



Council of the  
European Union

Brussels, 28 October 2015  
(OR. en)

13421/15

**GENVAL 51**  
**EUROJUST 184**

**NOTE**

---

From:	German delegation
To:	Delegations
No. prev. doc.:	6996/1/14 REV 1 GENVAL 12 EUROJUST 48
Subject:	Mutual 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" - Follow-up to the Report on Germany

---

Following the sixth round of mutual evaluations on the practical implementation and operation of Eurojust and the European Judicial Network in criminal matters, Germany was requested to follow-up on the recommendations given in the evaluation report set out in doc. 6996/1/14 REV 1 (cf. pages 89 and 90) within 18 months.

Delegations will find in the Annex a written report transmitted by the German delegation in response to the above request.

The evaluation report on the Federal Republic of Germany following the sixth round of mutual evaluations (Council document 6996/1/14 REV 1 GENVAL 12) was adopted on May 21, 2014. The report contains six recommendations addressed to Germany. According to the report, Germany shall within 18 months after the report conduct a follow up outlining the actions taken in relation to the recommendations.

We would like to express our gratitude for the constructive recommendations addressed to us. The evaluation process and the recommendations support our efforts to further improve and strengthen the cooperation with Eurojust and the European Judicial Network.

Germany has meanwhile carefully implemented all the recommendations of the Working Party on General Matters including Evaluations (GENVAL) within the context of the sixth round of mutual evaluations. A report on the implementation measures is given below. The individual recommendations were assessed and implemented in close coordination between the Federal Ministry of Justice and Consumer Protection (*Bundesministerium der Justiz und für Verbraucherschutz*), the Public Prosecutor General of the Federal Court of Justice (*Generalbundesanwalt beim Bundesgerichtshof*), the Federal Office of Justice (*Bundesamt für Justiz*), the German National desk at Eurojust and the *Land* judicial administrations, each of which also involved its respective departments, i.e. in particular judicial and public prosecution practitioners.

### **1) concerning recommendation 10.1.1.**

***Germany should inform the General Secretariat of the Council of the specific person from the Federal Office of Justice responsible for the functioning of the ENCS; (cf. 3.2.2 and 3.5.4)***

This recommendation was implemented immediately following completion of the assessment of Germany. In a letter of 2 July 2014, Germany informed the General Secretariat of the Council of the specific person at the Federal Office of Justice responsible for the functioning of the Eurojust National Coordination System (hereinafter: ENCS). This information was published as an official Council document (14144/14 GENVAL 60).

### **2) concerning recommendation 10.1.2.**

***Germany should, in accordance with Article 12(5)(d) of the Eurojust Decision, take measures to ensure that the ENCS maintains close relations with the Europol National Unit; (cf. 3.5.2, 3.5.4, 5.6 and 5.7)***

This recommendation was also implemented immediately following the assessment of Germany. At its fifth meeting on 12 May 2014, the ENCS decided to invite representatives of the German liaison bureau at Europol to future ENCS meetings as and when relevant. This decision was prepared by means of an agreement to this effect reached in September 2013 by the German liaison bureau at Europol and the ENCS at a joint meeting at Eurojust headquarters in the Hague. Following the decision, a representative of the German liaison bureau at Europol took part in the ENCS meeting held on 11 May 2015 in Berlin and reported on current issues and on the possibilities for Europol to cooperate with Eurojust and with national judicial authorities. Personal exchange on specialist matters was seen by the ENCS's participants as valuable and is to be continued in the future. In addition, there is a regular exchange between the German National desk at Eurojust and the German liaison bureau at Europol in the Hague, enabling Eurojust to act as a multiplier and to pass on information from Europol in the ENCS.

### 3) Concerning recommendation 10.1.3.

*Germany should take further measures to ensure the practical implementation of Article 13 of the Eurojust Decision, for example by increasing practitioners' awareness or issuance of practical guidance; (cf. 4.2.2, 4.2.3 and 4.3)*

#### a) General and summary remarks

Germany has implemented the recommendation with great commitment. A large number of measures have been taken at Federal and *Land* level to make legal practitioners aware of their reporting obligations pursuant to Article 13 of the Eurojust Decision, which was transposed into German national law by means of Section 6 of the Eurojust Act (*Gesetz zur Umsetzung des Beschlusses (2002/187/JHA) des Rates vom 28. Februar 2002 über die Errichtung von Eurojust zur Verstärkung der Bekämpfung der schweren Kriminalität* - EJG).

It may be said that legal practitioners are meanwhile generally well aware of the reporting obligations as a result of involving practitioners to this end. A number of organisational measures at the Office of the Public Prosecutor General of the Federal Court of Justice and in the *Länder* also ensure that Eurojust is informed of cases that are subject to a reporting obligation.

On the basis of responses from legal practitioners, the still relatively low volume of cases in Germany where information was exchanged under Article 6 of the Eurojust Act may be explained by the low volume of suitable cases. The majority of investigations with cross-border connections involve just one other European Union Member State and thus do not fulfil the conditions under which information has to be exchanged under Article 13 of the Eurojust Decision/Section 6 of the Eurojust Act. In addition, secure means of data transmission between Eurojust and the public prosecution offices in the *Länder* were not yet available in all cases in the past. Meanwhile, however, this problem has been resolved throughout Germany.

From a German point of view, however, it is in particular the rather low volume of suitable cases that make it necessary to draw attention regularly to the obligation to exchange information so that these obligations are called to mind by legal practitioners if necessary. Thus, Germany does not limit itself to one-off awareness-raising measures, but takes the approach of increasing awareness among legal practitioners in a suitable way at appropriate intervals on an ongoing basis. The measures of the Federation and the *Länder* are intentionally complementary, for example with a view to training and professional development opportunities.

In addition, the National Member of Germany at Eurojust confirmed in the course of the follow-up process that the German National desk is contacted, informed or asked for assistance by the national prosecution authorities in all appropriate cases, also independently from the formal reporting obligation. Thus, overall, the German National desk holds the view that there is no information deficit.

Moreover, in the German view it remains important to ensure that there is appropriate feedback from Eurojust to the national prosecution authorities. The obligation to exchange information will be accepted and “brought to life” by legal practitioners particularly when public prosecution offices experience that such exchanges ultimately benefit and facilitate their own practical work. For this reason, the subject of “reciprocal feedback” features regularly on the agenda of ENCS meetings and thus will continue to be taken into account in Germany.

#### **b) Measures by the Federation**

- (1.) In cooperation with the *Länder*, the Guidelines on Relations with Foreign Countries in Criminal matters (*Richtlinien für den Verkehr mit dem Ausland in strafrechtlichen Angelegenheiten* - RiVAST) have been revised. The new Guidelines enter into force on 1 January 2016. Item 151 (5) of the Guidelines refers the prosecution authorities and courts to the obligation to inform the National Member of Eurojust in cases governed by Article 13 of the Eurojust Decision/Section 6 of the Eurojust Act. As expected, compliance with the statutory obligation to exchange information is further improved as a result of its enshrinement in the practically relevant Guidelines.

- (2.) The Federal Ministry of Justice and Consumer Protection holds the ENCS meeting in Berlin at least once a year. The obligation to exchange information pursuant to Article 13 of the Eurojust Decision/Section 6 of the Eurojust Act is one of the regular agenda items at ENCS meetings. The obligation to exchange information was also discussed at the ENCS meeting on 11 May 2015. Among other things, the National Member reported the current numbers of cases.

