

REPORT ON ACTIVITIES AND MANAGEMENT 2021–2022

Connecting Justice

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NETWORK

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**European Judicial
Network Report
on activities and
management
2021–2022**

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LIST OF ABBREVIATIONS AND ACRONYMS

AIAMP	Ibero-American Association of Public Prosecutors Offices	EJCN	European Judicial Cybercrime Network
CASC	Judicial Cooperation Network for Central Asia and Southern Caucasus	EJN	European Judicial Network
CISA	Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders	EJN Decision	Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network
CJEU	Court of Justice of the European Union	EJNSC	EJN Secure Connection
CoE	Council of Europe	EJTN	European Judicial Training Network
COPEN	Working Party on Judicial Cooperation in Criminal Matters	EMJ	EuroMed Justice
CP(s)	Contact Point(s) of the European Judicial Network	EMJNet	EuroMed Judicial Network
CSC WB	IPA2019 project "Countering Serious Crime in Western Balkans"	ENVR	European Network of Victims' Rights
CTED	Counter-Terrorism Committee Executive Directorate of the United Nations Security Council	EPPO	European Public Prosecutor's Office
doc	document	EU	European Union
EAW	European Arrest Warrant	Eurojust	European Union Agency for Criminal Justice Cooperation
ECRIS	European Criminal Records Information System	EuroMed	Euro-Mediterranean Partnership
e-DES	e-Evidence Digital Exchange System	Europol	European Union Agency for Law Enforcement Cooperation
EIO	European Investigation Order	FD	Framework Decision
		FRA	EU Fundamental Rights Agency
		Genocide Network	European Network of Contact Points in respect of the investigation and prosecution of genocide, crimes against humanity and war crimes
		IberRed	Ibero-American Network of International Legal Cooperation

IPA	Instrument for Pre-accession Assistance	SEAJust	South East Asia Justice Network
JITs	Joint Investigation Teams	SEEPAG	South Eastern European Prosecutors Advisory Group
JITs Network	Network of National Experts on Joint Investigation Teams	SELEC	South Eastern European Law Enforcement Center
METIS	Mutual recognition in Europe through InterVision Studies	TCA	EU–UK Trade and Cooperation Agreement
MLA	mutual legal assistance	UK	United Kingdom
MoU	Memorandum of Understanding	UN	United Nations
MS(s)	Member State(s)	6RME	6 th Round of Mutual Evaluations on the EJM and Eurojust
PC-OC	Council of Europe’s Committee of Experts on the Operation of European Conventions on Cooperation in Criminal Matters		

INTRODUCTION BY THE SECRETARY OF THE EJN



Hugh Dockry, Head of the EJN Secretariat

Dear reader,

In my capacity as the newly appointed Head of the European Judicial Network (EJN) Secretariat, I am honoured to present the seventh Biennial Report on the EJN activities and management, providing an overview of the activities of the Network in the 2021-2022 period.

In 2023 we mark the 25th anniversary of the EJN. It is a moment to commemorate the achievements of the Network over these 25 years and the contribution of the EJN to international judicial cooperation in criminal matters. It is a great honour for me to join such a unique Network of distinguished prosecutorial and judicial professionals, practitioners actively involved in facilitating cross-border investigations, combatting serious crime and battling impunity. Having extensive experience in judicial cooperation within the Irish judicial system as well as the

European Commission, I always found the support of the EJN Contact Points and the EJN website an invaluable resource for judicial practitioners.

In the reporting 2021-22 period the EJN, through its Contact Points, continued to be a reliable channel for facilitating judicial cooperation between the national authorities in the Member States by supporting them in establishing direct contacts and resolving legal issues in their investigations of cross-border crimes. Furthermore, the Network was instrumental in providing timely information to the Contact Points and national authorities on changes in the legal framework and procedures. The EJN also further strengthened its contacts with the prosecutorial and judicial authorities of third countries and other regional judicial networks, with the aim of ensuring better and more efficient communication in the cooperation on cases with these territories, countries and regions.

The EJN supported practitioners in the Member States with regard to the application of the various legal instruments for judicial cooperation such as the European Investigation Order (EIO), European Arrest Warrant (EAW) and other EU mutual recognition instruments by

providing possibilities for discussing the recent case law of the CJEU. As mutual recognition is the cornerstone of the Area of Freedom, Security and Justice, the EJM specifically builds mutual trust between the Member States' national administrations and prosecutorial and judicial bodies through active participation in organising face-to-face meetings and circulating questionnaires and information notes to address national implementation and practical difficulties as well as for the exchange of best practice. The EJM remains a versatile proactive organisation that constantly reflects on how to better facilitate and improve international judicial cooperation in criminal matters. The EJM works closely with the Eurojust, other Secretariats at Eurojust and other international organisations such as the UNOCD and international judicial networks with that aim.

Over the past 2 years, the EJM has continued to work on the improvements of its website and the website tools to effectively support the judicial authorities in their daily work involving judicial cooperation in criminal matters. During the reporting period, the EJM online tools for judicial cooperation were renewed and most of the information on the website was reviewed and updated. This is an ongoing exercise of course. With well over 2 million yearly visits to the website, I am pleased to observe that the judicial practitioners find the relevant information they need to prepare their requests for judicial cooperation.

This report is a reflection of the volume and variety of work undertaken by the network and the secretariat throughout the 2 years it concerns. What you don't necessarily see is the constant traffic of information, requests for assistance, collective problem-solving and brainstorming that are the meat and bones of the meetings, whether plenary, regular, particular (such as the National Correspondents' and Tool Correspondents' meetings), regional or national.

I am happy to present the achievements of the EJM as outlined in this Report. On behalf of the EJM Secretariat, I would like to take the opportunity to thank all the EJM Contact Points, EJM National Correspondents and EJM Tools Correspondents for their dedication, expertise and professionalism in undertaking their responsibilities, without whose effort this would not be possible.

On behalf of the EJM Secretariat, let me express our continuous commitment to supporting the activities of the EJM.

Hugh Dockry

1. EJN OPERATIONAL CONTRIBUTION TO JUDICIAL COOPERATION

1.1. Overview

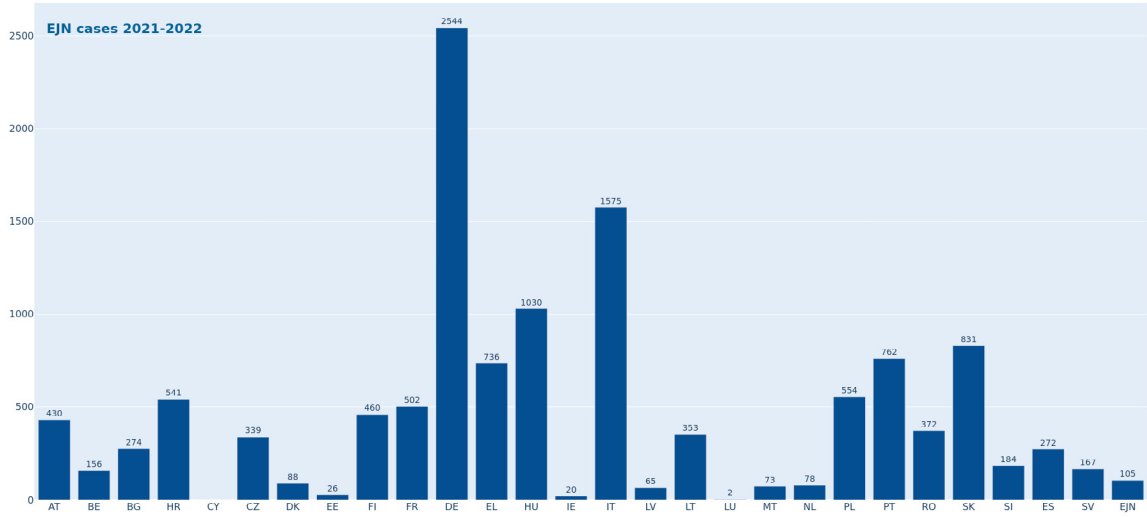
Facilitating judicial cooperation in criminal matters is the core task of the EJN and its Contact Points. In accordance with the legal basis of the EJN, [Council Decision 2008/976/JHA on the European Judicial Network¹](#) (the EJN Decision), the Contact Points' role is to facilitate judicial cooperation with respect to the execution of requests, assistance in establishing direct contacts between competent national judicial authorities, support in the drafting stages of the requests for legal assistance, and providing assistance in urgent cases and cases of delayed execution of requests. They also assist with providing information about national law and legal systems to address any national prerequisites for the execution of requests.

