspondent for the EJM, selected from the EJM contact points (Section 34(3) of the IJCCM Act).

At present there are 15 contact points in the Czech Republic. All EJM contact points come from either the Ministry of Justice (the International Department for Criminal Matters) or the Supreme Public Prosecutor's Office (International Affairs Department).

None of the Czech contact points come from the territorial or local level of the prosecution system. No judges are appointed as EJM contact points. Thus, the system of requesting and providing legal assistance is very centralised with regard to assistance provided by EJM contact points.

3.4.2. Practical operation of the EJM contact points in the Czech Republic

According to the Czech authorities, the legally vested powers of both authorities in the field of judicial cooperation and centralisation of specialisation and knowledge of all contact points constitute a guarantee that the contact points are capable of effectively coordinating international cooperation throughout the territory of the Czech Republic.

All EJM contact points can also provide direct support to judges and prosecutors dealing with international cooperation. The contact points assist their judicial authorities with various tasks, inter alia with locating competent authorities in other states, researching relevant legal regulations of other states and speeding up cooperation when requested authorities do not react in due time.

Contacts with the EJM contact points are usually informal. The Czech authorities reported that every EJM contact point in the Czech Republic can generally be reached by email, telephone or fax. To speed up the process, the responses of the EJM contact points are also generally delivered by email or fax. The contact points cooperate in the same way with the EJM contact points from other Member States, Eurojust and liaison magistrates.

The EJM national correspondent as the tool correspondent is located in the International Department for Criminal Matters of the Ministry of Justice and is responsible for continuously updating the information collected on the EJM website.

3.5. Conclusions

3.5.1. Formal (legislative) implementation process

- The Eurojust Decision was not formally implemented by legislation until 1 January 2014. The provisions on judicial cooperation were placed in Chapter XXV of the Code of Criminal Procedure. The Czech authorities considered that new legislation was needed to implement all the obligations included in the Eurojust Decision.
- On 1 January 2014, the IJCCM Act came into force. This new Act is a coherent and comprehensive transposition of a large number of EU instruments regarding judicial cooperation, including the Eurojust Decision, into national law by means of a single piece of legislation. It forms a solid basis for international and EU cooperation in criminal matters.
- The IJCCM Act is accompanied by binding instructions for public prosecutors issued by the Supreme Public Prosecutor. At the time of the evaluation the Instructions on judicial cooperation issued by the Minister of Justice were under revision to accompany the new IJCCM Act.
- The content of the IJCCM Act has been made easily available to all prosecutors and judges by publication on the extranets of the SPPO and the Ministry of Justice. However, it appeared during the visit that there was a need for continuous in-depth training on the IJCCM Act.
- The National Member and his deputy were appointed from the prosecutors of the SPPO dealing with mutual legal assistance in criminal matters. Their powers and appointments were regulated by several pieces of primary and secondary legislation, including the 1961 Czech Criminal Procedural Code and the 1993 Act on the Public Prosecutor's Office and since 1 January 2014 are regulated by the IJCCM Act.

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

- There is a strict division of powers in relation to investigative and prosecutorial tasks between the police and the prosecutor's office.
- The police decide on launching investigations and are obliged to gather evidence. The police are obliged to follow the instructions of prosecutors on how the investigation should be carried out. The prosecutors have exclusive jurisdiction to bring an accusation before the court if there is sufficient evidence to charge a person concerned.
- If mutual legal assistance is needed, the relevant action has to be undertaken by prosecutors. Therefore, the police are more orientated towards cooperation with Europol, whereas cooperation with Eurojust and with the EJM is mainly left to the prosecutors, who have sole authority to send MLA requests in the pre-trial stage.
- Nevertheless, the SIRENE office deals with international searches and urgent exchanges of information and keeps SIS operational. According to the Czech authorities, the human resources allocated to the office seem inadequate for its role.

3.5.3. *The National desk at Eurojust*

- The composition of the national desk at Eurojust complies with the requirements of the Eurojust Decision.
- The members of the national desk are all experienced practitioners. The National Member and his deputy were selected from the SPPO prosecutors, on the basis of their experience and their professional and language skills. Both retained their powers as Supreme Public Prosecutors and therefore can exercise the powers required by the Eurojust Decision.

- The National Member and his deputy have been granted the ordinary powers listed in Article 9b of the Eurojust Decision. Moreover, they are granted the power to enter into JIT agreements on behalf of their national authorities.
- The Evaluation Team also noted that the National Member has not been granted the power to draft and supplement MLA requests by the IJCCM Act unless the case is urgent. The Eurojust Decision does not link the power to issue and complete a request for judicial cooperation with the urgency of the case. Whilst this appears to contradict the general practical approach applied to the powers granted to the Czech National Member, the National Member explained that this is unnecessary in non-urgent cases and raises issues about who controls a particular prosecution.
- The national desk carries out its tasks very well. The feedback received from practitioners as to the support offered by Eurojust is very positive. The assistance provided by the Czech national desk at Eurojust is regarded as prompt, continuous and beneficial. The National Member and his deputy are seen as experienced prosecutors, who are competent, trustworthy and easily approachable.
- The national desk welcomes seconded national experts (SNEs) and trainees from the prosecution service. This ensures that the members of the prosecution service gain positive exposure to the work of Eurojust.
- The Evaluation Team was informed that judges would also be interested in being seconded to Eurojust; unfortunately, difficulties exist in finding financial resources to support such secondment.

- Since judges are also involved in MLA, in the opinion of the evaluators, this could be reflected in the composition of the national desk. However, taking into account the scale of such cooperation, consideration could be given to appointing judges as seconded experts or assistants to the National Member, to spread knowledge and experience amongst judges in the Czech Republic.
- The statistics indicate a good level of activity at the Czech desk, especially in cases of fraud (including VAT fraud) and drug trafficking.

3.5.4. *Implementation of the ENCS*

- The ENCS has been created and the status of the national correspondents is regulated by way of the Provision of the Supreme Public Prosecutor on National Correspondents and their Expert Teams dated 12 March 2013.
- Only one national correspondent for Eurojust has been appointed in the person of the Director of the International Affairs Department of the SPPO .
- There are several national correspondents designated among prosecutors who are responsible for facilitating the tasks of the National Member in specific crime areas, including not only terrorism, but also areas such as trafficking in human beings, cybercrime, economic crimes, drug related and pharmaceutical crimes .
- The names of the prosecutors designated as national correspondents are published on the extranet of the SPPO.

- Regular meetings of the ENCS are organised every six months by the Deputy Prosecutor General. The National Member is invited and usually attends them. Additionally, the National correspondent for Eurojust organises twice-yearly meetings of the MLA specialists from the High Prosecution Offices and from the Regional Prosecution Offices. The EJM contact points are also invited to attend these meetings together with representatives of the Police Presidium of the Czech Republic.
- The judges are not involved in the ENCS. The explanation given to the Evaluation Team focused on the prevalent involvement of prosecutors in mutual legal assistance and cooperation with Eurojust and the lesser role which judges play in practice in this regard.

3.5.5. *Connection to the CMS*

- The Czech legislation provides for access to CMS to all members of the ENCS. However, a direct connection between the ENCS and CMS has not been established yet, due to technical problems.

3.5.6. *EJM*

- The legislative implementation of the EJM Decision was completed on 1 January 2014, when the IJCCM Act came into force.
- As regards practical implementation, the Czech authorities chose a centralised system of EJM contact points selected from the SPPO and the Ministry of Justice. They were connected especially to advantages of centralisation and specialisation as well of supervision of language skills. Despite these arguments the experts consider that the system is very centralised.

- No ordinary prosecutors or judges have been selected to act as EJM contact points, although the legal framework provides this option. In the view of the evaluators, judges should be more involved in mutual legal cooperation in the Czech Republic, and one of the possible solutions could be appointing a judge as the EJM contact point. This might encourage foreign judges to contact their counterparts in the Czech Republic.
- Information about the EJM, including a list of the EJM contact points appointed in the Czech Republic, can be found on the extranets of the SPPO and of the Ministry of Justice.