The aim of discussion in the ENCS is not only to increase awareness of the obligation to exchange information repeatedly among the representatives of the *Länder*, who work as multipliers for all the legal practitioners in their respective departments. It is equally important to create a forum where Eurojust and the representatives of the *Länder* can give each other feedback as to whether the obligation to exchange information is considered to be effective and what could be done to optimise proceedings. Germany will continue this practice in the years ahead.

- (3.) The Practical Guidance Notes for Cooperation (*Eurojust – Hinweise zur praktischen Zusammenarbeit*), a brochure published by the Ministry of Justice and Consumer Protection, contains a section that refers specifically to the obligation to exchange information under Article 13 of the Eurojust Decision/Section 6 of the Eurojust Act. The brochure can be downloaded from the website of the Federal Ministry of Justice and Consumer Protection and is updated regularly, most recently in connection with a staff change at the German National desk at Eurojust on 1 January 2015.

- (4.) The Federal Ministry of Justice and Consumer Protection offers seminars at irregular intervals on mutual legal assistance and judicial cooperation in criminal matters through the German Judicial Academy (*Deutsche Richterakademie - DRA*). Based in Trier and Wustrau, this professional training institution is jointly supported by the Federation and the *Länder* and provides supra-regional professional training for judges from all branches of jurisdiction as

well as for public prosecutors. The conferences are targeted both at German and foreign judges and public prosecutors. The subject “Eurojust and its possibilities for providing assistance“ is a fixed part of the programme. The most recent seminar took place in November 2012 in Trier. A comparable event is planned to take place in Wustrau in 2016. Preparatory work for it began back in January 2015. The obligation to exchange information is also addressed in this context in order to raise awareness among legal practitioners.

- (5.) The Public Prosecutor General of the Federal Court of Justice (GBA) informed his investigation departments of the obligation to exchange information under Article 13 of the Eurojust Decision/ Section 6 of the Eurojust Act at the time of their entry into force. The text of the law and the transmission form have been put on the authority’s intranet and are thus accessible at all times. Compliance with this obligation to exchange information is also ensured through in-house enquiries at regular intervals. The GBA maintains ongoing close contact with the German National desk at Eurojust. In June 2015, a Senior Public Prosecutor who works at the German National desk in the Hague held a presentation on cooperation with Eurojust at an internal professional training event of the GBA. One of the focal areas of the presentation was on dealing with the obligation to exchange information.
- (6.) The National Member at Eurojust and his staff hold regular presentations at information events of the GBA and the *Länder*, thus familiarising legal practitioners with ways in which Eurojust can provide support. The obligation to exchange information and the potential benefits to national authorities of so doing are always addressed in this context. In 2014 alone, eleven such presentations were held at information events, inter alia at the joint working conference of the GBA and the public prosecution offices of the *Länder*.

### **c. Measures by the *Länder***

#### **(1.) Baden-Württemberg**

Public prosecution practitioners in Baden-Württemberg are aware of the obligation to exchange information under Article 13 of the Eurojust Decision/ Section 6 of the Eurojust Act and of the possibility of holding coordination meetings at Eurojust. Information on the subject is provided in writing and on the in-house intranet. In addition, the obligation to exchange information is on the agenda of the annual meeting of the Baden-Württemberg Ministry of Justice with the heads of departments of mutual legal assistance at the public prosecution offices. These heads of department act as multipliers, communicating the subjects and results of the conference within their authorities. The most recent meetings took place in June 2014 and April 2015. In 2013, the assistant to the National Member of Germany at Eurojust gave a presentation on the obligation to exchange information under the Eurojust Act and on Eurojust's coordination possibilities.

#### **(2.) Bavaria**

Legal practitioners are familiar with the obligation to exchange information. Regular attention is drawn to this obligation at staff meetings and at appropriate conferences, e.g. the regular conferences of heads of authorities or the annual staff meetings of the Bavarian heads of departments of mutual legal assistance. In Bavaria, a head of department of mutual legal assistance at a public prosecution office who has specialist expertise is also regularly involved in processing cases specified in Article 13 of the Eurojust Decision/Section 6 of the Eurojust Act and can thus ensure compliance with the obligation to exchange information.

#### **(3.) Berlin**

In Berlin, the processing of requests for mutual legal assistance is largely concentrated in one department of the Public Prosecution Office Berlin. Efforts are made here to ensure that information is forwarded to Eurojust as required, and these will be stepped up in the future. In addition, a handout was published in July 2015, drawing the attention of all public prosecutors who prepare requests for mutual legal assistance to the obligation to exchange information.



#### **(4.) Brandenburg**

The Public Prosecutor General transmitted the Practical Guidance Notes for Cooperation produced by the Federal Ministry of Justice and Consumer Protection (*“Eurojust - Hinweise zur Praktischen Zusammenarbeit”*), to all public prosecution offices in Brandenburg back in 2013 and made further comments. The brochure and the comments have been forwarded within the public prosecution offices, in particular to the heads of department who are responsible for mutual legal assistance.

The obligation to exchange information under Article 13 of the Eurojust Decision/Section 6 of the Eurojust Act were also the subject of a meeting of the Public Prosecutor General with senior public prosecutors in the second half of 2014. Attention was also drawn to the obligation to exchange information and the possibility of initiating coordination meetings at Eurojust at an exchange of experience held in December 2014 between the Brandenburg Ministry of Justice and the heads of departments of mutual legal assistance of the Public Prosecutor General, the public prosecution offices and judges. It was evident that legal practitioners are familiar with the obligation to exchange information and the possibility of holding coordination meetings.

No cases have yet come to light in Brandenburg where there was a failure to exchange information as required under Section 6 of the Eurojust Act. However, in February 2015, the Ministry of Justice again asked the Offices of the Public Prosecutor General to draw the attention of all public prosecutors, i.e. including those who do not deal specifically with mutual legal assistance in criminal matters, to the obligation to exchange information.

#### **(5.) Bremen**

Practitioners in Bremen are sufficiently aware of the obligation to exchange information pursuant to Article 13 of the Eurojust Decision/Section 6 of the Eurojust Act. The Eurojust brochure published by the Federal Ministry of Justice and Consumer Protection with its comprehensive information on practical cooperation is regularly forwarded to practitioners.

## **(6.) Hamburg**

Compliance with the obligation to exchange information vis-à-vis the National Member pursuant to Article 13 of the Eurojust Decision/Section 6 of the Eurojust Act is guaranteed in Hamburg. In Hamburg, requests for mutual legal assistance are processed centrally by heads of department and senior judicial officers in the mutual legal assistance department who are aware of the relevant obligation to exchange information through their past and continuing participation in professional training and departmental meetings.

The obligation to exchange information is also the subject of a decree of 22 March 2013 issued by the Senior Public Prosecutor. In addition, guidelines on providing information to Eurojust are available to public prosecutors on Hamburg's intranet. In particular, these explain the prerequisites, the extent and the process to be adhered to in connection with the obligation to exchange information. Attached to the guidelines is the information leaflet of the Federal Ministry of Justice and Consumer Protection (last updated in February 2013), the Eurojust data transmission form and the supplementary national form drawn up by the Federation and the *Länder*. The brochure published by the Federal Ministry of Justice and Consumer Protection, the Practical Guidance Notes for Cooperation, is also accessible via the intranet.