During the 2021–2022 reporting period, the EJN Contact Points continued to actively facilitate the execution of requests for legal assistance and to support the national judicial authorities in the application of the various judicial cooperation instruments such as the European Arrest Warrant (EAW), European Investigation Order (EIO), mutual legal assistance (MLA) requests, freezing and confiscation orders, along with less commonly used mutual recognition instruments such as the European Protection Order and Supervision Measures.

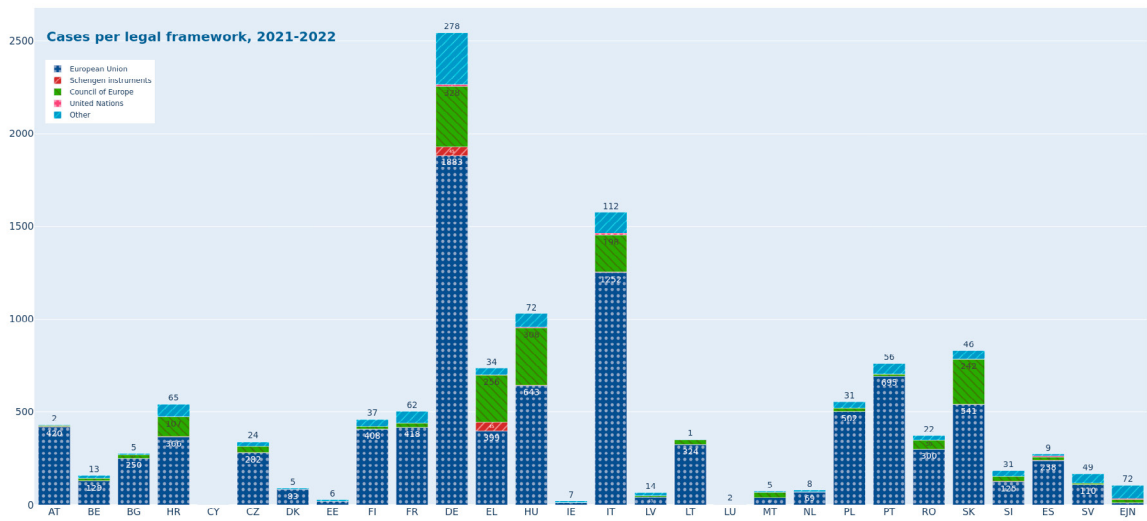
In addition to the support provided by the EJN regarding the application of the EU legal framework on judicial cooperation, the EJN Contact Points continued to provide assistance to national authorities with information and assistance concerning the application of the Council of Europe and the United Nations legal instruments, where the cases involved non-EU countries.

The following graphs provide a visual representation of the cases supported by the EJN: per country, per legal framework applied and per type of assistance provided by the EJN Contact Points. In the 2021–2022 period, a total of **12 564** cases were facilitated by the EJN.

¹ Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network (OJ L 348, 24.12.2008, p. 130–134). Available here: <https://europa.eu/wygybX>



Total number of EJN cases 2021-22



EJN case per legal framework 2021-2022

Cases by type of assistance provided, 2021-2022



EJN cases by type of assistance provided by the Contact Points²

1.2. European Arrest Warrant (EAW)

Adopted in 2002, the Framework Decision on the European Arrest Warrant³ (EAW FD) remains the most frequently used EU legal instrument in the field of judicial cooperation in criminal matters. In the 2021–2022 period, the EAW was discussed in EJN meetings on numerous occasions due to ever-relevant practical matters such as completing the EAW form, the exchange of information on detention conditions in the Member States and also because of the new jurisprudence of the Court of Justice of the EU (CJEU) in this area having direct impact on the application of the instrument.

Additionally, the EJN remains a main channel for the facilitation of the execution of EAWs, so discussions within the EJN are instrumental for better cooperation in EAW cases. The essential role of the EJN Contact Points in facilitating the execution of EAWs and the great support of the EJN to the national judicial authorities in their EAW proceedings, especially during COVID-19, was also acknowledged by the Council of the EU in its Conclusions on “The European arrest warrant and extradition procedures - current challenges and the way forward”, Council doc 13684/20⁴.

1.2.1. Operational and institutional aspects

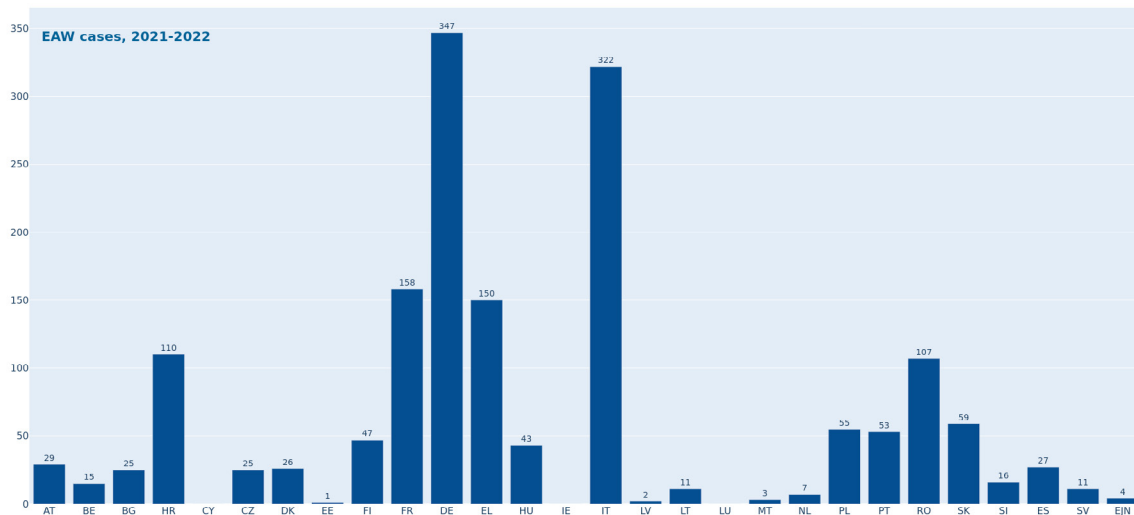
The EJN remains one of the central channels for the facilitation of the execution of the EAWs. The EJN Contact Points have an important role in fostering cooperation and communication between the national judicial authorities. The central role of EJN Contact

² In some cases, more than one type of assistance was provided by the EJN Contact Points.

³ Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.7.2002, p. 1-20). Available here: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32002F0584>.

⁴ Council Conclusions on mutual recognition in criminal matters — ‘Promoting mutual recognition by enhancing mutual trust’ (OJ C 449, 13.12.2018, p. 6-9). Available here: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52018XG1213%2802%29>.

Points in assisting with the practical application of the EAW is reflected in the following graph, which provides an overview of the total number of EAJ EAW cases per country. During the reporting period, the EAJ Contact Points facilitated 1 653 EAW proceedings by providing information on national procedures, establishing direct contacts between national authorities and facilitating the exchange of information on EAW cases.