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4. EXCHANGE OF INFORMATION

4.1. Exchange of information from judicial and law enforcement authorities to Eurojust

4.1.1. Databases relevant for information exchange with Eurojust

The National Member has been provided *in principle* with indirect access to the following databases:

- a) police databases
- b) prosecutors' databases
- c) courts' databases
- d) specialised databases (specified under point 3.3.3.2)

From the perspective of the Czech national desk at Eurojust, access to these registers is deemed to be sufficient to fulfil the tasks of Eurojust.

4.1.2. Obligation to exchange information under Article 13(5) to (7)

Since the IJCCM Act entered into force, an obligation to exchange information has been legally established. Before this date the national desk had not received information on the basis of the Article 13 of the Eurojust Decision. However, according to the Czech authorities, the Czech desk received information about all JITs set up with the involvement of the Czech authorities (in fact all investigations in which a JIT was set up have been registered at Eurojust).

In addition, the Czech authorities pointed out that many cases referred to the Czech desk by national authorities for assistance met the criteria of Art. 13 of the Eurojust Decision. Thus, the required information had been already received.

Currently, Section 30 of the IJCCM Act sets out conditions for exchange of information with Eurojust.

The required information should be provided directly to Eurojust. This obligation has been imposed on prosecutors and judges dealing with criminal cases requiring such an exchange in the first level.

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

The national correspondent for terrorism, who is a member of the ENCS at the judicial level, regularly updates the national member on prosecutions for terrorist offences. The national member is also informed about investigations for terrorist offences by the correspondent for terrorism at the police level. The police correspondent is an officer of the specialist Police Unit for Detection of the Organised Crime, which deals with all investigations for such crimes in the Czech Republic. Such information is provided in a centralised manner.

4.1.4. Channels for information transfer to Eurojust

Information can be generally sent by all means of communication (fax, email, post). The Article 13 template developed by Eurojust should be used by practitioners when informing Eurojust. The template is available at the extranet of the Ministry of Justice and the SPPO for download and further use. Prosecutors and judges are expected to prefer to send it by email since the communication is secured by s-Testa.

4.1.5. Exchange of information on the basis of Article 13(5) to (7) of the Eurojust decision

Since the legislation imposing an obligation to exchange information entered into force only on 1 January 2014, no relevant feedback is available in this regard.

However, according to the statistics provided by Eurojust, 3 cases falling under Article 13 of the Eurojust Decision have been registered in 2011 and 4 in 2012 (the Czech authorities have also participated in 17 JITs).

Additionally, a Memorandum of Understanding on the Establishment of a Secure Connection between Eurojust and the Czech Republic was signed on 19 August 2013. Based on this memorandum, a connection between the domains "justice.cz" and "eurojust.europa.eu" has been established, which permits the secure transmission of emails.

4.2. Feedback from Eurojust

The Czech authorities reported that any time a judge or a prosecutor contacts the National desk at Eurojust, he/she receives feedback – information as to whether there is a link with other cases registered in the CMS and/or how Eurojust will deal with the case.

4.2.1. Qualitative perception of the information flows between Eurojust and the Czech Republic

The Czech Republic has maintained direct contacts between the Czech desk at Eurojust and the national law enforcement and judicial authorities since 1 May 2004.

Cooperation between the Czech desk at Eurojust and the national law enforcement and judicial authorities is regarded as being fundamentally very good and beneficial. Communication is conducted by all available means, with email communication predominant. Prompt, direct, continuous and trustworthy exchange is essential for the work of the Czech national desk.

4.2.2. Practical or legal difficulties encountered when exchanging information with Eurojust

The Czech National Member pointed out a number of difficulties that are likely to appear in processing and analysing information sent by Czech prosecutors and judges under Article 13 of the Eurojust Decision. Currently there is no Czech-speaking analyst at Eurojust and not all Czech prosecutors and judges will be able to fill in the Article 13 of the Eurojust Decision templates in English.

4.2.3. Suggestions for improving information exchange between the Czech Republic and Eurojust

To date there have been no problems in cooperation with Eurojust. However, according to the Czech authorities, Eurojust could review the real added value of sending information in accordance with Article 13 of the Eurojust Decision, since the conditions for exchanging information are too complex and the required data can only be stored for a very limited period of time (at most 3 years if necessary for fulfilling Eurojust tasks). Therefore, Eurojust will never have all the relevant data in order to provide complete and reliable feedback. A much longer period would be necessary.

Furthermore, it involves extra work for prosecutors and judges and the added value for practitioners seems to be very questionable.

From the Czech perspective, it would be much more helpful if Eurojust supported the initiative to create anonymous ("hit - no hit") interlinks between Member States' databases of prosecuted persons. Such an approach would mean no additional burden for prosecutors and judges, since it is the task of administrative staff to submit data into these domestic databases. Such interlinking between databases could help judicial authorities to discover whether a person is also being prosecuted in another Member State (particularly in cases where an accused person does not cooperate - i.e. he/she is evading justice) and it could help prevent conflicts of jurisdiction between Member States much more efficiently than Article 13 of the Eurojust Decision (see Art. 82(1)(b) of the Treaty on the Functioning of the European Union).

4.2.4. *The E-POC project*

The E-POC IV project raised discussion on data sharing between the Member States, especially with regard to problems with interconnecting different national IT systems. One of the most beneficial outcomes of this effort is the continuous work on a common data dictionary, which can be used as a reference for future implementations of communication.

On the other hand, there are no plans to use the software product E-POC IV itself, because for the needs of the Czech national authorities the software is too complicated from the end-user's perspective. However, the E-POC IV software brought some benefits, which have the potential to be useful in the future (e.g. interconnecting Member States to EJ CMS system).

4.3. **Conclusions**

- The Council Decision 2005/671/JHA has been implemented by the Czech authorities.
- The national correspondent for terrorism is a member of the ENCS and regularly updates the National Member on prosecutions in cases involving terrorist offences. Terrorism-related information is also sent to the National Member by the correspondent for terrorism at police level.
- The actual implementation of Article 13 of the Eurojust Decision took place only on 1 January 2014 when the IJCCM Act came into force. Until that date, there was no legal basis for sending Article 13 information to Eurojust unless a prosecutor or court asked Eurojust for assistance in the given criminal matter.

- Nevertheless, some information based on Article 13 of the Eurojust Decision was being sent to Eurojust, including information on JITs and all requests for assistance sent by national authorities that met the criteria of Article 13 of the Eurojust Decision.
- According to the Czech desk, not all information on JITs sent by the Czech authorities was reflected in the Eurojust CMS as information under Article 13 of the Eurojust Decision since the CMS does not allow to register the criminal matter simultaneously as a JIT matter and as an Article 13 matter, and is consequently not reflected in the statistics kept by the Case Analysis Unit in this respect.
- The National Member always gave feedback to those who sent inquiries to the national desk at Eurojust. There seems to be good communication between the National Member at Eurojust and the national authorities.
- The Evaluation Team took note that the obligation under Article 13 of the Eurojust Decision will be implemented in a decentralised manner.
- It is mandatory for all prosecutors and judges to send information under Article 13 of the Eurojust Decision to the Czech national desk at Eurojust directly using the template developed by Eurojust. It should, however, be judged in practice to what extent the practitioners are aware of this obligation and whether they use it in all cases, given their scepticism as to its usefulness.
- The Czech National Member pointed out a number of difficulties that are likely to appear in processing and analysing information sent by Czech prosecutors and judges under Article 13 of the Eurojust Decision. Currently there is no Czech-speaking analyst at Eurojust and not all Czech prosecutors and judges will be able to fill in the Article 13 of the Eurojust Decision templates in English.

5. OPERATIONAL ASPECTS

5.1. Statistics

The statistics provided by Eurojust show that in 2012 the Czech Republic was registered as a requesting country in 69 cases (11 cases had a multilateral dimension and 58 a bilateral dimension) and as a requested country in 53 cases.

According to the statistics provided by the Czech desk of its activity in 2013, there had been 68 cases registered in which the Czech Republic was requested and 76 in which it was requesting.

As regards coordination meetings, the Czech Republic requested them to be convened in 2012 in nine cases and was requested to participate in coordination meetings in seven cases. According to the statistics provided by the Czech desk regarding coordination meetings in 2013, there had been 12 cases registered in which the Czech Republic was requested and seven in which it was requesting.