## **(7.) Hesse**

Various measures have been taken to promote public prosecutors' willingness to inform Eurojust pursuant to Article 13 of the Eurojust Decision/Section 6 of the Eurojust Act. A circular of 7 October 2013 contained an explicit reminder of the obligation to exchange information. There is also a special Eurojust page on the intranet (called the "eBibliothek") of Hesse's public prosecution offices. This ensures that public prosecutors can obtain information at any time on the type and extent of the existing obligation to exchange information and in particular that up-to-date forms are available to them. The following information is available on the intranet:

- Eurojust's annual reports
- the Eurojust brochure published by the Federal Ministry of Justice and Consumer Protection
- a handbook for joint investigation teams

- the Eurojust form for transmitting information under Article 13
- the national Eurojust supplementary form
- the additional information sheet of the Federal Ministry of Justice and Consumer Protection of February 2013 concerning requests to Eurojust or exchanges of information under Section 6 of the Eurojust Act
- the letter from the Federal Ministry of Justice and Consumer Protection of 3 July 2012 concerning electronic forms for data transmission to Eurojust and the Ordinance on Cooperation with Eurojust (*Verordnung über die Zusammenarbeit mit Eurojust*) of 26 September 2012.

In addition, in July 2014, the Deputy National Member for Germany at Eurojust gave a detailed presentation to the heads of department in charge of combating organised crime at Hesse's public prosecution offices on the possibilities of cooperation and support by Eurojust. Attention was also explicitly drawn to the obligation to exchange information.

#### **(8.) Mecklenburg-Western Pomerania**

Compliance with the obligation to exchange information to the National Member pursuant to Article 13 of the Eurojust Decision/Section 6 of the Eurojust Act is guaranteed in Mecklenburg-Western Pomerania.

On 3 June 2014, Senior Public Prosecutors were asked to examine whether proceedings are carried out that give rise to the obligation to exchange information, and they were asked to inform Eurojust retrospectively if necessary. Various pieces of information were attached to the request to carry out this examination:

- the form to inform Eurojust and the German supplementary form,
- a handout explaining the obligation to exchange information,
- the information of the Federal Ministry of Justice and Consumer Protection on dealing with information on cases at Eurojust and
- the Practical Guidance Notes for Cooperation, the brochure published by the Federal Ministry of Justice and Consumer Protection.

Since June 2014, the information listed above has also been available in the public prosecution office's official information system for retrieval in electronic form.

In addition, the obligation to exchange information has been the subject of discussion on repeated occasions between the senior legal advisor of the Public Prosecutor General for matters concerning mutual legal assistance and the heads of department on mutual legal assistance of the public prosecution offices. Thus, the subject is regularly on the programme of the annual workshop of the federal *Land*'s public prosecutors.

### **(9.) Lower Saxony**

Legal practitioners are already well aware of the obligation to exchange information under Article 13 of the Eurojust Decision/Section 6 of the Eurojust Act. At the same time, regular attention is drawn to it again at conferences and in training sessions in order to increase the awareness of the competent public prosecutors.

According to practitioners' reports, the low volume of notifications in the past is partly due to the fact that secure channels of electronic transmission were not available. Secure data transmission via email has now been set up by the offices of public prosecution to the EJM Contact Point/ENCS and from there to the German National desk at Eurojust.

The Central Office for Organised Crime and Corruption (*Zentrale Stelle Organisierte Kriminalität und Korruption* - ZOK) of the federal *Land* of Lower Saxony regularly informed practitioners at the public prosecution offices of the existing obligation to exchange information at various office meetings and conferences held between 2012 and 2014 and explained the process in detail. In addition, the ZOK wrote to all the public prosecution offices in Lower Saxony in August 2012 and in March and April 2014, informing them of the obligation to exchange information.

The public prosecution offices notify the ZOK of their proceedings in the area of organised crime for the “Situation Report concerning Organised Crime in Lower Saxony“. These notifications are evaluated with a view to ascertaining whether there could be an obligation to exchange information. If relevant, public prosecutors are informed of possible such cases. In addition, the ZOK and the EJM Contact Point in Lower Saxony respond to enquiries from legal practitioners by drawing their attention to the obligation to exchange information in appropriate individual cases.

In addition, the obligation to exchange information is presented on the ZOK’s intranet page, which is accessible to all public prosecutors in Lower Saxony. The ZOK also informed public prosecution offices in newsletters of June 2012, August 2012, January 2013 and June 2014 of the obligation to exchange information. Electronic forms can be accessed via the intranet along with information on completing them and on exchanging information. The minutes of previous meetings, which also contain information on the obligation to exchange information, are also available online here. The ZOK’s intranet also provides information in cases where there is some uncertainty on the part of public prosecutors as to how the confidentiality of information reported can be ensured; Eurojust’s workflows are presented there. The German form supplementing the Eurojust transmission form is also available here.

The obligation to exchange information was also addressed at the workshop of the Public Prosecutors General with the Prosecutor General of the Federal Court of Justice and representatives of supreme public prosecution offices from neighbouring European countries, which took place in Görlitz from 26 to 28 May 2014.

The Ministry of Justice of Lower Saxony held an internal *Land* training course for heads of mutual legal assistance departments of the Lower Saxon public prosecution offices on 1 and 2 June 2015, at which Eurojust and the EJM were presented and at which attention was drawn to the obligation to exchange information with Eurojust.

In addition, Eurojust is a subject addressed at a professional training course for judges and public prosecutors which Lower Saxony has already held for the German Judicial Academy for many years. This conference, entitled “International cooperation in criminal matters“ is a fixed part of the advanced training programme of the German Judicial Academy. Within this context, attention is also drawn to the obligation to exchange information. The most recent conference took place in Trier from 13 to 17 July 2015. A corresponding event is to be held from 6 to 10 June 2016.

#### **(10.) North Rhine-Westphalia**

Legal practitioners are well aware of and comply with the obligation to exchange information. No cases are known where information was not transmitted to Eurojust as required under Article 13 of the Eurojust Decision/Section 6 of the Eurojust Act.

The public prosecution offices were informed of the obligation to exchange information under Section 6 of the Eurojust Act by the offices of the public prosecutors general. Within the public prosecution offices, information on the obligation to exchange information was provided appropriately, for example through internal orders or at staff meetings. In addition, the awareness of public prosecutors was increased at professional training events. The obligation to exchange information was also a subject of the staff meeting of the Federal Ministry of Justice with heads of departments of mutual legal assistance of the offices of the public prosecutors general and public prosecutors held in March 2015.

In addition, the Eurojust brochure published by the Federal Ministry of Justice and Consumer Protection and the Eurojust form have been put on the *Land* judiciary intranet, which was specifically set up for international mutual assistance in criminal matters.

Since the end of May 2013, North Rhine-Westphalia has exchanged information with Eurojust under Section 6 of the Eurojust Act in a total of eight cases. In other cases, a separate notification under Section 6 of the Eurojust Act was not made because Eurojust had been requested to coordinate cross-national measures and thus was already informed of the corresponding cases. Within the context of the above-mentioned staff meeting of March 2015, it was pointed out to the department that even in such cases, the obligation to exchange information under Section 6 of the Eurojust Act does not lapse.