Total number of EAJ EAW cases 2021-2022

The case examples below serve as an illustration of the added value the EAJ provides in facilitating cooperation and communication between the national judicial authorities to resolve issues and uncertainties related to the execution of EAWs and the transit of an arrested person in an extradition procedure.

EAW COOPERATION CASE: ROMANIA-BELGIUM

In a case concerning the execution of a Romanian European arrest warrant, the EAJ Contact Point for Romania facilitated the quick execution of a Belgian request for supplementary information under Article 15(2) of Framework Decision 2002/584/JHA. Shortly before deciding on the surrender, the Belgian authorities reached out to the Romanian EAJ Contact Point, requesting additional information about the EAW. The Belgian courts had set the date for the next hearing for which the additional information was required a week later. Considering the limited time available to respond to the request with the relevant information, including proper translation, the involvement of the Romanian EAJ Contact Point was crucial. The latter was able to speed up the internal proceedings and provide a complete and translated answer to the Belgian authorities within 4 days. Thanks to the efficient assistance of the Romanian EAJ Contact Point, the Belgian court was able to decide on the execution of the EAW in time.

COOPERATION TRANSIT CASE: *THE NETHERLANDS–PORTUGAL*

In a very urgent case, the EJM Contact Points facilitated the resolution of a particularly difficult situation arising in extradition proceedings and the transit of an arrested person from Colombia to the Netherlands for the purpose of prosecution.

The transit procedure was to take place on a very tight schedule, which gave rise to procedural challenges due to the fact that the plane transporting the arrested person would need to make a stopover in the Azores, Portugal. As such, the Dutch authorities had very limited time – only 2 business days – to request a permission for transit in Portugal. Therefore, the Dutch prosecutor and an EJM Contact Point contacted the Portuguese EJM Contact Point, asking for advice on how to proceed in the particularly urgent circumstances.

The following day, the EJM Contact Points discussed the matter and discovered other issues with the transit request, which would have normally prevented its timely granting. It was unclear whether the legal basis for the transit request should be the 1957 European Convention on Extradition or Framework Decision 2002/584/JHA on the European Arrest Warrant. This was due to the fact that, on the one hand, the transit was part of an extradition procedure between Colombia, a non-EU country, and the Netherlands. On the other hand, however, the transit request was to be submitted from the Netherlands to Portugal, i.e. two Member States which abolished the extradition procedure between each other, applying the EAW.

As a result of the involvement and assistance of the EJM Contact Points, it was decided to base the request on the Extradition Convention. This is because the laws applicable under the EAW FD apply solely to transits in the EAW surrender procedures, whereas this case concerned an extradition procedure.

The direct communication of the EJM Contact Points facilitated the effective and efficient resolution of this and other issues within the exceptionally limited time available. As such, the transit request was submitted to the Portuguese Minister of Justice and granted within 2 hours on the day the transit was due to take place. Consequently, the transit took place as scheduled as a result of the direct cooperation between the Dutch and Portuguese EJM Contact Points.

In addition to the operational work on cases involving the execution of EAWs, the EJM and the EJM Contact Points closely monitored developments in the area of EAW and its practical application. In this respect, the EJM observed and analysed in detail the CJEU jurisprudence on the topic and held timely discussions on its impact during the EJM meetings. Additionally, due to the extensive experience of the EJM Contact Points, the EJM was invited to contribute to several EAW-related projects and to provide the perspective of the judicial practitioners.

1.2.2. EU Commission guidelines and Petruhhin focal points

EAW PETRUHHIN REPORT

In November 2020, the EJM and Eurojust published a Joint Report on the practical application of the “*Petruhhin*” judgment⁵ of the Court of Justice across the EU⁶. The judgment requires a Member State that receives an extradition request, concerning a Union citizen, from a third State with which it has an extradition treaty to inform the Member State of which the citizen is a national so that that Member State can decide whether to issue an EAW provided that Member State has jurisdiction to do so. The judgment also requires the Member State concerned to verify that the extradition will not prejudice the rights referred to in Article 19 of the Charter of Fundamental Rights of the European Union. As a follow-up to this, the European Commission sent a Questionnaire to the Member States to collect additional information on the topic. Based on this information, the European Commission issued Guidelines on Extradition to Third States⁷ to support the national authorities in the execution of extradition requests concerning EU citizens and in particular when dealing with *Petruhhin* cases and/or politically motivated extradition requests. The EJM Secretariat provided feedback to the EU Commission on the draft text.

The EJM was tasked with supporting the EU Commission in setting up a list of national Focal Points in the Member States to receive a “*Petruhhin*” notification and politically motivated extraditions. The Focal Points will facilitate the cooperation and coordination between the authorities in such cases. The list has been published and is publicly available on the EJM website and can be easily accessed by judicial practitioners.

EAW HANDBOOK

The European Commission is updating the *EAW handbook*⁸, published in 2017. The Commission made the updates in close cooperation with the Member States, using questionnaires, to identify potential areas where the EAW Handbook could be expanded. The EJM Secretariat and the EJM Presidency participated in two meetings organised by the European Commission, where the Commission presented the outcomes of the questionnaires and the plans for the Handbook. The EJM Secretariat provided feedback and comments on the draft of the EAW Handbook and following the publication of the handbook, will publish it on the EJM website, together with the respective forms included in it.

EAW PORTAL ON THE EJM WEBSITE

In December 2020, the Council adopted its conclusions on ‘The European arrest warrant and extradition procedures - current challenges and the way forward’, Council doc 13684/20⁹. The Conclusions foresaw that a centralised EAW portal at the EU level on the EJM website would greatly benefit the work of judicial practitioners across the EU due to the fact that the website already contains a broad and useful variety of information and materials on the EAW.

⁵ Case C-182/15 *Aleksei Petruhhin v Latvijas Republikas Ģenerālprokuratūra* (2016). Available here: <http://curia.europa.eu/juris/liste.jsf?num=C-182/15>.

⁶ Joint report of Eurojust and the European Judicial Network on the extradition of EU citizens to third countries (November 2020). Available here: <https://www.ejm-crimjust.europa.eu/ejm/libdocumentproperties/EN/3303>.

⁷ Commission Notice – Guidelines on Extradition to Third States 2022/C 223/01 (OJ C 223, 8.6.2022, p. 1-35). Available here: <https://www.ejm-crimjust.europa.eu/ejm/libdocumentproperties/EN/3685>.

⁸ Commission Notice – Handbook on how to issue and execute a European arrest warrant 2017/c 335/01 (OJ C 335, 6.10.2017, p. 1-83). Available here: <https://www.ejm-crimjust.europa.eu/ejm/libdocumentproperties/EN/2023>.

⁹ Council Conclusions ‘The European arrest warrant and extradition procedures - current challenges and the way forward’ 2020/C 419/09 (OJ C 419, 4.12.2020, p. 23-30). Available here: <https://www.ejm-crimjust.europa.eu/ejnuupload/News/st13684.en20-18-12-2020.pdf>.