5.2. Practical experience in relation to Eurojust

The International Affairs Department of the Supreme Public Prosecutor's Office is informed by the Czech desk about cases registered at Eurojust with relevance to the Czech Republic (both the Czech Republic as requesting and requested state). The information includes data on the countries involved, suspects, domestic case reference numbers and the nature of the assistance requested. This practice has been developed mainly to avoid duplication of activities, since the International Affairs Department of the Supreme Public Prosecutor's Office is the central authority for international judicial cooperation in criminal matters at the pre-trial stage of criminal proceedings. At the same time, most of prosecutors working in the Department are EJM contact points. The Czech desk has kept statistics on cases since joining Eurojust.

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

The choice whether to refer a case to Eurojust or to the EJM seems to be clear and easily made by practitioners. The IJCCM Act contains the criteria for referring the cases to Eurojust/the EJM.

The prosecutors and judges may use the EJM contact points *inter alia* for the following purposes:

- finding the authority responsible for execution of a request for international cooperation in another Member State,
- consultation of the content of the request,
- urging the execution of the request,
- finding out legal requirements of another Member State that might be relevant for smooth execution of the request,
- any other consultation of cases relating to international cooperation in criminal matters.

The prosecutors and judges can use the Czech desk at Eurojust for the same purposes as described above in relation to the EJM contact points. The difference is that the assistance of the national desk is usually requested in more complex cases and furthermore for the organisation of coordination meetings. The Czech desk may also assist in less serious cases, provided that a foreign EJM contact fails – as a last resort.

The Ministry of Justice of the Czech Republic provides information on the scope of the activities of both Eurojust and the EJM on its extranet.

Extranets serve, both at the SPPO and at the Ministry of Justice, to assist judges and prosecutors dealing with matters regarding international judicial cooperation. The extranets are very comprehensive and contain information which is shared between the two institutions. For example, a detailed handbook for prosecutors is published on the extranet of the SPPO, containing more than 30 annexes and almost 40 templates designed to facilitate the work of prosecutors in the area of judicial cooperation. Practitioners make use of the information on the extranet and find it useful.

In the view of the evaluators, the large amount of information displayed on the extranet is very useful but needs to be regularly updated.

Even though legal solutions regarding allocation of cases have only recently been established, the Czech authorities reported no problems in practice in allocating cases to the Czech desk at Eurojust and/or to the Czech EJM contact points in the past.

Nonetheless, the Czech authorities suggested that Eurojust should consider focusing its resources on identifying problems in cross-border judicial cooperation and drafting guidance to address these issues. Furthermore, the opening and following up of operational and strategic topics at the College of Eurojust was seen as a good practice.

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

Generally, the Czech authorities first make an inquiry to the Czech desk as to whether Eurojust might provide any assistance in the particular case. At that stage it occasionally happens that the national authorities are advised to ask the EJM for further support if the case is more suited to be facilitated by the EJM. Nevertheless, information about Eurojust is already widespread and personal contacts are established, so the Czech authorities are well aware of what kind of assistance Eurojust can provide.

If the issue is accepted as a case for Eurojust, the nature of the case and of the requested assistance is discussed. The needed information is often already mentioned in the cover email from the Czech authority. Depending on the complexity of the matter, the nature of the request, and whether personal data is received, the Czech desk will open a Temporary Work File (TWF) in order to register the case at a College meeting and meet Eurojust colleagues of the other Member States concerned in order to consult with them.

Where the matters/questions involved are more easily surveyed, the Czech desk will simply address the colleague(s) of the other Member States concerned and further continue with written exchanges including chaser messages and others.

The National Member and his deputy participate in the handling of every request received at Eurojust that involves the Czech Republic, discussing with and consulting the competent prosecutor and personally exploring the case with the desk of the other country or countries involved.

If needed or even directly requested by the Czech authorities, the Czech desk will suggest a coordination meeting (Level III meeting). Before an official invitation is issued, a meeting with national desk(s) concerned at Eurojust (Level II meeting) takes place regularly to consult about legal and practical issues and necessity of the Level III meeting. Careful preparation of the coordination meeting is the essential prerequisite for the success of the coordination meeting.

In cases where the assistance of the Czech desk is requested by another Member State, the competent Czech authorities are contacted. Where it is not apparent which or even whether any Czech authority is competent, the registers to which the National Member has access are used.

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

The Czech desk at Eurojust is asked for assistance in a wide range of cases. Based on experience, it is very difficult to distinguish between a simple and a complex case. A request in a very complex domestic investigation does not automatically mean complex intervention by Eurojust and vice versa. Eurojust is mostly asked for intervention in pre-trial investigations in order to speed up execution of MLA requests in investigations for serious offences or when the case is particularly urgent (e.g. persons are kept in custody, danger of statute of limitations, controlled deliveries etc.).

However, the recent trend is that Eurojust is being asked for intervention in cases which are indeed very complex and sensitive, requiring the organisation of coordination meetings, and in cases in which a JIT might be set up or at a very early stage, even before the MLA requests have been sent abroad. In such cases, the Czech desk assists with drafting of MLA requests and with ascertaining possible risks at the early stages of the proceedings.

Furthermore, the National Member is obliged to report quarterly in writing to the Minister of Justice and the Supreme Public Prosecutor, his deputies and the Director of the International Affairs Department of the Supreme Public Prosecutor's Office on the activities of the Czech national desk. Where appropriate, these reports propose ways of improving cooperation between the Czech national desk and the Czech national authorities.

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

- ORDINARY POWERS (ARTICLE 9b)

The ordinary powers set out in Article 9b of the Eurojust Decision were conferred upon the National Member of the Czech Republic. The Czech authorities reported that the National Member had such powers even before the entry into force of the Eurojust Decision.

- POWERS EXERCISED IN AGREEMENT WITH A COMPETENT NATIONAL AUTHORITY (ARTICLE 9C);

The MLA requests and investigative measures in particular criminal cases are usually dealt with by the competent prosecutors and/or judges since they have responsibility for the case and full knowledge of the files. According to the Czech authorities, the extensive powers granted to the National Member allow the Czech desk to function effectively.

- POWERS EXERCISED IN URGENT CASES (ARTICLE 9D (B));

The National Member does not have powers to authorise controlled deliveries, which is the sole prerogative of the Regional Prosecutor's Office in Prague.

According to Section 29(2) of the IJCCM Act, in urgent cases the National Member may draft or supplement a request for legal assistance for the purposes of international judicial cooperation, on the basis of a written authorisation from the public prosecutor performing supervision in pre-trial proceedings or the presiding judge in trial proceedings. The authorisation must meet the requirements referred to in Section 41(1) of the IJCCM Act to the extent necessary for elaboration or supplementation of the request for legal assistance.

- DEROGATORY ARRANGEMENTS, IF APPLICABLE (ARTICLE 9E);

The National Member (as the prosecutor from the highest level of prosecutor's office) is not competent to make decisions of first-level prosecutors (there would not be an appeal possible with respect to his decision) and decisions on investigative measures that have to be decided by a court.

According to the Czech authorities, there is no practical need for such powers, since the National Member can always contact the competent authorities in the Czech Republic.

The National Member is not empowered to authorise controlled deliveries for practical reasons and also because of functional division of tasks between prosecution authorities (the sole competence of the Regional Prosecutor's Office in Prague).

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

The Czech authorities did not report any experience with regard to Article 7 of the Eurojust Decision.

5.4. Practical experience related to coordination meetings

5.4.1. Qualitative perception

According to the Czech authorities, coordination meetings are a vital tool of activity of Eurojust. Practitioners attending the coordination meetings greatly appreciate all the services provided by Eurojust: not only the simultaneous interpretation and travel costs coverage but also professional advice and support during the meetings.

5.4.2. Role of the ENCS

The ENCS has not been used in relation to the preparation of coordination meetings. The organisation of these meetings in Eurojust is within the remit of the Czech desk at Eurojust.

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

The Czech desk has been available 24/7 since before the OCC was introduced and it remains so.