#### **(11.) Rhineland-Palatinate**

The low volume of exchanges of information under Article 13 of the Eurojust Decision/Section 6 of the Eurojust Act and the low level of utilisation of coordination meetings is due to the small number of appropriate cases – at least in the department here. The majority of cases where there was a cross-border connection concerned just one other state or did not require any particular coordination efforts. Appropriate assistance can be provided in such cases, in particular by the EJN.

Precisely on account of the small number of cases, however, it seems necessary to recall Section 6 of the Eurojust Act repeatedly so that the provision is called to mind when necessary. Attention is drawn to the obligation to exchange information at regular departmental staff meetings. Most recently, this was the subject of a discussion held at cross-district level on 15 January 2015 between the heads of office and the Ministry of Justice and Consumer Protection of Rhineland-Palatinate.

In addition, information on Eurojust is available on the *Land* intranet (research area: “mutual legal assistance in criminal matters”). Information is provided there for legal practitioners on Eurojust in general and on its support for joint investigation teams. The information provided there includes contact details of the National Member of Eurojust, instructions for communications under Section 6 of the Eurojust Act and the corresponding electronic Eurojust form.

## **(12.) Saarland**

The Practical Guidance Notes for Cooperation, the brochure published by the Federal Ministry of Justice and Consumer Protection, were made available to public prosecution office practitioners with a letter from the Ministry of Justice of Saarland of 31 October 2014, which explicitly referred to the information contained in the brochure on the question of “The obligation to exchange information: when do you have to involve Eurojust?” The request was also made that the brochure be brought to the attention of those members of staff within the office who are responsible for fulfilling the obligation to exchange information and that reference be made to this passage. The Public Prosecution Office Saarbrücken immediately carried out this request.

The department also stated that there was no indication that there had been any non-compliance with the rules on exchanging information in the past in any cases where such an exchange should have taken place. The rather low volume of previous such exchanges is probably due to a lack of appropriate proceedings.

## **(13.) Saxony**

The low volume of exchanges of information under Article 13 of the Eurojust Decision/ Section 6 of the Eurojust Act is due to the low volume of appropriate cases. The Saxon public prosecution offices are aware of the obligation to exchange information under Section 6 of the Eurojust Act. The public prosecution offices have received the brochure published by the Federal Ministry of Justice and Consumer Protection containing Practical Guidance Notes for Cooperation. Practitioners are sufficiently aware of the obligation to exchange information with Eurojust and comply with it.



#### **(14.) Saxony-Anhalt**

Attention has repeatedly been drawn to the existing obligation to exchange information and the transmission channels to be used. In particular, the Saxony-Anhalt EJM contact point at the Office of the Public Prosecutor General Naumburg has explicitly requested at least to be notified of any cooperation with Eurojust. In addition, the brochure published by the Federal Ministry of Justice and Consumer Protection has been forwarded to local practitioners with supplementary comments on the content; attention has been drawn to the possibility of downloading it.

It has been reported by local public prosecution practitioners that situations requiring information to be exchanged within the meaning of the specific group of cases referred to in Article 13 of the Eurojust Decision/Section 6 of the Eurojust Act have occurred only rarely to date.

Regular advice in writing or at appropriate staff meetings, to the effect that information has to be provided to Eurojust in appropriate cases, is also to be given in the future. Suitable addressees in the public prosecution offices are first and foremost the heads of departments of mutual legal assistance as well as other heads of department who carry out proceedings that are relevant in principle (particularly in the fields of cross-border organised crime, economic crime, gang crime, environmental crime and political crimes).

#### **(15.) Schleswig-Holstein**

The public prosecution offices in Schleswig-Holstein were informed of their obligation to exchange information under Article 13 of the Eurojust Decision/Section 6 of the Eurojust Act by the Schleswig-Holstein Ministry of Justice in a decree of 10 June 2013.

At the beginning of 2015, the Office of the Public Prosecutor General publicised the Practical Guidance Notes for Cooperation, the brochure published by the Federal Ministry of Justice and Consumer Protection containing key practical information on the obligation to exchange information and on Eurojust's support services, at public prosecution offices in Schleswig-Holstein. The request was made at that time to make the brochure known, particularly to heads of departments responsible for fulfilling that obligation. It was also requested that the attention of all public prosecutors responsible for fulfilling the obligation to exchange information be drawn to the information on this subject.

In addition, the brochure published by the Federal Ministry of Justice and Consumer Protection is permanently available on the intranet for retrieval by all judges and public prosecutors of Schleswig-Holstein. In order to increase its visibility, attention was drawn to it in the eye-catching “latest news in brief” section of the intranet in 2015.

The information on Eurojust provided on the intranet includes the form for transmitting information, the German supplementary form and the Eurojust handbook for joint investigation teams.

Finally, judicial and public prosecution office practitioners were given access to the Juris website “Rechtshilfe Online” at the beginning of 2015 and this was announced to them. There, too, legal instruments and information on Eurojust can be easily found.

#### **(16.) Thuringia**

The attention of the public prosecution offices in Thuringia has repeatedly been drawn to the obligation to exchange information under Article 13 of the Eurojust Decision/Section 6 of the Eurojust Act. In addition, the obligation to exchange information and the brochure containing Practical Guidance Notes for Cooperation published by the Federal Ministry of Justice and Consumer Protection were the subject of the meeting of heads of departments of mutual legal assistance at the Offices of the Public Prosecutor General Thuringia and Thuringian public prosecutors with the Thuringian Ministry of Justice held on 23 October 2014.

#### **4) Concerning recommendation 10.1.4.**

*Germany should consider whether the full potential of Eurojust, including initiation of coordination meetings, is exploited by national practitioners; (cf. 5.4.1 and 5.7)*

Germany has very carefully implemented the recommendation. In the course of the recommended examination, a great number of measures were taken by the Federation and the *Länder* to raise awareness among legal practitioners of Eurojust’s potential, particularly of the possibility of

holding coordination meetings. On the basis of the participation of practitioners that has already taken place, the general statement may be made that they are meanwhile familiar with Eurojust's possibilities for providing support and in particular also with the possibility of holding coordination meetings at Eurojust. The offer of holding coordination meetings is used in suitable cases and, in the view of practitioners, has been successful.

In appropriate cases, the Public Prosecutor General of the Federal Court of Justice (GBA) makes use of the possibility to engage in an exchange of information with criminal prosecution authorities of other Member States through Eurojust. This also includes participating in coordination meetings. Most recently, a representative of the GBA took part in a coordination meeting in February 2015 concerning cases of the taking of foreign nationals as hostages in Syria. Such exchanges are regarded as unequivocally beneficial by the GBA and will be initiated again in the future in cases where investigative proceedings have multilateral aspects.

The *Länder*, too, have regularly drawn their respective departments' attention at appropriate staff meetings and on their respective intranets to Eurojust's potential and to the possibility of holding coordination meetings. The information given under item 10.1.3. on the obligation to exchange information applies here *mutatis mutandis*; thus, essentially, reference is made to the information given there.

The *Länder* have provided the following supplementary information on the potential of Eurojust, and above all, of the coordination meetings:

#### **a. Bavaria**

Public prosecution office practitioners have pointed out that on account of the close cooperation meanwhile existing with the public prosecution offices of neighbouring European Union Member States, there is often no need for coordination meetings at Eurojust. The overwhelming majority of problems arising in mutual legal assistance can already be resolved directly between the competent authorities or by involving the European Judicial Network (EJN).