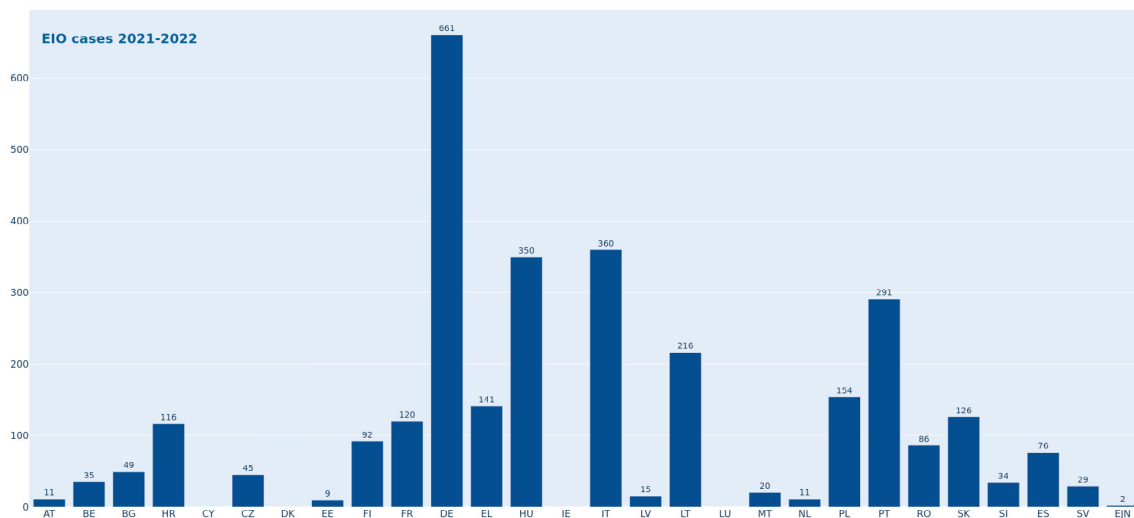
Throughout the reporting 2021–2022 period, the EJN Secretariat launched a consultation procedure with the Member States, the Commission and Eurojust for collecting input and identifying the needs of the practitioners about the EAW information they might still need on the EJN website. As a result, additional information and guidance on the EAW along with a new section on extradition were added to the EJN website and were made available to judicial practitioners.

1.3. European Investigation Order

Since the implementation of the European Investigation Order (EIO) Directive¹⁰ in 2017, the EIO has become one of the key instruments for cooperation in criminal matters between the Member States for requesting evidence that, to a large extent, replaced traditional mutual legal assistance (MLA) requests. Although the initial challenges brought by the new instrument have been successfully tackled by the practitioners, *inter alia*, with the support of the EJN, some questions on its application are still outstanding. Over the last two years, the discussions of practitioners under the umbrella of the EJN were mostly dedicated to the practical execution of certain investigative measures, particularly videoconference and cross-border surveillance, as well to the application of the EIO in the light of the judgments rendered by the Court of Justice of the European Union.

1.3.1. Operational and institutional aspects

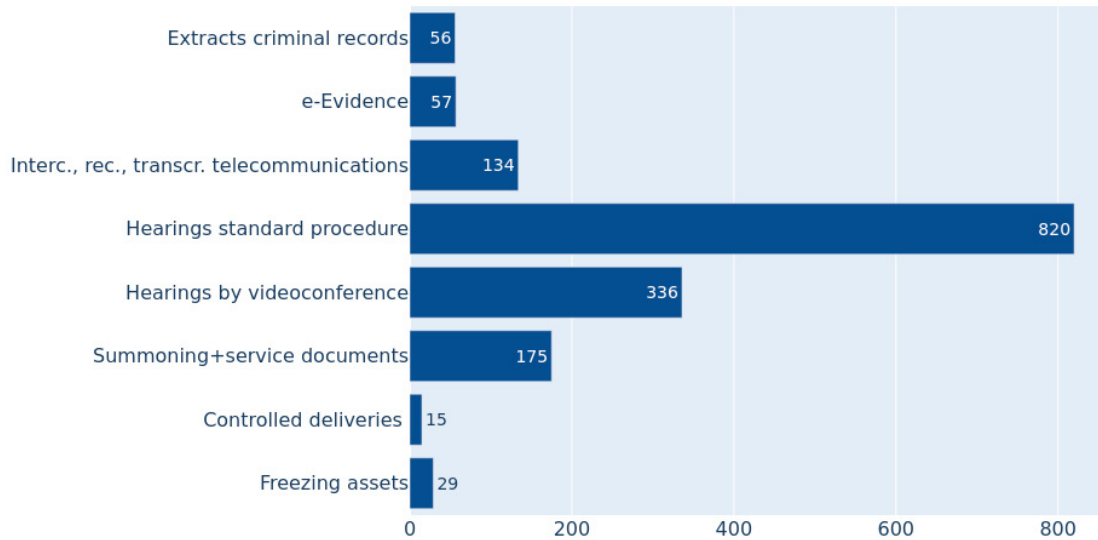
In 2021–2022, the EJN Contact Points reported more than 2 960 cases in which they assisted with EIO-related requests. This consists of nearly one-quarter of all cases where EJN assistance was required. The majority of cases were related to requests for hearings, either via standard procedure or via videoconference. Apart from the operational level, the latter has also been the focus of theoretical discussions between the Contact Points. The outcome of the discussions can be found below.



Total number of EJN EIOs per Member State, 2021-2022

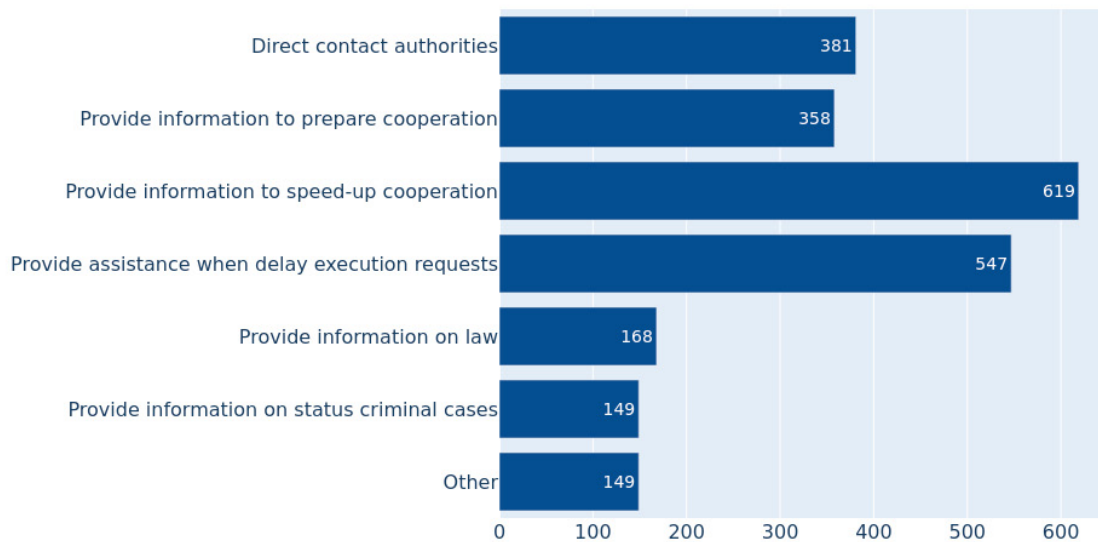
¹⁰ Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters (OJ L 130, 1.5.2014, p. 1–36). Available here: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014L0041>.

Requested investigative measures by EIO, 2021-2022



EJN EIOs and the most frequently requested investigative measures 2021-22

Types of assistance requested for EIO cases, 2021-2022



EJN EIO cases 2021-2022: assistance provided by EJN Contact Points

The graph above shows that nearly two thirds of EIO-related EIJ cases were initiated to provide assistance when the execution of the EIO was either delayed or needed to be sped up. The other registered types of assistance provided to the authorities via the EIJ channel in 2021–2022 are direct contact between authorities and providing information:

- ▶ on law and criminal procedures;
- ▶ on the status of the criminal cases.

To illustrate the added value of the EIJ, the following case example demonstrates the support of the EIJ Contact Points in facilitating the execution of EIOs:

EIO COOPERATION: SLOVENIA - ITALY

The EIJ supported a case of execution of an EIO issued in the context of the investigation of an attempted murder in Italy. The Italian prosecutor, and an EIJ Contact Point, had been informed that a vehicle that was used by unidentified accomplices to the criminal activity at the crime scene was spotted in Slovenia. The Italian prosecutor sent an EIO to the Slovenian authorities requesting the following investigative measures:

- seizure of the surveillance camera footage of the car entering the Republic of Slovenia from Croatia; and dddddd dddd
- surveillance and search of the car.