Full contact details of the National Member and his deputy (including Czech service mobile phone numbers) are shared with practitioners to promote direct contacts and to make communication as easy as possible. Both the National Member and his deputy have Czech mobile phones and the costs of calls are paid by the Supreme Public Prosecutor's Office.

The introduction of the OCC had no impact vis-à-vis previous practice. The National Member has never received an OCC call. The National Member is the person most often formally on duty. The existence of the OCC has been widely communicated among judges and prosecutors and the OCC contacts have been promoted during regular training courses given by members of the national desk.

5.6. Conclusions

- The statistics of the Czech desk show a high level of activity and professional involvement on the part of the National Member and his collaborators.
- Cooperation between the Czech national authorities and Eurojust takes place in an entirely informal way, mainly by means of emails sent via secure channels (s-Testa). The entire chain of communications is also uploaded into the Eurojust Case Management System (CMS).
- In the view of the evaluators, the National Member enjoys a sufficient range of powers, taking into account the Czech criminal justice system.
- The Evaluation Team noted that cooperation between Eurojust and the Czech central authorities is very well organised. Daily contacts and good information flows take place between the National Member and the International Affairs Department of the SPPO. All cases handled by the Czech national desk at Eurojust (involving the Czech Republic as a requesting and requested country) are immediately communicated to the SPPO by the National Member to avoid any duplication of work.

- In addition, the National Member is obliged to report quarterly in writing about the activities of the Czech national desk to the Minister of Justice and the Supreme Public Prosecutor, his deputies and the Director of the International Affairs Department of the Supreme Public Prosecutor's Office.. These reports propose means of improving cooperation between the Czech national desk and the Czech national authorities. This should be recommended as best practice.
- The role of Eurojust is well known by practitioners. Section 28(1) of the IJCCM Act provides for an obligation to contact the National Member if cooperation between Eurojust and the Czech Republic is needed. Cases are referred to Eurojust in a decentralised way. This means that any prosecutor, judge or even police officer can contact the Czech national desk at Eurojust directly, and they are encouraged to do so.
- Eurojust is mainly asked to assist in the facilitation of the execution of MLA requests or in urgent cases. A positive trend has been noted recently, as more complex and sensitive cases are being referred to the Czech national desk, requiring coordination meetings and the setting up of JITs.
- Information about the kind of assistance Eurojust provides has been made widely available and seems to be well known by practitioners. Only occasionally was it found that the requests addressed to the Czech desk were better channelled through the EJM.
- Requests to Eurojust mostly come from public prosecutors during pre-trial proceedings. Recently, the requests have referred not only to the facilitation or speeding up of MLA requests, but also for assistance in very complex and sensitive cases.

- Judges are not often involved in judicial cooperation in the Czech Republic, so the number of requests they have addressed to Eurojust is relatively small. For example, in 2013 a total of 62 requests were sent by prosecutors, while judges requested the assistance of Eurojust in only 7 cases.
- The Czech authorities noted that this means that most issues are resolved during pre-trial proceedings. For example, when a judge needs to be involved in authorising coercive measures during the investigation phase, it is the responsibility of the prosecutor to contact the judge directly and to make sure that the MLA request is executed.
- Eurojust's coordination meetings are considered useful instruments for judicial cooperation, and the Joint Investigation Teams (JITs) set up with Eurojust's assistance are much used by the Czech authorities, with positive results.
- The Czech national desk was available on a 24/7 basis even before the introduction of the OCC. The National Member and his deputy have been provided by the SPPO with Czech mobile phone numbers to make communication with their national authorities easier and to avoid increased call charges for practitioners.
- As such, the use of the OCC has been very limited, as practitioners have not experienced difficulties in reaching the members of the desk even in urgent cases. Prosecutors and judges are nevertheless informed of the existence of the possibilities offered by OCC.

6. COOPERATION

6.1. Cooperation with EU agencies and others

Representatives of the Police Presidium of the Czech Republic from the International Police Cooperation Division, International Searches, Permanent Service and Urgent Operations (SIRENE, Interpol) are invited to every meeting of the ENCS for specialists in international cooperation in criminal matters. The communication in individual cases is effected *ad hoc* whenever necessary.

Where deemed useful, representatives of OLAF and Europol are invited to participate in coordination meetings at Eurojust. The Czech desk and Czech liaison bureau at Europol have developed close and very effective cooperation. Europol informs the national desk of operational meetings concerning matters handled by Europol which are of potential interest to Eurojust (the Czech desk also participates quite often in these meetings).

A prosecutor from the Department for Combating Serious Economic and Financial Crime at the Supreme Public Prosecutor's Office is the contact person for OLAF. Prosecutors from that department and from similar departments of the High Prosecutor's Office are also responsible for crimes against the financial interests of the EU.

There are regular meetings of these prosecutors in the Czech Republic. The director of the International Affairs Department of the Supreme Public Prosecutor's Office or other prosecutors from this department are usually invited to these meetings to present topical experience from the area of international cooperation. There are also *ad hoc* meetings or consultations on these matters if necessary.

As controlled deliveries can be also carried out by customs officials, *ad hoc* meetings are held between the ENCS and the General Directorate of Customs.

6.2. Cooperation with third states

6.2.1. Policy with respect to the involvement of Eurojust

International cooperation in criminal matters with third countries is regulated by multilateral and/or bilateral treaties ratified by the Czech Republic or on the basis of reciprocity under the IJCCM Act.

Incoming MLA requests are sent via the International Affairs Department of the Supreme Public Prosecutor's Office, which has specialised prosecutors for cooperation with third countries. The Supreme Public Prosecutor's Office is recognised as the central judicial authority for pre-trial proceedings in almost all international MLA treaties. If the cooperation is based on reciprocity, the International Affairs Department of the Supreme Public Prosecutor's Office arrange for legalisation if necessary and send outgoing MLA requests abroad via diplomatic channels.

Regular case consultations are organised by the International Affairs Department of the Supreme Public Prosecutor's Office and the International Department for Criminal Matters of the Ministry of Justice with the US and Ukraine.

The assistance of the national desk at Eurojust is not usually necessary, but some cases were facilitated by Eurojust thanks to its contacts in third states (e.g. typically IberRed countries).

According to the statistics provided by Eurojust, cases involving the Czech Republic and third states are not rare. For example, nine cases in 2010 involved third States, four in 2011, 13 in 2012 and 11 in 2013.

6.2.2. *Added value of Eurojust involvement*

The Czech Republic views coordination meetings as the flagship of Eurojust, where it is possible to discuss judicial cooperation matters.

There were coordination meetings held in 2013 attended by Czech authorities and involving US, Canadian and Swiss authorities. In the opinion of the Czech authorities, such meetings have always been useful.

6.3. **Practical experience of the EJM**

6.3.1. *Cooperation between the Czech member and the EJM*

In the Czech Republic, the total number of EJM contact points is not large, so all the contact points and the National Member know each other personally.

Direct consultations between the National Member and the EJM contact points are conducted *ad hoc* on a daily basis. There have never been any obstacles in such communication.

The statistics given by the National Member at Eurojust for 2013 show that out of 76 requests over the year from the Czech authorities, 62 were made by prosecutors, seven by courts and seven by police. The National Member explained that in some situations (about ten times a year) he advises the person to contact the EJM instead of Eurojust.

6.3.2. *Resources allocated domestically to the EJM*

Persons allocated to the EJM fulfil their tasks as part of their daily work with specialisation in international cooperation in criminal matters in the Czech Republic conducted in their own offices (i.e. the SPPO and the Ministry of Justice).

Since all the EJM contact points in the Czech Republic are located within the central judicial authorities specialising solely in international cooperation in criminal matters, they handle a vast number of cases every year. However, in practice it is very difficult to distinguish in a given case whether these persons are contacted merely as EJM contact points or as persons responsible for handling the cases to which they have been assigned in their offices.

6.3.3. Operational performance of EJM contact points

The work of the EJM contact points is praised by practitioners, who usually appreciate its promptness and informality compared to MLA requests. Communication within the EJM is usually successful, thanks to good personal contacts within the network.