## **b. Berlin**

The cooperation with Eurojust meets practitioners' needs. There is a regular exchange both of incoming and outgoing requests for mutual legal assistance. In view of this, there is unlikely to be any specific need for further optimisation. In particular, the offer of coordination meetings at Eurojust is used in appropriate cases and has been valuable on a number of occasions.

## **c. Hamburg**

The Senior Public Prosecutor's instructions referred to under item 10.1.3. draw attention to the possibility of making direct contact with the National Member of Eurojust (in particular to coordinate investigations). In order to optimise cooperation with Eurojust, the public prosecution office also held an information event in Hamburg in January 2014, which met with broad interest. At this event, a representative of the German National desk at Eurojust explained in particular Eurojust's various coordination offers.

Proceedings currently under way in the area of organised crime are an indication that Eurojust's coordination possibilities are known and accepted by practitioners in Hamburg. In these proceedings, Eurojust's support enabled extensive investigation measures (telephone surveillance, searches, arrests, asset recovery etc.) to be coordinated and successfully implemented with Polish authorities.

The number of coordination meetings initiated by Hamburg is likely to increase in the future, particularly on account of positive experiences of this kind.

## **d. Hesse**

The public prosecution offices in Hesse are informed of current developments in the area of "joint investigation teams" on an ongoing basis, in addition to the measures cited under item 10.1.3. To this end, there is close and regular contact between the Federal Office of Justice and the Hesse Central Office for Combating Organised Crime (*Zentralstelle für die Bekämpfung der Organisierten Kriminalität* - ZOK). The information of the Federal Office of Justice on joint investigation teams is forwarded through the ZOK to practitioners in timely fashion.

#### **e. Mecklenburg-Western Pomerania**

Eurojust's coordination possibilities are known to practitioners in Mecklenburg-Western Pomerania. In 2014, a senior public prosecutor of the Public Prosecution Office Rostock involved in investigation proceedings into the import of large quantities of drugs by gangs took part in a coordination meeting at Eurojust that had been initiated by authorities from the Netherlands and Italy. Irrespective of this, regular information is provided on the possibility and benefit of coordination meetings at Eurojust. In future, this will also be done in the meetings with heads of departments of mutual legal assistance referred to under item 10.1.3.

#### **f. Lower Saxony**

At the conference on organised crime of the Central Office for Organised Crime and Corruption (*Zentrale Stelle Organisierte Kriminalität und Korruption - ZOK*) held on 26/27 November 2014, reference was made both to the possibility of coordination meetings and to the possibility of "coordination centres". Information on particular aspects and in particular on practical experiences with Eurojust have been a subject of every ZOK meeting in recent years. In addition, sufficient dissemination of information is guaranteed, particularly on the various workshops referred to under item 10.1.3..

The public prosecution offices of Lower Saxony have already taken part in coordination meetings headed by Eurojust in proceedings relating to Europe-wide drug dealing and cross-border cybercrime. With their experience, the competent heads of department act as multipliers, thereby helping to sufficiently increase awareness of this issue.

#### **g. North Rhine-Westphalia**

Authorities from North Rhine-Westphalia regularly took part in coordination meetings at Eurojust between 2012 and 2014. Information about such meetings continues to be provided, for example at professional training events, such as the staff meeting of March 2015 already referred to under item 10.1.3.

#### **h. Rhineland-Palatinate**

The low volume of participation in coordination meetings is due to the low volume of appropriate cases, at least in the department in Rhineland-Palatinate. In the majority of cases where there is a cross-border connection, only one other State is involved or there is no additional need for coordination. In such cases, support can be provided more usefully through the EJN. Nevertheless, the awareness of legal practitioners is increased so that they know that the possibility exists if required. Reference is made to the comments under item 10.1.3.

#### **i. Saxony:**

The Saxon public prosecution offices have been informed of the possibility of holding coordination meetings at Eurojust and make use of it in appropriate cases. The coordination meetings have been assessed consistently by public prosecution offices as being positive and helpful. The Office of the Public Prosecutor General Dresden will continue to ensure that use is made of coordination meetings in appropriate cases.

#### **j. Thuringia**

It may be stated that the Thuringian public prosecution offices are sufficiently informed and aware of Eurojust's potential, including concerning the initiation of coordination meetings. The Office of the Public Prosecutor General in Thuringia ensures that the support opportunities offered by Eurojust are used in individual investigation proceedings.

#### **5) Concerning recommendation 10.1.5.**

***Germany should consider the possibility of appointing a contact point responsible for receiving urgent incoming requests for controlled deliveries and subsequent actions; (cf. 7.1 and 7.3)***

#### **a) General and summary remarks**

Germany has carefully implemented this recommendation. The possibility of specifying a central contact point for requests in connection with controlled deliveries has been carefully assessed with the involvement of legal practitioners. The Federal Ministry of the Interior (*Bundesministerium des Innern* – BMI), the German Federal Police Office (*Bundeskriminalamt* – BKA), the Public Prosecutor General of the Federal Court of Justice, the Federal Office of Justice, the German National desk at Eurojust and the *Länder* have been closely involved in the assessment. The outcome of the assessment was that legal practitioners are unanimous in rejecting a central contact point; thus, such a contact point should not be set up. The *Länder* were almost unanimous in reporting that in legal practice to date, no problems have arisen in dealing with urgent incoming requests on controlled deliveries. To that extent, no practical need is seen to set up a central contact point.

In addition, legal practitioners fear that a central contact point might lead to delays rather than simplification in processing incoming requests. One reason for this is that controlled deliveries are usually prepared in detail by the police before the judicial authorities are involved. The establishment of a central agency could lead to difficulties because it would not be sufficiently familiar with local situations and police structures. Moreover, a central agency could not be involved instead of the competent local public prosecution offices, but only in addition to them, for example as a first point of contact. This is because the public prosecution offices are responsible for approving controlled deliveries. This would lengthen the processing, which could lead to a delay in dealing with urgent requests; thus, the result might even be counterproductive.

Legal practitioners have no concerns that there may be uncertainty regarding which agency in Germany is competent in a particular case. In cases of doubt, the competent national agencies can be determined simply through the EJN contact point or the information provided by the EJN, particularly the Judicial Atlas. In addition, the German Europol Liaison Office and the German Federal Police Office in its function as a Europol National Unit are both available 24/7 and can thus be contacted by authorities in Germany and abroad in urgent cases and are able to provide support at any time.

## **b) Statements by the *Länder***

### **(1.) Baden-Württemberg**

Baden-Württemberg considers it to be unnecessary to set up a central contact point for urgent incoming requests for controlled deliveries.

### **(2.) Bavaria**

It is considered unnecessary to set up a central contact point for urgent incoming requests for controlled deliveries.

In connection with its responsibility as the superordinate authority of the public prosecution offices in the area along the border with Austria, the Public Prosecutor General Munich is regularly involved in approving controlled deliveries from southern Europe. To date, no difficulties have impeded or prevented implementation of the planned controlled deliveries, in spite of the large number of cases. Usually, controlled deliveries are prepared by the police authorities before the judiciary deals with them. The establishment of a central contact point could lead to difficulties if it not sufficiently aware of local situations and police structures.

### **(3.) Berlin**

In view of the fact that direct dealings within the European Union are usually admissible, there is no apparent need to set up or use central contact points. The use of existing central police points in Germany and abroad has been successful, but precisely in view of these available existing contact points, there is no need to set up central contact points at judicial level.