The Italian Contact Point contacted an EIJ Contact Point in Slovenia to facilitate the execution. The Slovenian Contact Point clarified that in Slovenia the inspection of a locked vehicle required prior court order. Following this direct communication between the EIJ Contact Points, and on the same day as the request was received, the Slovenian authorities ordered the Koper Police Department to execute the EIO and seize the videos but wait for the court order to inspect the vehicle. After obtaining the order, the vehicle was seized and the information was forwarded to the issuing Italian authority. This example demonstrates that the effective cooperation between the EIJ Contact Points provided for a successful and efficient execution of an EIO.

1.3.2. Latest discussions on the application

Over the last 2 years, the EIO-related discussions among the EIJ Contact Points were mainly focused on two aspects:

- ▶ the need to amend and possibility of amending the EIO Directive to introduce a more modern approach to videoconference and cross-border surveillance;
- ▶ the application of the EIO in the light of the latest CJEU case law, especially after the judgment of 11 November 2021 in case C-852/19 (the *Gavanozov II* case)¹¹.

¹¹ Case C852/19 *Criminal proceedings against Ivan Gavanozov* (2021). Available here: <https://curia.europa.eu/juris/liste.jsf?language=en&td=ALL&num=C-852/19>.

APPLICATION OF EIO IN THE CONTEXT OF VIDEOCONFERENCES

The EIO was the focus of attention at the 57th Plenary Meeting of the EJM under the Slovenian Presidency that took place on 18–19 October 2021 in Ljubljana. Taking into consideration the events of the previous 18 months – the COVID-19 pandemic – and the consequences that the related restrictions had on judicial cooperation, it was a favourable context to discuss how it would be possible to simplify the use of videoconferencing for cross-border interviews. The growing popularity of this measure has led to the question if there is a legal possibility to organise videoconferencing abroad without involving the authorities of the executing state, especially in cases where a participant (be it an accused, a victim or a witness) has given his/her consent to participate in the trial remotely.

To gather the opinion of experienced practitioners, during the EJM plenary meeting the Contact Points were invited to share their knowledge on how videoconferences are conducted in their country, in both domestic and cross-border proceedings. In addition, they also presented their views on whether and how it could be possible to modernise the international legal framework to make the execution of this measure smoother and faster.

During a traditional videoconference, a state official must be present along with the person who is being heard. However, due to the COVID-19 crisis, some Member States made amendments in the criminal procedural law that allowed the courts, in their domestic proceedings, to send to a person a direct link enabling him/her to join the trial remotely from any technical device that enables video and audio transmission (even a smartphone). As with traditional videoconferencing, there are still certain legal limitations related to the consent and status of a person. The mandatory audio and video recording of the court hearing where the videoconference is taking place was also considered.

Extrapolating this innovative approach to cross-border criminal cases, the absolute majority of the Member States do not approve of the possibility to interview a person from abroad directly through a video link without sending a European Investigation Order or MLA request to the country in question. Even Member States that generally have a more liberal position admit that such a possibility is pioneering and therefore that further in-depth analysis would be needed, examining *inter alia* the potential impact on the sovereignty of the executing country; security; identity, and reliability of the person to be interviewed; confidentiality; admissibility of evidence; and both procedural and victims' rights.

However, since the legal procedure is an ever-developing matter, the participants expressed the opinion that new and more modern regulations regarding videoconferences should be considered.

Following this discussion, the EJM Conclusions on hearing by videoconference without the involvement of the executing Member State were published as Council document [14448/21](#)¹².

GAVANOZOV II JUDGEMENT

On 11 November 2021, the CJEU rendered a judgment in case C-852/19. This judgment is a follow-up to a prior CJEU ruling in case C-324/17¹³, where the Bulgarian authorities sought guidance on how to fill in an EIO form, specifically Section J, if the national law

¹² EJM Conclusions - Hearing by videoconference without the involvement of the executing member state, 57th Plenary Meeting of the European Judicial Network (Slovenia, 18-19 October 2021). Available here: https://www.ejm-crimjust.europa.eu/ejm/EJM_RegistryDoc/EN/3616/127/0.

¹³ Case C-324/17 *Criminal Proceedings against Ivan Gavanozov* (2019). Available here: <https://europa.eu/IM4wGrX>

does not provide for any legal remedies against the adoption of the investigative measures concerned. The Court ruled that the issuing judicial authority only needs to fill in Section J if a legal remedy has been sought against an EIO. As such, the authority does not have to include a description of the legally possible but not claimed remedies under its national law against the issuing of an EIO.

The Bulgarian referring court was not satisfied with the Court's decision and thus submitted a new reference for a preliminary ruling, seeking answers about the substantial consequences of the current legal situation in Bulgaria. In this second judgment, the Court ruled that national legislation that does not provide for any legal remedy against the issuing of an EIO for search and seizure or for hearing of a witness via videoconference is not compatible with Articles 14 and 6 of Directive 2014/41/EU on the EIO. Practitioners know this judgment as '*Gavanozov II*'. Since the judgment raised concerns about the possibility of continuing to apply the EIO in judicial cooperation, the EJN together with Eurojust were invited at the COPEN meeting in December 2021 to create a survey among the Member States, followed by a compilation of their replies with the purpose of:

- ▶ gathering a clearer picture of the availability of legal remedies against the issuing of EIOs for search and seizure and for the hearing of a witness via videoconference;
- ▶ assessing the impact of the *Gavanozov II* judgment on judicial cooperation in the field of the EIO in daily practice.

The EJN National Correspondents, along with the National Desks at Eurojust, were asked to provide replies to the questions prepared jointly by Eurojust and the EJN Secretariat. On 21 February 2022, the compilation of the replies was presented at the COPEN meeting and it was issued as a Council LIMITE document.

APPLICATION OF CROSS-BORDER SURVEILLANCE, CONTROLLED DELIVERY, AND INTERCEPTION OF TELECOMMUNICATION

Application of the EIO for cross-border surveillance, controlled delivery and interception of telecommunication was the central topic of the 59th Plenary meeting of the EJN under the Czech Presidency. One of the biggest problems in international cooperation is related to the cross-border surveillance of persons and items, where, unlike hot pursuit and controlled delivery, the main purpose is not to arrest and seize them, but to track them and sometimes to make an audio or video recording of their movement, on occasion including recording the conversation of persons. Often these recordings have a high evidential value. However, since these measures are mostly executed by law enforcement, in this context it is important to note that usually the recordings are made before judicial authorities are notified that the measure takes place on the territory of their Member State. There is no regulation which states how judicial authorities can ask and grant permission to use the recordings as evidence, once the object under surveillance has crossed the border.

Recital 9 of the preamble of the EIO Directive only provides that "This Directive should not apply to cross-border surveillance as referred to in the Convention implementing the Schengen Agreement (hereafter CISA)". However, Article 40 of CISA¹⁴ only regulates the procedure of police authorities conducting surveillance. It does not regulate the procedure of judicial authorities authorising surveillance, which is crucial for states that use records of surveillance as evidence in criminal proceedings.

¹⁴ Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (OJ L 239, 22.9.2000, p. 19-62), Article 40. Available here: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A42000A0922%2802%29>.

On the other hand, Article 28 of the EIO Directive only lists examples of actions involving the collection of evidence in real time, continuously and over a certain period (account monitoring and controlled deliveries). Additionally, Article 31 provides the rules for cross-border interception of communications without the technical assistance of the other state. However, the EIO Directive provides no possibility to ask for and grant consent to use an already-made record as evidence in criminal proceedings.