In principle judicial authorities communicate directly with their counterparts in the other Member States and only in a case, where there is no direct contact provided for by EU/international legal instruments, the central authority can be requested to send such a request to another State.

Since no judges have been appointed as an EJM contact points, if judges need EJM assistance they usually turn to the Czech contact point in the Ministry of Justice and not to a foreign EJM contact point. In the view of the evaluators, appointing a judge as an EJM contact point could encourage contacts with foreign EJM contact points. Prosecutors from the regional or local level of the prosecution service could also benefit from being appointed as the EJM contact points.

Practitioners met by the Evaluation Team reported difficulties concerning the translation of letters of requests received from other Member States. It was mentioned that some Member States send such requests only in the original language or provide poor translations of requests.

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

The Atlas is used most frequently and is viewed as the most useful tool on the EJM website. However, occasionally there are problems identifying the responsible judicial authority, e.g. in cases where there are several offices in the area/city competent to execute the request. On the other hand, the Czech authorities have generally been able to solve similar problems via communication with the particular EJM contact points.

Generally, the EJM web page does not seem sufficiently user-friendly. It is rather difficult for practitioners to locate all necessary information on the web page (e.g. the forms can only be downloaded from the Library and there are only very few forms available).

The practitioners met felt that forms available on the EJM website should be in Word format rather than PDF and also should be provided in all the languages of the Member States (in particular for forms attached to the Framework Decisions). The notifications and declarations of the Member States should also be easily accessible, and they need to be updated regularly.

They also indicated that they would prefer for more practical problems to be discussed in EJM meetings. They gave as an example the practical study on controlled delivery organised during the Czech Presidency of the Council in 2009. No outcome of the study (in form of a table) has been added to the EJM website. It seems that, for example, the CARIN network is more useful. The EJM should collect and publish recommendations of practitioners from plenary meetings and continue supporting regional meetings of EJM contact points.

The Czech Ministry of Justice has developed an "Internal Judicial Network" which brings judges together to discuss matters related to international cooperation in criminal matters every year. Every year, there is a focus on the EJM webpage and the EJM tools, which are seen as very useful for judges.

The national correspondent and tool correspondent are from the Ministry of Justice. The role of the tool correspondent is to check if the information contained on the EJM website is updated.

6.4. Conclusions

- Statistics indicate that Eurojust cases involving the Czech Republic and third states are not rare.
- The legislative implementation of the Eurojust and EJM Decisions were completed on 1 January 2014 when the IJCCM Act came into force. As regards practical implementation, the Czech authorities chose a centralised system of EJM contact points selected from the SPPO and the Ministry of Justice.
- No prosecutors (other than from the SPPO) or judges have been selected to act as EJM contact points, although the legal framework allows for this possibility. In the view of the evaluators consideration should be given to checking whether the model of EJM contact points also drawing on practitioners from the regional and local prosecutors' offices and judges would work in practice.
- Information about the EJM, including a list of EJM contact points appointed in the Czech Republic, can be found on the extranets of the SPPO and of the Ministry of Justice.
- According to the IJCCM Act, the assistance of the EJM contact points is to be sought in order to identify and make contact with the foreign authorities competent to receive MLA requests, to obtain legal and practical information about judicial cooperation in other states, or to resolve obstacles to and delays in the execution of MLA requests.
- The EJM enjoys a good reputation in the Czech Republic. It is well -known and was being used by practitioners even before the formal transposition into national law of the EJM Decision. No overlaps or confusion related to the scope of activities of Eurojust and EJM were noted.

- Practitioners reported difficulties concerning the translation of MLA requests received from other Member States. It was mentioned that some Member States send such requests only in the original language or provide poor translations of requests. Since this issue is not unique to the Czech Republic, consideration could be given at EU level to problems linked to the length and quality of the translation of documents and requests exchanged in the field of judicial cooperation in criminal matters, with a view to proposing measures aimed at remedying these.
- The EJM tools are considered helpful. However, difficulties have been encountered by Czech practitioners in using the forms provided on the EJM website for freezing orders. The fact that these forms are only available in PDF format makes it difficult for practitioners to complete and save the documents electronically.
- Practitioners met by the Evaluation Team therefore suggested replacing the current PDF format with Word and providing forms of certificates required by Framework Decisions in the languages of all Member States to make them more user-friendly.
- In the view of the practitioners, the EJM should collect and publish in the restricted area of the EJM website recommendations of practitioners from plenary meetings, and should continue supporting regional meetings of EJM contact points (as personal contacts within the network proved to be extremely useful).

7. SPECIAL INVESTIGATIVE TECHNIQUES - PRACTICAL EXPERIENCES

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

There is only one prosecutor's office in the Czech Republic designated for the execution of requests for controlled deliveries – the Regional Prosecutor's Office in Prague (Section 65(1) of the IJCCM Act).

Since the practical execution of controlled deliveries is conducted by police or customs, the coordination of these practicalities is the task of the SIRENE office at the Police Presidium or the Customs General Directorate. The Czech authorities reported no problems with communicating an MLA request directly. In the event of any problems, the EJM contact points and the national desk are helpful, which has as a matter of fact been the case on several occasions.

Prosecutors are on 24/7 duty in the Regional Prosecutor's Office in Prague, there are no problems in urgent cases. If necessary, the national desk may also be contacted at any time. In ordinary cases it is up to the responsible prosecutor to evaluate whether the controlled delivery is necessary in the particular case. If so, the practicalities are usually discussed in advance with the police authorities that carry out the controlled delivery in practice.

Any prosecutor in the Czech Republic responsible for the case at the first level can issue an MLA request for a controlled delivery. If a prosecutor has any problems in drawing up an MLA request, he/she can discuss the case with prosecutors from the International Affairs Department of the Supreme Public Prosecutor's Office (almost all act as EJM contact points) or with the national desk.

In the event of problems it is possible to refer a case to Eurojust. However, it was pointed out that there are usually no problems establishing direct contact between prosecutors and other responsible authorities.

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

7.2.1. Practical experience

According to the statistics provided by the Czech authorities, various judicial authorities have already participated in 17 JITs. All agreements on JITs are registered in Eurojust.

The bodies empowered to sign an agreement on JITs are prosecutors of the International Affairs Department of the Supreme Public Prosecutor's Office or the National Member or his deputy.

Most JITs set up in the past three years profited from the financial support provided by Eurojust. The overall assessment by the Czech authorities of this cooperation tool is very positive.

The Czech Republic generally organises a coordination meeting before entering into any JIT agreement for prosecutors and law enforcement authorities from all states which are to cooperate on the JIT. These meetings are organised by the International Affairs Department of the Supreme Public Prosecutor's Office in the Czech Republic or by the national desk of Eurojust in The Hague.

The National Member or prosecutors from the International Affairs Department of the Supreme Public Prosecutor's Office are not involved in the daily work of JITs. The leaders of JITs are responsible for their daily tasks. The participants in the JIT can contact the National Member or prosecutors from the International Affairs Department of the Supreme Public Prosecutor's Office any time regarding problems concerning international cooperation.

The International Affairs Department of the SPPO together with the Czech national desk has developed a "template" for MLA regarding JITs and for a JIT agreement that takes into account all particularities of the Czech national legal framework as well as practical issues identified in previous experience with JITs, making it simpler and easier for their practitioners to set up a JIT.

The responsible prosecutor who participated in the JIT is always asked to write at least a brief report assessing the JIT, its added value and/or possible difficulties. The support role of Europol has in several cases had a positive impact – i.e. data analysis, secure transfer of data, mobile office etc.