### **(4.) Brandenburg**

In the estimation of public prosecution practitioners, there have been no problems in connection with controlled deliveries in the past, and thus no need to take action is seen here.

### **(5.) Bremen**

No problems have come to light in connection with incoming requests relating to controlled deliveries, so that there is currently no need for any special provision.



## **(6.) Hamburg**

No need is seen to set up a central contact point for urgent requests for controlled deliveries. No appreciable problems have come to light in the Hamburg department in processing incoming requests in this area.

Responsibilities can be ascertained quickly and non-bureaucratically through the contacts in the EJM Atlas. Making contact with the competent agencies in Hamburg is also guaranteed through an email account especially for enquiries from Eurojust, developed in connection with the EJM.

Outside office hours, the head of the mutual legal assistance department can be contacted through the competent on-call public prosecutor. The head of this department is at the same time the EJM contact point and Eurojust correspondent.

## **(7.) Hesse**

In Hesse, no problems have come to light in establishing competences on account of a lack of accessibility in connection with incoming requests. Thus, it is not considered necessary to name a central contact point.

## **(8.) Mecklenburg-Western Pomerania**

A central contact point for urgent incoming requests for controlled deliveries is not considered to be necessary. Problems have not come to light of any incoming requests that would have to be resolved through statutory or organisational measures.

## **(9.) Lower Saxony**

A central contact point for incoming requests for controlled deliveries is not considered to be necessary here. Controlled deliveries must be escorted by *Land* police task forces. This task would have to be coordinated between the central contact points and the *Land* police, which would be a retrograde step in comparison with current practice on account of the imminent frictional losses.

The coordination and management of urgent incoming requests for controlled deliveries through the police is sufficient. No cases have come to light here where a controlled delivery failed or was impeded by the lack of a central contact point. Europol can be involved in the case of any problems or Eurojust can be involved in the case of any enquiries. The competent public prosecution office and its contact details can be simply and easily found through the EJM's Judicial Atlas.

#### **(10.) North Rhine-Westphalia**

According to the unanimous reports of legal practitioners, no cases have come to light where there were any problems with the approval of controlled deliveries on account of the lack of a central authority. Accordingly, the establishment of a central contact point for such cases is not considered necessary.

#### **(11.) Rhineland-Palatinate:**

Cases where problems have arisen in connection with controlled deliveries are not known here. Thus, no need is seen to set up a central contact point or for statutory measures.

#### **(12.) Saarland**

Following consultations with practitioners here, Saarland can announce that to date no problems have come to light in connection with the treatment of urgent incoming requests for controlled deliveries. Thus, confirmation cannot be given that there is any practical need to set up a central agency to deal with these.

#### **(13.) Saxony**

It is not considered necessary to establish a central contact point for incoming requests for the implementation of a controlled delivery. Controlled deliveries are carried out at irregular intervals by our department. To date, no problems have emerged in connection with the transmission of the corresponding requests or the implementation of controlled deliveries.

#### **(14.) Saxony-Anhalt**

Problems in practice have not come to light. Therefore it does not appear to be necessary to establish a central contact point.

#### **(15.) Schleswig-Holstein**

To date, there has been no practical need to set up a central contact point to process urgent incoming requests for controlled deliveries.

#### **(16.) Thuringia**

It is not considered necessary to set up a central contact point for urgent incoming requests concerning controlled deliveries. No problems have come to light in this connection.

#### **6) concerning recommendation 10.1.6.**

*Germany should continue specific training programmes for practitioners dealing with international judicial cooperation and in particular extend such trainings for judges; (cf. 8.1 and 8.3)*

##### **a) General and summary remarks**

Germany has committedly implemented this recommendation and in particular took it as an opportunity to reassess professional training and educational measures in the Federation and the *Länder*. Polls of judicial practice have also been carried out specifically for this purpose.

Germany has already offered legal practitioners extensive educational and professional training measures dealing with judicial cooperation in criminal matters in the past and will continue to do so.

There are educational and professional training courses at Federal and *Land* level. These courses are consciously supplementary in order to make optimal use of the available personnel and financial resources in the Federation and the *Länder*. The educational and professional training opportunities are targeted regularly both at public prosecutors and judges. The majority of the programmes of the *Länder* are a fixed part of the judicial system and will be continued in the future, some of them at regular intervals. The courses include professional training in foreign languages, e.g. “Legal English“.

It is the general view of the Federation and the *Länder* that the existing educational and professional opportunities are comprehensive and sufficient in principle. Of course, this does not rule out the possibility that different or additional programmes may be included in the future. This applies particularly when legal practitioners themselves announce that there is a specific need for professional training or a need for training arises in particular cases. Suggestions by practitioners are usually taken up by training consultants without delay.

In addition to the programmes of the Federation and the *Länder* themselves, the training courses of the Academy of European Law (*Europäische Rechtsakademie* - ERA) are made accessible throughout Germany and are regularly well received by legal practitioners. The same applies to the courses of the European Judicial Training Network (EJTN). These include long-term work shadowing for periods of up to four months and five-day study visits to Eurojust for legal practitioners. These opportunities are popular among German practitioners and are frequently used by them.

To supplement the above, reference is made to the information opportunities offered by the *Länder* for judges and public prosecutors who deal with judicial cooperation in criminal matters already referred to under recommendations 10.1.3 and 10.1.4. These include staff meetings and specialist conferences within or across competent authorities, in-house training, brochures, guidelines, handbooks, information on the intranet etc. In addition to these courses, legal practitioners can receive targeted information on specific questions. In some *Länder*, an additional joint specialist exchange takes place, for example in the form of cross-*Länder* working groups. Expertise from these fora are forwarded within the respective departments.

Information is also forwarded on questions relating to cooperation in criminal matters through the meetings of the ENCS or the annual meetings (lasting several days) of the German EJM contact points. All the participants in these meetings work at the Offices of Public Prosecutors General or at the public prosecution offices of the *Länder* and thus operate as multipliers in questions of mutual legal assistance within their areas – also vis-à-vis the courts.

#### **b) The Federation's training measures**

In principle, the German Judicial Academy (see above under 10.1.3) is open to anyone working in the judicial system who is interested, primarily judges and public prosecutors. The Academy offers regular conferences in the field of mutual legal assistance and cooperation within the European Union in criminal matters. Some of the Academy's conferences are conceived and implemented by the Federation and some by the *Länder*, ensuring that they are particularly practical. For example, Lower Saxony offers an annual training course on the subject of "International cooperation in criminal matters" at the Academy. North Rhine-Westphalia carried out a "German-Netherlands Conference" in 2014.

The Federal Ministry of Justice and Consumer Protection offers occasional seminars on mutual legal assistance and cooperation in criminal matters through the German Judicial Academy. The target group are judges and public prosecutors. The subject "Eurojust and the ways in which it can provide support" is a fixed part of the programme. The most recent seminar took place in Trier in November 2012. A similar event is planned in Wustrau for 2016. Preparatory work has been under way for this course since January 2015. One of the subjects to be addressed in this context is the obligation to exchange information in order to increase the awareness of legal practitioners.

The National Member of Eurojust and his staff hold regular presentations at information events of the *Länder*, thus familiarising legal practitioners with the ways in which Eurojust can provide support. Reference is made to the comments under item 10.1.3.