Although cross-border surveillance is not included in the scope of the EIO Directive, it deserves a similar regulation, either under Article 28 or in a separate article.

This could alleviate any doubts as to:

- ▶ whether or not to use EIO for this measure;
- ▶ whether surveillance records under Article 40 of CISA can be used as evidence in criminal proceedings (in many countries it is not the task of police authorities to procure evidence abroad, it is a task only for judicial authorities),
- ▶ also introduce a notification procedure for this measure.

These conclusions were adopted as Council document [15296/22](#)¹⁵.

CODE OF BEST PRACTICES

The 'EIO Code of Best Practices – Proposals for 100 best practices' is available in the [EIO section](#) of the EJM website. The document highlights the most efficient way to apply the EIO in cross-border criminal investigations and guides those who will use it – mainly judges, public prosecutors and defence lawyers on behalf of the defendants. It is written by Prof. Dr Lorena Bachmaier Winter, Full Professor of the Complutense University of Madrid, and by Prof. Dr Marien Aguilera Morales, Professor of the Complutense University of Madrid, with the support of Dr. Costanza di Francesco.

1.4. Mutual legal assistance

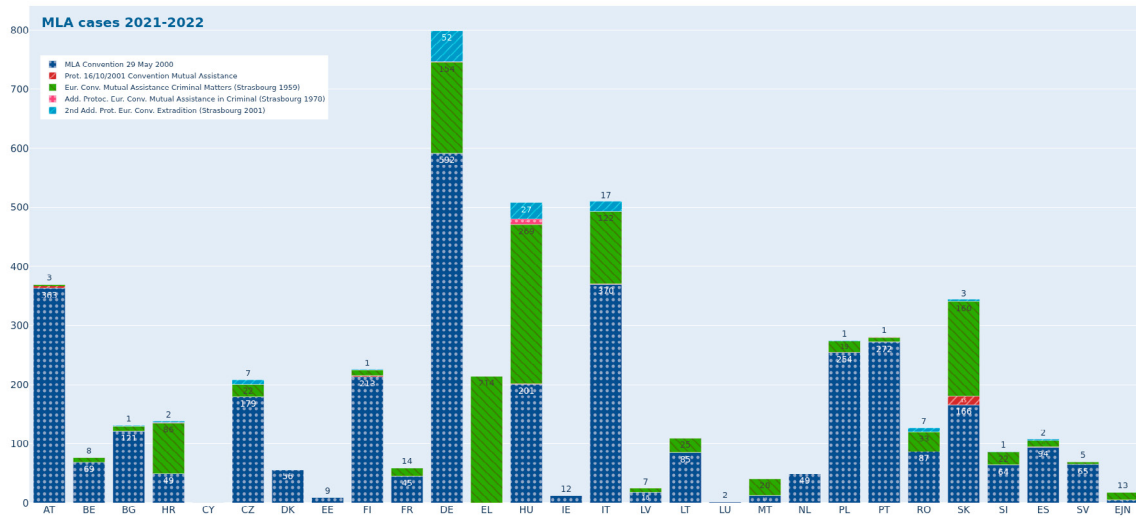
In addition to the European Investigation Order, the EJM Contact Points also facilitated cooperation in the execution of requests for mutual legal assistance that are based on other legal instruments. In the 2021–2022 period, the EJM Contact Points reported over 3,000 cases where they supported national authorities in dealing with MLA requests. The most common requests concerned the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union¹⁶ which is also applicable in cooperation with Denmark and Ireland, which have not opted into the EIO Directive. Another commonly applied instrument is the 1959 European Convention on Mutual Assistance in Criminal Matters¹⁷ which also covers cooperation with the UK and other non-EU countries.

¹⁵ EJM Conclusions of the 59th EJM Plenary meeting on the application of cross-border surveillance, controlled delivery and interception of telecommunication (Prague, 9–11 November 2022). Available here: https://www.ejm-crimjust.europa.eu/ejm/EJM_RegistryDoc/EN/3751/136/0.

¹⁶ Convention established by the Council in accordance with Article 34 of the Treaty on European Union, on Mutual Assistance in Criminal Matters between the Member States of the European Union (OJ C 197, 12.7.2000, p. 3–23). Available here: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A42000A0712%2801%29>.

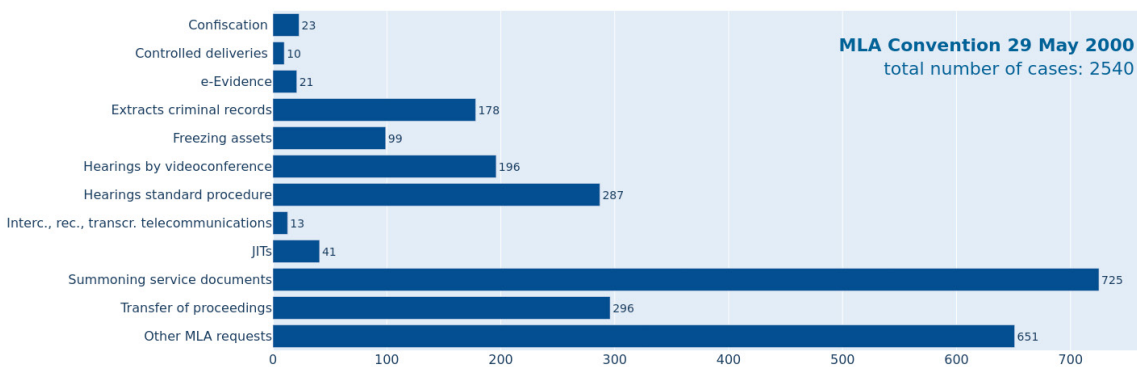
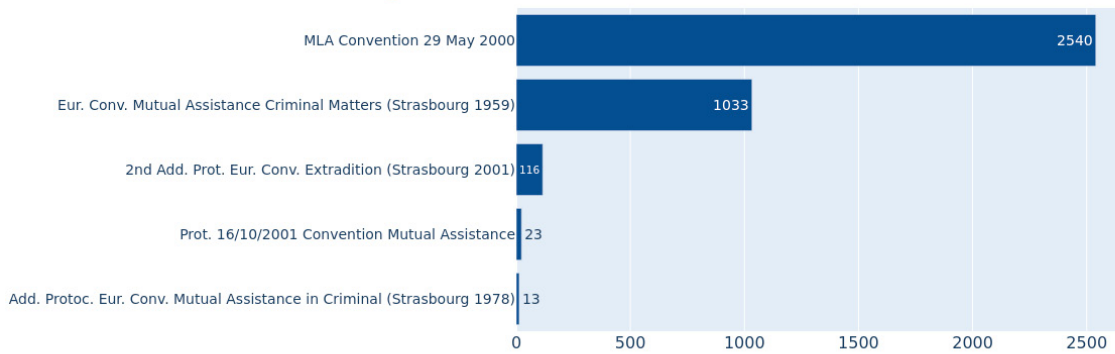
¹⁷ Council of Europe, European Convention on Mutual Assistance in Criminal Matters (ETS 30, 20.4.1959). Available here: <https://rm.coe.int/16800656ce>.