7.3. Conclusions

- All decisions regarding controlled delivery are taken by the Regional Prosecutor's Office in Prague and conducted by police or customs. As noted, the Regional Prosecutor's office is available 24/7 so it should not be any problem for local prosecutors to get in contact.
- However, since the Evaluation Team was informed that the linguistic skills of the practitioners should be developed, the question may arise whether police or prosecutors from regional and/or local offices will be in a position to contact practitioners from the other Member States directly.
- The Czech authorities participated in 17 JITs between 2008 and the end of 2013, 10 of which are ongoing. All of the JITs, except one, were initiated at the request of the Czech authorities. This shows an increased confidence amongst Czech practitioners in using JITs as a helpful judicial cooperation tool.
- The national desk has developed recognised expertise in the setting up of JITs, for example in advising their national authorities on the suitability of a JIT in a particular case or in drafting JIT agreements. Practitioners met by the Evaluation Team appreciated the added value of JITs in conducting investigations and also the financial support and assistance of Eurojust both in the setting up and the functioning of JITs.
- The International Affairs Department of the SPPO together with the Czech national desk has developed a "template" for MLA regarding JITs and for a JIT agreement that takes into account all particularities of the Czech national legal framework as well as practical issues identified in previous experience with JITs. This is commendable since it makes simpler and easier for the Czech practitioners to set up a JIT.

- Only the prosecutors of the SPPO can sign a JIT agreement. The National Member and his deputy have signed six of the 17 JITs in their capacity as prosecutors of the SPPO.
- The obligation to report the setting up of JITs to the Czech national desk at Eurojust has been fulfilled. All 17 JIT agreements were registered at Eurojust. In addition, a system has been implemented whereby each Czech prosecutor in charge of a JIT case is requested to submit an evaluation form to the SPPO and the National Member assessing the issues encountered in the course of the JIT and the added value of the JIT for the investigation.

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8. TRAINING AND AWARENESS-RAISING

8.1. Promoting the use of Eurojust and the EJM

8.1.1. Training

Extensive training activities on international cooperation in criminal matters, including the EJM and Eurojust, are organised regularly by the International Affairs Department of the Supreme Public Prosecutor's Office, usually together with the Judicial Academy. The International Affairs Department of the Supreme Public Prosecutor's Office organises seminars both in the education centres of the Judicial Academy of the Czech Republic (located in Prague and Kroměříž) and at the Regional Prosecutor's Offices. The regional prosecutors are responsible for inviting prosecutors not only from the Regional Prosecutor's Offices but also from all districts within the scope of their authority. The National Member or his deputy have always participated in these events as speakers. The majority of speakers from the International Affairs Department of the Supreme Public Prosecutor's Office are also EJM contact points.

Similarly, the International Department for Criminal Matters of the Ministry of Justice organises regular seminars for judges. Every year, the Department organises a meeting of the "Internal Judicial Network", which takes place at the Ministry of Justice and consists of presentations and discussions with judges invited to participate in this all-day event. The invitations are sent to all courts in the Czech Republic. Both Eurojust and the EJM are regularly discussed and the judges are presented with the EJM web page and its tools (mainly Atlas). The EJM contact points usually hold several presentations on practical questions and new developments in mutual legal cooperation in criminal matters.

The Judicial Academy organises and carries out professional education of judges and public prosecutors, education and training of judicial and prosecutor trainees and other persons. The training system is well developed and maintained. The Academy uses a modern ASJA electronic system. All educational events are promoted through this system. Moreover, the ASJA system makes it possible to prepare accurate statistics regarding training. The training activities have been run since 2009 and are divided into three groups: 1) seminars exclusively concerning international judicial cooperation in criminal proceedings, 2) seminars held abroad and 3) specialised seminars where a series of lectures is held on the subject. As an example, the following events have previously been organised:

- 2010 - seven regional seminars for public prosecutors aimed at international judicial cooperation in criminal proceedings (in particular on the freezing of proceeds of criminal activity);
- 2009-2013 - eight one-day work meetings for public prosecutors of High and Regional Public Prosecutor's Offices specialising in international judicial cooperation in criminal proceedings;
- 2013 - four two-day seminars for judges and public prosecutors focusing on the Act on Mutual Cooperation in Criminal Matters;
- 2013 - eight regional seminars for public prosecutors aimed at international judicial cooperation in criminal proceedings.

In practice police officers who are involved in the international cooperation take part in the courses organised by the Judicial Academy in addition to the training organised by the Police Academy.

8.1.2. *Other measures*

Information about Eurojust and the EJM is available on the extranet of the Supreme Public Prosecutor's Office and on the extranet of the Ministry of Justice. Public prosecutors and judges are provided with detailed information about the functioning of both Eurojust and the EJM, the legal basis of their existence as well as with all relevant contact information.

Such information is presented on the extranets, and heads of the prosecutor's offices have always been notified about important news by a letter from the Director of the International Affairs Department of the Supreme Public Prosecutor's Office.

The SPPO prepared and distributed the handbook on judicial cooperation, which can be accessed via the extranet system. The main menu includes instructions, templates, forms and information on Eurojust and the EJM, as well as topical issues. The handbook (900 pages) includes general explanations, a chapter on extradition and model forms (40 templates).

The Ministry of Justice also provides information (instructions and guidelines, contact info, forms and information on individual member states) through its extranet. Prosecutors have access to the Ministry's extranet. Meanwhile, judges have access to the Ministry's extranet but not to that of the prosecutors.

The Judicial Academy also organises language training activities for judges and public prosecutors. As a partner of EJM, the Judicial Academy sends practitioners to training and seminars organised in other Member States to raise awareness of means of international cooperation and linguistic skills. According to statistics provided by the Judicial Academy during the period of 2009-2013, altogether 20 events were dedicated to the issue and a total of 93 persons participated.

However, there are many challenges in language training, in particular, to continue language courses as planned. At regional level courses are more for beginners. According to judges, language skills at district court level are not extensive, but may be enough for brief communications between judges with their overseas counterparts.

8.2. Specific training for national members and EJN contact points

There is no specific training for the National Member and his deputy or for the EJN contact points.

8.3. Conclusions

- Training is provided by the Judicial Academy, the SPPO and the Ministry of Justice. It includes information on Eurojust and the EJN. It focuses mainly on means of international cooperation and nowadays also on the content of the IJCCM Act. However, training is not compulsory for prosecutors and judges.
- Training on judicial cooperation and on the application of the IJCCM Act is provided by the Judicial Academy on request by both prosecutors and judges.
- In the opinion of the evaluators, the actors involved in organising trainings in international cooperation should further promote active participation of judges and prosecutors.
- Consideration should be given to inviting a wider selection of representatives from law enforcement who in practice cooperate in international cases.

- The extranets of the SPPO and the Ministry of Justice as well as the handbook produced by the SPPO seem to raise practitioners' knowledge and awareness of the instruments of mutual legal assistance. This is good practice although the considerable resources will be required to keep the extranets and handbook up-to-date.
- The Judicial Academy should continue its efforts to give training for judges and prosecutors in legal English and other languages of the Member States.
- Particular attention should be paid to raising the awareness of judges about judicial cooperation including the assistance that can be provided by Eurojust. One way of doing this could be to appoint specialist judges, for example at the level of regional courts, as part of an internal network of specialists in judicial cooperation to support efforts made by the Ministry of Justice and the Judicial Academy.

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9. GENERAL OBSERVATIONS

9.1. Overall assessment

The overall assessment regarding cooperation with Eurojust and the EJM is very positive. The Czech Republic has made significant efforts to organise this cooperation at the national level as well as at Eurojust.

The evaluation visit was very well organised and prepared by the Czech authorities. The selection of authorities visited and of the participants met was appropriate.

The Evaluation Team particularly appreciated the welcome by the Minister of Justice at the start of the visit. The evaluators were given the opportunity to talk with a large number of high-ranking officials from the Czech central authorities, such as the SPPO and the Ministry of Justice, as well as with practitioners, including public prosecutors, judges and police officers. The presence of the National Member for the Czech Republic at Eurojust and of his deputy unquestionably added value to the visit.

The ENCS system in place in the Czech Republic is centralised and well organised and is made up of devoted, professional and enthusiastic practitioners. The Evaluation Team concluded from their pragmatic and practical approach to cooperation with Eurojust and the EJM that they have a great deal of expertise.

The Judicial Academy, responsible for the training of judges and prosecutors, seems to work very well, focusing a great deal on providing training on judicial cooperation in criminal matters, including on the application of the new legal framework in this area.