### **c) Training measures of the *Länder***

#### **(1.) Baden-Württemberg**

The contact meetings with heads of departments of mutual legal assistance at the public prosecution offices already referred to under 10.1.3. take place in Baden-Württemberg at which subjects relating to judicial cooperation in criminal matters are discussed. Annual events on organised crime, cybercrime and drug crime, which include discussions of questions of mutual legal assistance, take place at the Office of the Public Prosecutor General in Stuttgart. In addition, the Ministry of Justice holds occasional training events for judges and senior judicial officers in the field of mutual legal assistance in criminal matters. The EJM contact point offers the public prosecution offices and the police in Baden-Württemberg regular information events and training on the EJM and Eurojust.

#### **(2.) Bavaria**

In Bavaria, annual professional training conferences on international cooperation in criminal matters have taken place since 2013. The conferences, lasting several days, are targeted at public prosecutors who have recently started to deal with issues of mutual legal assistance or will do so in the near future. Instruction is given on the principles of extradition, enforcement and other mutual legal assistance in criminal matters. The practical application of these principles is practised by reference to case studies. Conferences were held in 2014 and 2015 (23/24 September) on “Institutions to support cross-border cooperation in the EU (EJM, Eurojust, joint investigation teams)“. It is planned that the conference be extended to a three-day format in 2016.

As well as this professional training programme, there is an annual staff meeting of heads of departments in the field of mutual legal assistance at Bavarian public prosecution offices and offices of the public prosecutor general at which representatives of the State Ministry of Justice and the German desk at Eurojust also take part.

### (3.) Berlin

Regular professional training courses of the federal *Länder* of Berlin and Brandenburg organised by the Joint Judicial Examination Office of Berlin and Brandenburg (*Gemeinsames Juristisches Prüfungsamt* - GJPA) take place at the Brandenburg Judicial Academy in Königs Wusterhausen. They deal in detail with the subject of international cooperation in criminal matters. The courses are targeted both at judges and public prosecutors.

In 2014, for example, a one-day event on the subject of “International mutual legal assistance in criminal matters – focus on Poland“ took place, which, among other things, dealt with “Special forms of mutual legal assistance within the EU, especially with Poland”. 29 judges and public prosecutors from Berlin und Brandenburg took part in the event.

In March 2015, the GJPA held a one-day further training event on the subject of “International mutual legal assistance in criminal matters“ for 25 participants. In addition, a professional training course will be held autumn 2015 on “European law in criminal law practice”, which will include subjects such as European criminal law.

Professional training courses are also held periodically by the federal *Land* of Berlin at which questions of international cooperation in criminal matters are on the agenda. For example, in 2014, the two-day training course “On-call service in criminal matters“ was held, at which an entire section of the meeting was devoted to the subject of “International connections of the on-call service in criminal matters.” 23 members of the higher judicial service took part in this conference. A similar conference took place in March 2015 and another is planned for autumn 2015.

As well as the professional training courses organised by the federal *Länder* of Berlin and Brandenburg themselves, the German Judicial Academy’s courses are also open to members of the higher judicial service of the federal *Länder* of Berlin and Brandenburg. As well as the large number of events dealing in general with questions of criminal and criminal procedural law that take place here, at which international cooperation in criminal matters is dealt with in individual sections of the meeting, there is a one-week professional training course that takes place annually (also in 2014/2015) on “International cooperation in criminal matters“.

#### **(4.) Brandenburg**

Reference is made to the information provided on Berlin on the courses offered by the Joint Judicial Examination Office of Berlin and Brandenburg (*Gemeinsames Juristisches Prüfungsamt - GJPA*) and the German Judicial Academy.

In addition, a two-day event entitled “Organised cross-border crime” was held in 2014 under the auspices of the Public Prosecutor General in cooperation with the GJPA. Public prosecution offices from Brandenburg and Poland, police authorities and German and Polish border protection authorities took part in this workshop. The workshop also dealt with cross-border cooperation in criminal matters.

Another two-day event, the “Second public prosecutors’ meeting in *Land* Brandenburg - international criminal Justice” was held on 14 and 15 September in cooperation with the Public Prosecutor General. The subjects of the event included the European public prosecution office and Eurojust.

In principle, the professional training on offer is considered to be sufficient. However, as a precautionary measure, the Public Prosecutor General has been asked to inform the president of the GJPA if public prosecution practitioners consider further training courses to be useful.

#### **(5.) Bremen**

The need for professional training is largely met by the courses offered by the German Judicial Academy. If a need is seen for further training, the Academy’s range of courses is to be expanded.

#### **(6.) Hamburg**

The most recent course to take place in Hamburg was a one-day professional training course organised by the city state in 2012 on “European criminal procedure law”. Planning is currently under way for a professional training course on extradition law to be held by the President of the First Senate of the Hanseatic Higher Regional Court.



Nation-wide professional training programmes are available to the public prosecution office and the courts in the area of international mutual legal assistance, which regularly meet with great interest. These courses are regarded as sufficient, especially since requests for mutual legal assistance are processed centrally by one department in the Public Prosecution Office Hamburg. In addition, the head of the mutual legal assistance department takes part in the meetings of the Eurojust National Coordination System so that information is also passed on about current developments and themes.

In addition, the range of information specified under item 10.1.3., particularly the information on the intranet, is available to the heads of department and senior judicial officers of the Public Prosecution Office Hamburg.

Not least in view of the limited personnel and material resources, however, it seems desirable to provide access to the information sources of other Federal *Länder* in the field of international mutual legal assistance in criminal matters, as well as to examine the possibilities of having an inter-state information portal.

#### **(7.) Hesse**

No specific training programmes for practitioners in accordance with the recommendation have been offered by the Hesse Judicial Academy to date because the courses provided by the German Judicial Academy, the Academy of European Law and other European professional training providers were considered sufficient. On the occasion of the sixth round of mutual evaluations of GENVAL, however, a specific poll was carried out among practitioners to find out whether the range of training courses offered in Hesse should be expanded. This was affirmed by legal practitioners. The Hesse Judicial Academy is therefore now planning a one-day workshop at *Land* level on the subject of “Mutual legal assistance in criminal matters”, which is to deal with all practical questions.

#### **(8.) Mecklenburg-Western Pomerania**

Approximately every two years, a workshop is held for heads of department of mutual legal assistance of the Public Prosecutor General and the public prosecution offices at the Ministry of Justice of Mecklenburg-Western Pomerania. The most recent workshop took place on 2 December 2014.

In addition, the heads of department of mutual legal assistance at the public prosecution offices use the opportunity to take part in sessions on mutual legal assistance at the German Judicial Academy in Trier and Wustrau.

In addition, a study visit to Eurojust from 16 to 20 March 2015 was offered through the EJTN.

#### **(9.) Lower Saxony**

Lower Saxony organises an annual professional training course on the “Principles of mutual legal assistance in criminal matters” at the German Judicial Academy (Deutsche Richterakademie – DRA). For 2016, a further training session for heads of department of mutual legal assistance from Lower Saxony is planned. The sessions on mutual legal assistance at the DRA are also in demand from practitioners from Lower Saxony.

Information on the subject of “cooperation in criminal matters” is forwarded regularly through the regular staff meetings of the Ministry of Justice with the heads of department of mutual legal assistance, see item 10.1.3. Planning is under way for the next staff meeting.