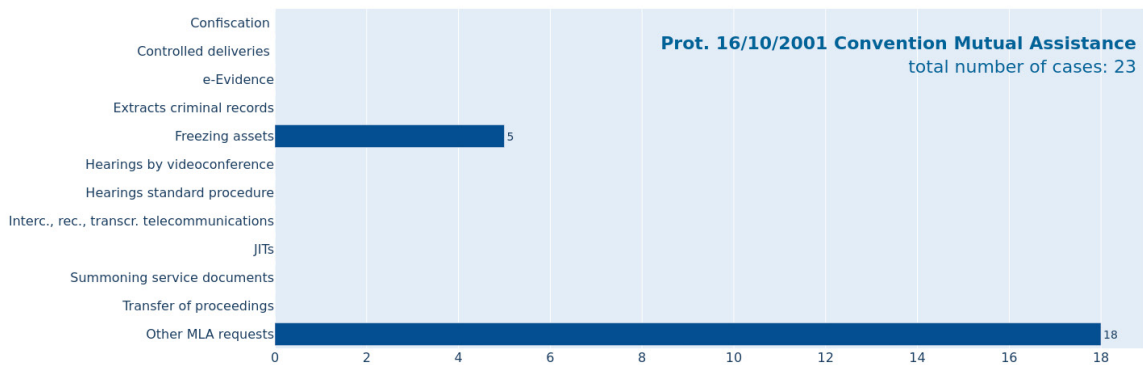
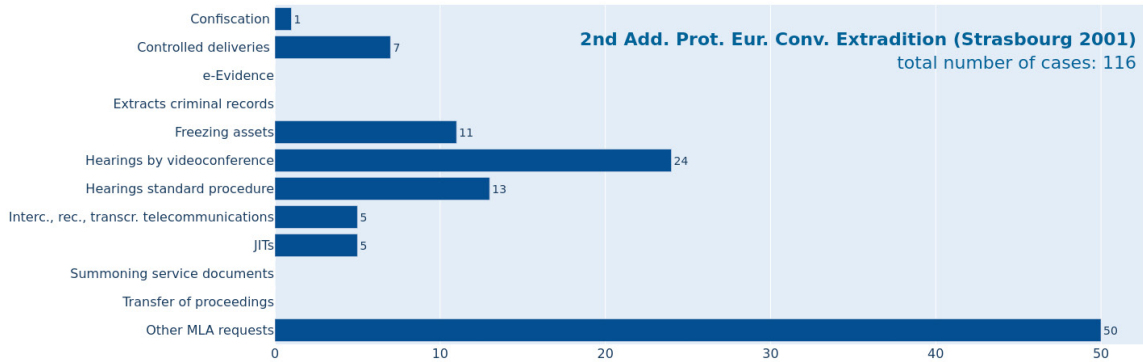
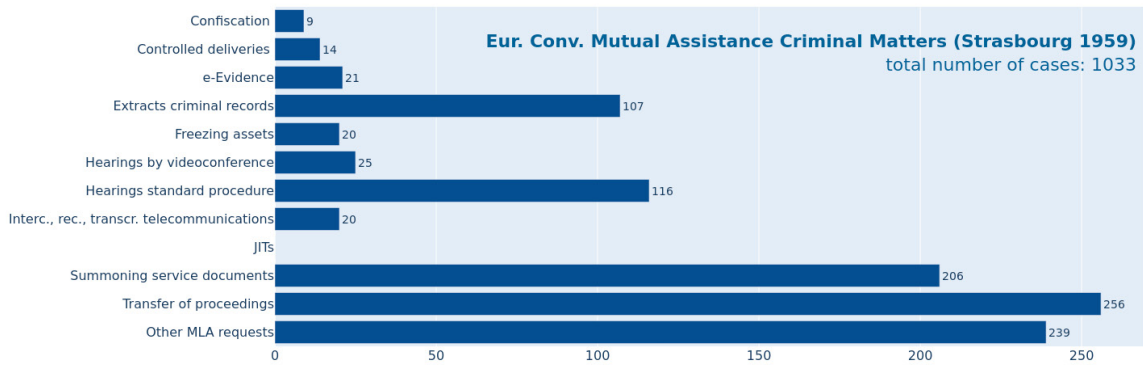
The graph below provides an overview of the MLA requests the EJN handled in the 2021–2022 reporting period.

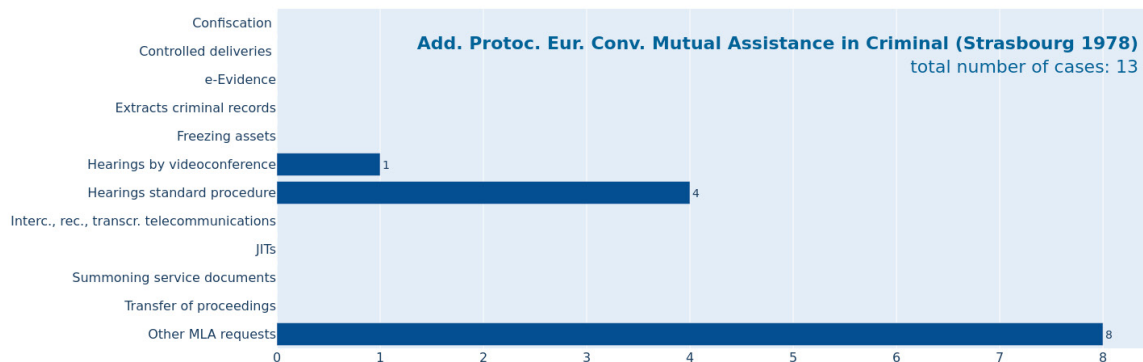


EJN total MLA cases 2021-2022

Legal Instruments for MLA cases, 2021-2022







EJM MLA cases 2021-2022 per investigative measure requested

The graph above demonstrates that the most-requested investigative measures are nearly the same for both the 2000 EU MLA Convention and the 1959 CoE Convention: transfer of proceedings; summoning and service of documents; hearing via standard procedure; and extract from criminal records. It further highlights that the conventions are indeed used for the requests that fall outside the scope of the EIO. It shows that investigative measures under both the 2000 and Council of Europe Conventions are by far the most frequently requested subjects for information.

1.5. e-Evidence/ Cybercrime

Due to the rapid rise and development of digitalisation and the globalisation of services, including criminal services, approximately 80% of criminality involves some aspect of e-evidence.¹⁸ This has logically resulted in the EJM being progressively more involved in dealing with requests related to electronic evidence, as well as in supporting practitioners on this topic.

In 2021–2022, the EJM actively participated in various activities and projects related to the legal and practical challenges of gathering electronic evidence. Among others, these included the EJM's participation in Europol's SIRIUS project and contribution to the third and fourth annual editions of the SIRIUS EU Digital Evidence Situation Report (2021¹⁹ and 2022²⁰). Additionally, the EJM continued working in its e-Evidence Working Group as further discussed below.

¹⁸ For more information see 4th Annual SIRIUS EU Digital Evidence Situation Report (2022). Available here: <https://www.ejm-crimjust.europa.eu/ejm/libdocumentproperties/EN/3786>

¹⁹ Available here: <https://www.ejm-crimjust.europa.eu/ejm/libdocumentproperties/EN/3614>.

²⁰ Available here: <https://www.ejm-crimjust.europa.eu/ejm/libdocumentproperties/EN/3786>.

EJN WORKING GROUP ON E-EVIDENCE

Over the last two years, the EJN Working Group on e-evidence has continued to work on the proposed new Regulation on European production and preservation orders for electronic evidence in criminal matters (E-Evidence) which aims to create clear rules on how a judicial authority in one Member State can request electronic evidence from a service provider in another Member State. The EJN Contact Points actively provided feedback during the Trilogues.

The EJN Working Group worked on a comparison between the draft Regulation and the current legal system. In February 2021, the EJN Working Group presented two documents to COPEN:

- ▶ a detailed feedback report regarding the content of the Regulation as amended by the European Parliament; and
- ▶ the second statement to be considered by the EU Institutions when discussing the instrument during the Trilogues.



The contributions from the EJN Working Group have been recognised by the European Commission and by Commissioner Reynders at the 56th EJN Plenary meeting, underlining that they are essential for transmitting the practitioners' voice and a clear message to create an instrument with an added value and one which is fit for the digital world.