9.2. Further suggestions from the Czech Republic

The general view of practitioners in the Czech Republic as to the support received from Eurojust and the EJM is very positive. In total, the Czech Republic has around 1200 prosecutors, working in eight regional offices. Within the Czech system, the prosecution service functions under the supervision of the SPPO, headed by the Prosecutor General. The prosecution service is independent of the Ministry of Justice as far as it concerns a decision making process in criminal matters. Most contacts with Eurojust stem from investigations led by prosecutors. Judges are in general less involved in judicial cooperation than prosecutors, as most practical difficulties arise and are resolved during the pre-trial phase.

Both Eurojust and the EJM are viewed as a great contribution to criminal cases with international aspects, both by the practitioners and by the central authorities specialising in judicial cooperation in criminal matters in the Czech Republic.

The competent national authorities have dealt with cases which could have hardly been solved so smoothly without the assistance of Eurojust and/or the EJM.

On the other hand, it is necessary to state that neither Eurojust nor the EJM can overcome possible lacunae in the domestic law of other Member States. Moreover, Eurojust and the EJM do not seem to exhaust their potential in identification of the problems of international cooperation and developing possible solutions.

The Czech Republic uses Eurojust for raising questions to the Member States about judicial cooperation. These questions can be about problems that have arisen in particular case or of more general nature. However, currently analysis of responses and conclusions are only taken into account by the College of Eurojust. The Czech authorities suggested that the responses to such questions on judicial cooperation could be analysed by the Legal Service of Eurojust and made available to practitioners all over EU.

The Czech authorities suggested that Eurojust should consider focusing its resources on identifying problems in cross-border judicial cooperation and drafting guidance to address these issues.

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

The IJCCM Act accompanied by instructions of the Minister of Justice and the SPPO provide comprehensive legal framework to regulate judicial cooperation. There are also extensive extranets and handbook widely available to practitioners. These make a clear and practical distinction between cases to be dealt with by the EJN and Eurojust.

The Evaluation Team appreciates that the IJCCM Act has removed limitations concerning surrender of own citizens under the EAW and supports direct contact between judicial authorities, since it concentrates execution of requests for legal assistance at the level of Regional Public Prosecutors' Offices and Regional Courts. In the opinion of the evaluators it is much easier for authorities of other Member States to identify a responsible authority for execution of MLA requests, which thus speeds up cooperation and is a precondition for improving specialisation and enhancing the quality of cooperation.

The ENCS seems to carry out successfully the coordination role assigned to it by Article 12 of the Eurojust Council Decision. Cooperation between the law enforcement authorities and prosecutors' offices appears to run smoothly. The National Member at Eurojust expressed satisfaction regarding cooperation with the judicial authorities.

The centralised structure of the ENCS and national correspondents and EJM contact points (all from SPPO and Ministry of Justice) might be explained by the size of the country.

Therefore, consideration should be given to designating prosecutors and judges from courts and prosecution offices as contact points of the EJM or networks referred to in Article 12(2(d)) of the Eurojust Decision. Another possible way to raise the awareness of MLA amongst judges could be to appoint judges specialising in judicial cooperation at the level of regional courts (similar solutions were provided in other Member States such as Belgium and Poland).

Prosecutors and judges as well as, in some cases, law-enforcement officials, are offered training and seminars, at which the Judicial Academy reports a high rate of attendance. However, some practitioners met raised a need to improve language skills.

A secure connection has been established between the national desk at Eurojust and the competent national authorities, through which information under Article 13 of the Eurojust Decision flows regularly. However, it must also be pointed out that the Czech authorities doubted the need to exchange information under Article 13, which is considered not very user-friendly or clear.

10. RECOMMENDATIONS

As regards the practical implementation and operation of the Decisions on Eurojust and the European Judicial Network in criminal matters, the evaluators were able to satisfactorily review the system in the Czech Republic. Overall, the working principles and legal framework of the system are very robust and functional, and the various actors know their roles and responsibilities.

The Czech Republic should follow up the recommendations given in this report 18 months after the evaluation and report on 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).

The evaluation team made a number of suggestions for the attention of the Czech authorities. Furthermore, the evaluators made recommendations to the EU, its institutions and agencies, and Eurojust/EJN in particular.

10.1. Recommendations to the Czech Republic

The Czech Republic should:

1. consider the possibility of seconding judges to Eurojust as national experts and trainees, to facilitate better understanding of the role of Eurojust in judicial cooperation in criminal matters amongst the judiciary (cf. 3.3.1, 3.3.2 and 3.5.3);

2. consider the possibility of appointing judges and prosecutors from regional level as EJM contact points or contact points of networks referred to in Article 12(2(d)) of the Eurojust Decision (cf. 3.2.1, 3.4.1, 3.4.2, 3.5.4, 3.5.6 and 6.4);
3. increase practitioners' awareness of the obligation under Article 13 of the Eurojust Decision explaining the benefits that compliance could bring at EU level (cf. 4.2.3 and 4.3);
4. closely monitor the implementation of the obligation under Article 13 of the Eurojust Decision and regularly evaluate the compliance with this obligation (cf. 4.1.2, 4.2.3 and 4.3);
5. further raise the awareness of judges and prosecutors about judicial cooperation including the assistance that can be provided by Eurojust and EJM (cf. 8.1.2 and 8.3);
6. continue to improve language skills of both judges and prosecutors in legal English and other languages of the Member States (cf. 8.1.2 and 8.3);
7. consider appointing judges specialising in judicial cooperation at the level of regional courts (cf. 8.3 and 9.3).

10.2. Recommendations to the European Union, its institutions and agencies, and to other Member States

1. Member States could consider the benefits of having a single legislative instrument (such as newly adopted IJCCM Act) transposing all EU instruments relating to mutual legal assistance and mutual recognition (cf. 3.1.1, 3.5.1 and 9.3);
2. Member States should consider providing rolling placements of SNEs and short-term trainees at Eurojust practitioners to increase their awareness of the role of Eurojust (cf. 3.3.1, 3.3.2 and 3.5.3);

3. Member States should consider developing handy tools to assist prosecutors and judges dealing with judicial cooperation matters in requesting assistance from Eurojust, including extranets (such as those in the SPPO and in the Ministry of Justice of the Czech Republic) as well as the handbook for prosecutors (cf. 5.3 and 8.3);
4. Member States should consider the benefits of regular reporting by their national members to the competent domestic authorities on how to improve relations with Eurojust (cf. 5.3.2 and 5.6);
5. Member States should consider providing systematic training for practitioners in judicial cooperation in criminal matters and improving their language training (cf. 6.4);
6. The Commission should secure and increase the provision of EU funding to JITs through Eurojust (cf. 7.3);
7. Member States should consider the possibility of granting their national members and their deputies the power to enter into JIT agreements on behalf of their national authorities, which could speed up the establishment of JITs (cf. 7.2.1 and 7.3);
8. Member States should consider adapting the JIT model agreement, having regard to key legal and practical issues identified in previous experiences with JITs with regard to their national particularity (like that developed by the International Department of SPPO together with the Czech national desk) (cf. 7.2.1 and 7.3);
9. Member States should consider inviting their competent authorities to evaluate the work of JITs to learn lessons for future cases (cf. 7.3).

10.3. Recommendations to Eurojust/the EJM

1. Eurojust should provide feedback as early as possible on the existence or otherwise of a "hit" following a notification under Article 13 of the Eurojust Decision (cf. 4.2.3);
2. Eurojust should ensure that statistics on Article 13 notifications are accurately recorded, in particular as regards the setting up and results of the work of JTs (cf. 4.3);
3. Eurojust should consider involving the Legal Service at Eurojust in analysis of responses to questions on judicial cooperation registered at Eurojust and make this available to practitioners (cf. 5.3 and 9.2);
4. Eurojust should consider focusing its resources on identifying problems in cross-border judicial cooperation and drafting guidance to address these issues (cf. 5.3 and 9.2);
5. Eurojust and the EJM Secretariat should examine the possibility of providing a Word version of the form for freezing orders and also of forms attached to other Framework Decisions on the EJM website, in languages of all Member States, in order to facilitate the work of practitioners (cf. 6.3.4);
6. The EJM Secretariat should further work on making the EJM website to become more user-friendly (cf. 6.3.4);
7. The EJM Secretariat should consider collecting and publishing recommendations made by practitioners during plenary meetings of the EJM, and continue supporting regional meetings of EJM contact points (cf. 6.4);
8. The EJM Secretariat should organise meetings more focused on the resolution of concrete problems that hamper judicial cooperation within the EU (cf. 6.4);
9. Eurojust should continue identifying financial and practical solutions to support JTs (cf. 7.3).