In addition, an annual conference is held in Lower Saxony by the *Land* Central Office for Organised Crime and Corruption (*Zentrale Stelle Organisierte Kriminalität und Korruption des Landes* - ZOK) on the subject of organised crime, in which the *Land* Ministry of Justice and public prosecutors take part. In addition, there is a cross-departmental ZOK meeting on organised crime, also once a year, in which the *Land* and Federal Police and tax investigation and customs representatives take part. One focus of these meetings is always on the area of international mutual legal assistance; cooperation with Eurojust is also a subject discussed in this connection.

The ZOK also actively maintains contacts with public prosecutors working in the field of organised crime, combating corruption, the skimming off of profits and combating cybercrime. Thus, the ZOK works as a multiplier in questions of mutual assistance in criminal matters. In suitable cases, reference is made to the benefit of cooperation with Eurojust. In addition, detailed information is to be found on the ZOK intranet on Eurojust's working methods and ways of contacting the German National desk at Eurojust, see 10.1.3.

Another multiplier in questions of mutual legal assistance is the *Land's* EJN contact point, which is receiving an increasing number of enquiries from courts. Serious consideration is being given to supporting professional training for judges by specialist heads of department at the public prosecution offices.

At the suggestion of Lower Saxony, a cross-border working group on cooperation in criminal matters has been founded, which meets regularly. Members of the working group are public prosecutors from North Rhine-Westphalia, Lower Saxony and the Netherlands. The working group not only deals with operative questions, but also draws up and carries out professional training sessions.

#### **(10.) North Rhine-Westphalia**

Training sessions on mutual legal assistance in criminal matters and on international cooperation have been a fixed feature in the range of professional training offered by North Rhine-Westphalia for a long time. In 2014, the seminar "Criminal law – work in the focal area of the public prosecution service on economic crime - advanced (public prosecutors)" and the seminar "Criminal law – international mutual legal assistance - introduction (judges/public prosecutors)" took place. The two professional training courses, each lasting two days, were held in July 2015 and will be offered again on 16 and 17 September 2015.

To supplement these courses, a five-day basic course in “Legal English” will be offered for the first time in 2015. A follow-up advanced course in legal English, also lasting five days, is also available. Both these courses are targeted at public prosecutors, in particular heads of departments of mutual legal assistance, and judges.

In addition, there is an annual staff meeting at the Ministry of Justice of North Rhine-Westphalia with the heads of departments of mutual legal assistance at offices of the public prosecutor general and public prosecution offices, at which mutual legal assistance in criminal matters is discussed, see 10.1.3. In addition, training takes place at district level, for example at in-house training sessions.

To supplement the above, judges and public prosecutors can attend the seminars of the German Judicial Academy (Deutsche Richterakademie – DRA). North Rhine-Westphalia offered a "German-Netherlands Conference" in 2014. In 2015, a "German-Turkish Conference” will follow. Also, the DRA will hold a "German-Polish Judicial Seminar" itself. In addition, Lower Saxony offers an annual seminar on "International cooperation in criminal matters". The annual legal language seminars in English, French, Italian and Spanish also deserve mention.

North Rhine-Westphalia also makes regular use of the EJTN-funded opportunity to second a public prosecutor to take part in a three-month working visit to the German National desk at Eurojust. Most recently, in the fourth quarter of 2014, a public prosecutor from North Rhine-Westphalia paid a working visit to Eurojust. In addition, a public prosecutor from North Rhine-Westphalia has recently been seconded to Eurojust as a national expert. After returning to *Land* service, these colleagues, with their practical expertise on how Eurojust functions, can act as multipliers and are also available to provide professional training courses.

Any additional training needs are met by special events as required, e.g. on the occasion of the implementation of new statutory regulations in the Act on International Cooperation in Criminal Matters (*Gesetz über die internationale Rechtshilfe in Strafsachen*).

### **(11.) Rhineland-Palatinate**

In the judicial training programme of Rhineland-Palatinate, regular events are offered on international cooperation in criminal matters. In addition, attention is drawn to the professional training offered, opportunities for working and study visits to European institutions in the context of the EJTN, the German Judicial Academy, the Academy of European Law and Eurojust events. Interest in these events usually exceeds the available places.

Any further or special need for professional training is usually taken up by the training department of Rhineland-Palatinate without delay and an appropriate seminar is drawn up or found.

### **(12.) Saarland**

Saarland judges and public prosecutors are offered an opportunity to take part in the German Judicial Academy's one-day training courses. In 2014, the session on "International human trafficking and the smuggling of migrants" (organised by North Rhine-Westphalia) and the session on "International cooperation in criminal matters" (organised by Lower Saxony) were of particular interest. A further professional training course took place on the latter subject in July 2015.

### **(13.) Saxony**

In the Free State of Saxony, public prosecutors operating in the field of international cooperation all have many years of experience. They are informed regularly as required of new provisions and experiences. In addition, the Public Prosecutor General Dresden uses every opportunity to offer professional training in this area of law. In December 2014, a training course on the subject of "on-call service" attended by young public prosecutors acquainted them with the main features of extradition and mutual legal assistance law. Such further training will also be offered for public prosecutors in the Free State of Saxony in the future.

#### **(14.) Saxony-Anhalt**

In principle, the professional training offered here is targeted at all interested public prosecutors and judges. A workshop on the subject of “Mutual legal assistance matters relating to foreign countries” has been held annually for a number of years. The workshop is directed primarily at senior judicial officers who work in the examining sections of the Regional Courts (*Landgerichte*) and Presidential Local Courts (*Präsidialamtsgerichte*). It is also possible for judges and public prosecutors to take part, however. The cooperation with Eurojust and the EJM is one of the subjects of the workshop. Thus, a presenter from the EJM contact point or a Eurojust correspondent of the federal *Land* of Saxony-Anhalt also takes part on a regular basis.

There is also an annual exchange of experience on mutual assistance in criminal matters, organised by the Public Prosecutor General Naumburg and attended by staff of the Ministry of Justice of the federal *Land* of Saxony-Anhalt, the public prosecution offices working in the area of mutual legal assistance and the *Land* Criminal Police Office. The support provided by Eurojust and the EJM are a subject that is regularly addressed.

In addition, English language courses are offered throughout Saxony-Anhalt, including courses specifically on mutual legal assistance in criminal cases, and these are well received by legal practitioners. Only by way of supplementing this information, reference is made here to the diverse advanced training opportunities provided by the German Judicial Academy.

Notwithstanding existing professional training courses, the recommendations in the wake of the sixth round of mutual evaluations of the Council Working Group GENVAL were used as an opportunity to ask legal practitioners about their need for further professional training specifically or exclusively relating to Eurojust. Some sections of the public prosecution and judicial service have announced such needs. Accordingly, a specialist event on Eurojust for Saxony-Anhalt is to be held in spring 2016.

### **(15.) Schleswig-Holstein**

Participation in the extensive professional training programmes of the German Judicial Academy (Deutsche Richterakademie – DRA) and the Academy of European Law is open to judges and public prosecutors. In particular, Lower Saxony holds an annual seminar at the DRA on “International mutual legal assistance in criminal matters”, in which judges and public prosecutors from Schleswig-Holstein can take part.

To supplement these events, professional training events dealing with “International mutual legal assistance in criminal matters” have been held for public prosecutors by the Public Prosecutor General as and when required.

### **(16.) Thuringia**

Training for public prosecutors who deal with international cooperation is a fixed part of the annual conference of Thuringia’s public prosecutors; see comments on item 10.1.3.