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

**Program of the
Evaluation Visit to the Czech Republic
7 January – 9 January 2014
Prague**

7 January 2014

9:30 – 12:00 Ministry of Justice

9:30 – 10:00 Official Commencement of the Evaluation Visit

Welcome by Ms. Marie Benešová, Minister of Justice of the Czech Republic

**Introduction by the Director of the International Department for Criminal Matters
(Ms. Gabriela Bláhová)**

**10:00 – 10:20 International Judicial Cooperation in Criminal Matters in the Czech
Republic (Ms. Veronika Podlahová)**

**10:20 – 10:40 International Department for Criminal Matters of the Ministry of
Justice (Ms. Veronika Podlahová)**

10:45 – 11:05 Coffee Break

11:05 – 11:20 EJM in the Czech Republic (Ms. Silvie Sochorová)

11:20 – 11:30 Extranet of the Ministry of Justice (Ms. Silvie Sochorová)

11:30 – 12:00 Discussion

12:00 – 14:00 Lunch

14:00 – 17:00 High Court in Prague

**14:00 – 14:30 Court System in the Czech Republic and the International Cooperation
in Criminal Matters (re Courts) (Ms. Gabriela Bláhová)**

14:30 – 15:00 International Police Cooperation (SIRENE) (Mr. Michael Weiss)

15:00 – 16:00 Discussion with Judges and Public Prosecutors

16:00 – 17:00 Tour of the High Court in Prague

19:00 Dinner (hosted by the Supreme Public Prosecutor's Office)

8 January 2014

7:30 Departure to Brno

11:00 – 17:00 Supreme Public Prosecutor's Office

11:00 – 16:00 International Department of the Supreme Public Prosecutor's Office

(13:00 – 14:30 Lunch)

Welcome by Mr. Pavel Pukovec, Deputy Prosecutor General

National Correspondents (Mr. Pavel Pukovec)

International Cooperation in Criminal Matters (Ms. Světlana Kloučková)

Act on the International Judicial Cooperation in Criminal Matters (Mr. Přemysl Polák)

Powers and Tasks of International Affairs Department of the Supreme Public Prosecutor's Office – NM's additional powers (Ms. Danuta Koné-Król)

Eurojust National Coordination System in the Czech Republic (Ms. Světlana Kloučková)

Extranet of the Supreme Public Prosecutor's Office (Ms. Světlana Kloučková)

16:00 – 17:00 Discussion with Judges and Public Prosecutors

17:00 Return to Prague

9 January 2014

9:30 – 17:00 Ministry of Justice

9:30 – 11:30 National Desk of the Czech Republic in Eurojust (Mr. Lukáš Starý, the National Member to Eurojust)

11:30 – 12:00 Discussion with representatives of Police of the Czech Republic

12:00 – 14:00 Lunch

14:00 – 14:45 Judicial Academy (Mr. Vít Peštuka)

14:45 – 16:30 Concluding Discussion

16:30 – 16:45 Coffee Break

16:45 – 17:00 Final Remarks and Conclusions

19:00 Dinner (hosted by the Ministry of Justice)

ANNEX B: PERSONS INTERVIEWED/MET

Meetings 7 January 2014

Venue: Ministry of Justice

Person interviewed/met	Organisation represented
Gabriela Bláhová	Ministry of Justice
Veronika Podlahová	Ministry of Justice
Silvie Sochorová	Ministry of Justice
	Ministry of Justice
Svetlana Klouckova	Supreme Public Prosecutors' Office International Affairs Department
Danuta Koné Król	Supreme Public Prosecutors' Office International Affairs Department

Venue: High Court in Prague

Person interviewed/met	Organisation represented
Gabriela Bláhová	Ministry of Justice
Veronika Podlahová	Ministry of Justice
Renata Rychnovská	Municipal Public Prosecutor's Office in Prague
Jan Krestýn	Municipal Public Prosecutor's Office in Prague
JUDr. Dan Anděl	Regional Public Prosecutor's Office in Ústí nad Labem
Milan Černý	District Public Prosecutor's Office for Prague 2
Michael Weiss	International Police Cooperation Division Police Presidium of the Czech Republic
JUDr. Danuše Krejčová	Regional Public Prosecutor's Office in Prague

Jan Juřica	District Public Prosecutor's Office in Beroun
František Jedlička	District Public Prosecutor's Office in Hradec Králové
JUDr. Radoslav Krůšek	District Court in Sokolov
Dana Kordíková	District Court in Sokolov
JUDr. Lenka Pješčáková	Regional Court in Prague
JUDr. Silvie Slepíčková	Municipal Court in Prague
JUDr. Tomáš Durdík	Municipal Court in Prague
JUDr. Zdeňka Barešová	Regional Court in Prague

Meetings 8 January 2014

Venue: Supreme Public Prosecutors' Office

Person interviewed/met	Organisation represented
Pavel Pukovec	Deputy of the Supreme Public Prosecutor
Svetlana Klouckova	Supreme Public Prosecutors' Office International Affairs Department
Přemysl Polák	Supreme Public Prosecutors' Office International Affairs Department
Danuta Koné Król	Supreme Public Prosecutors' Office International Affairs Department
Lukas Sary	National Member at Eurojust
Veronika Podlahová	Ministry of Justice
Gabriela Bláhová	Ministry of Justice

Venue: Supreme Public Prosecutors' Office

Person interviewed/met	Organisation represented
Jakub Jirušek	Municipal Public Prosecutor's Office in Brno
Tomáš Foldyna	District Public Prosecutor's Office in Břeclav
JUDr. Petra Tittková	Regional Public Prosecutor's Office in Ostrava
Martina Hlušítková	District Public Prosecutor's Office in Ostrava
Petr Šereda	High Public Prosecutor's Office in Olomouc
JUDr. Michal Vrtek, Ph.D	Regional Court in Brno
JUDr. Miroslav Novák	Regional Court in Brno
Martin Lýsek	District Court in Přerov

Meetings 9 January 2014

Venue: Ministry of Justice

Person interviewed/met	Organisation represented
Jan Vojta	Police Presidium, Anti-Corruption and Financial Crime Unit
Lukáš Valenta	Police Presidium, the National Anti-Drug Unit
Iva Petráčková	Police Presidium, Europol Unit
Štěpán Sláma	Police Presidium, Unit for Detection of Organised Crime
Veronika Podlahová	Ministry of Justice
Gabriela Bláhová	Ministry of Justice

Venue: Ministry of Justice

Person interviewed/met	Organisation represented
Zuzana Fišerová	Director General, Ministry of Justice
Vít Peštuka	Judicial Academy
Veronika Podlahová	Ministry of Justice
Gabriela Bláhová	Ministry of Justice
Svetlana Klouckova	Supreme Public Prosecutors' Office International Affairs Department
Přemysl Polák	Supreme Public Prosecutors' Office International Affairs Department
Danuta Koné Król	Supreme Public Prosecutors' Office International Affairs Department
Lukas Sary	National Member at Eurojust

ANNEX C: LIST OF ABBREVIATIONS/GLOSSARY OF TERMS

LIST OF ACRONYMS, ABBREVIATIONS AND TERMS	CZECH OR ACRONYM IN ORIGINAL LANGUAGE	ENGLISH
CMS	<i>CMS</i>	Case Management System
EJN	<i>EJN</i>	European Judicial Network
EJTN	<i>EJTN</i>	European Judicial Training Network
IJCCM Act	<i>Zákon o mezinárodní justiční spolupráci ve věcech trestních</i>	Act on International Judicial Cooperation in Criminal Matters
IPCD	<i>IPCD</i>	International Police Cooperation Division of the Police Presidium
OCC	<i>OCC</i>	On-call coordination
SPPO	<i>SPPO</i>	Supreme Public Prosecutors' Office
TWF	<i>TWF</i>	Temporary Work File