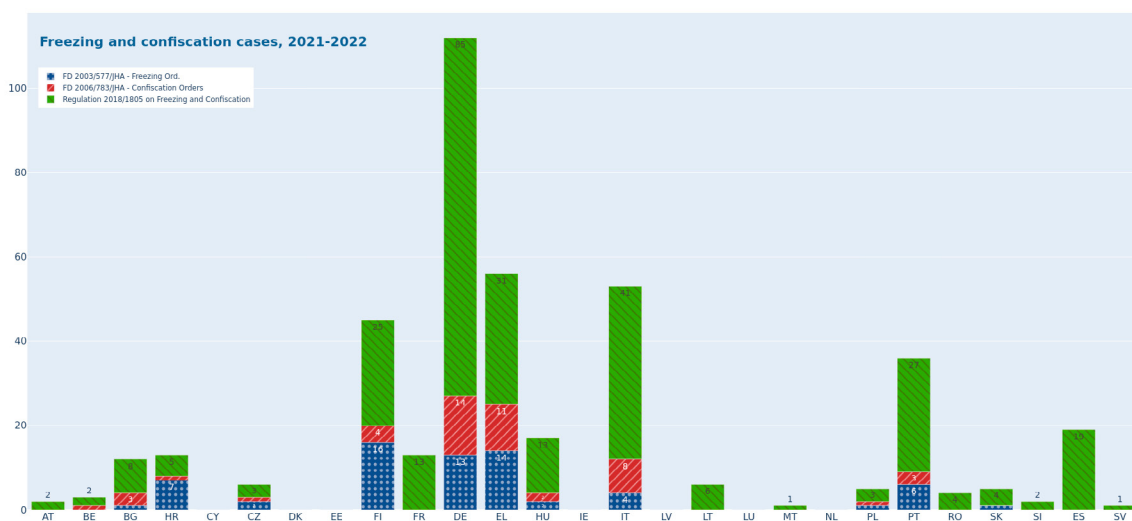
UNODC PRACTICAL GUIDE FOR REQUESTING ELECTRONIC EVIDENCE

On 17 May 2021, the Secretary to the EJN participated in the welcome panel at the launch of the updated version of the UNODC *Practical Guide for Requesting Electronic Evidence Across Borders*. The new version of the Guide was presented by the UNODC and provided a forum to share results on the impact of the UNODC-CTED-EUROPOL-EUROJUST-EJN Partnership in advancing international law enforcement and judicial cooperation through the development of tools such as the Practical Guide for Requesting Electronic Evidence across Borders and the model request forms on Preservation, Emergency and Voluntary Disclosure.

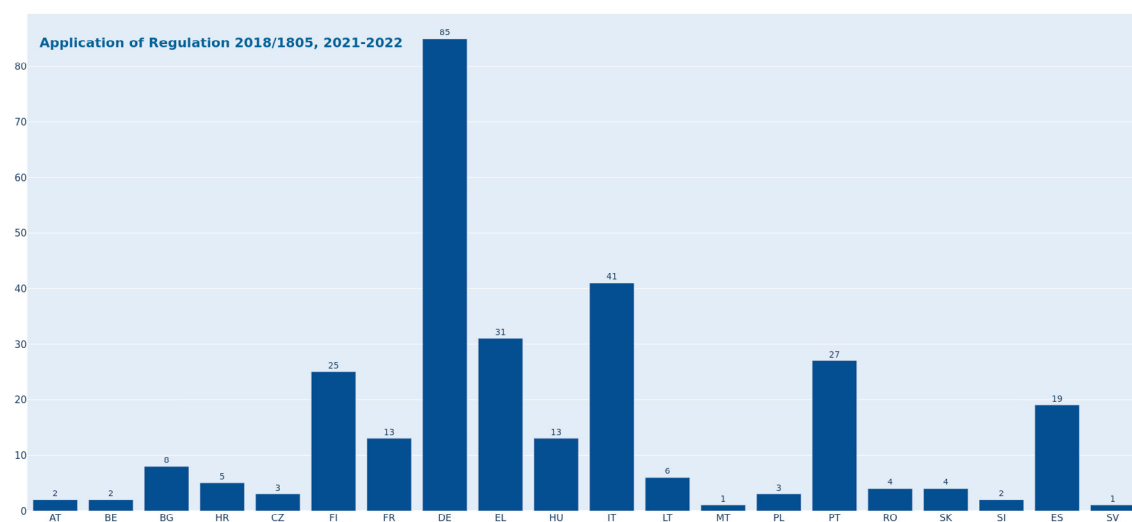
1.6. Freezing and Confiscation

The new Regulation on the mutual recognition of freezing orders and confiscation orders²¹ entered into force in December 2020, replacing the FD 2003/577/JHA and FD 2006/783/JHA for all the Member States, except Denmark and Ireland. It became the first EU instrument on mutual recognition that has a direct application.

Over the last two years, the EJN Contact Points have reported 411 cases concerning freezing and confiscation, 295 of these cases being based on the new instrument.



EJN cases freezing and confiscation cases 2021-2022



EJN cases: application of Regulation 2018/1805, 2021-2022

²¹ Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders (OJ L 303, 28.11.2018, p. 1-38). Available here: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex:32018R1805>.

Apart from the operational dimension, during the 56th EJM Plenary meeting under the Portuguese Presidency, the EJM had a dedicated [workshop](#) on challenges that the new Regulation has brought to practitioners, namely:

- ▶ the interconnection between the directly applicable Regulation and national legislation;
- ▶ the scope of the Regulation and the concept of criminal proceedings; and
- ▶ the applicability of the Regulation to the restitution and compensation of victims.

1.7. Other mutual recognition instruments

At the end of 2018, the *Council Conclusions on Mutual Recognition in Criminal Matters* (Council doc 15272/1818) were adopted under the Austrian Presidency. The Council acknowledged that the **EJM plays an active role in addressing obstacles for, and identifying best practices in, mutual recognition**²². Similarly, the Report by the Romanian Presidency on ‘the way forward in the field of mutual recognition in criminal matters’, presented at the JHA Council on 6 June 2019, revealed a consensus among Member States that the EJM (and Eurojust) has a **crucial role in fostering judicial cooperation in criminal matters**²³. In this report, which not only reflects the view of the Romanian Presidency but was also endorsed by a large majority of Member States, it is noted that ‘the **EJM website** has been emphasised as the **best place for EU practitioners to find relevant information about mutual recognition instruments**²⁴. Over the reporting period, the Contact Points continued to support cases involving mutual recognition instruments.

In operational terms, the graph below shows EJM cases involving the application of mutual recognition instruments. It is obvious that EJM Contact Points have experience with the application of all mutual recognition instruments. The graph shows that the most commonly used instrument by the EJM Contact Points in this respect is Framework Decision 2008/909/JHA on mutual recognition of judgments in criminal matters imposing custodial sentences²⁵, while the least known and used one is Directive 2011/99/EU on the European Protection Order²⁶.

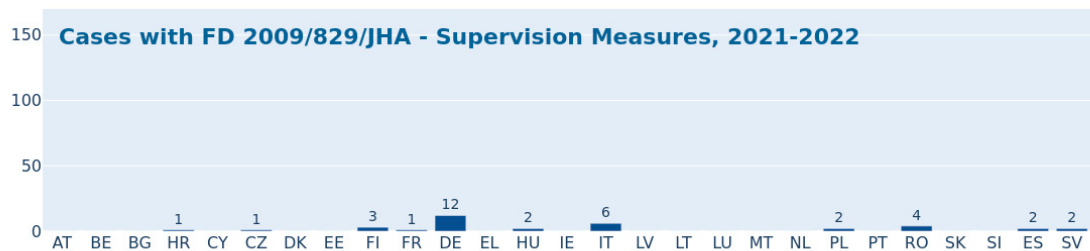
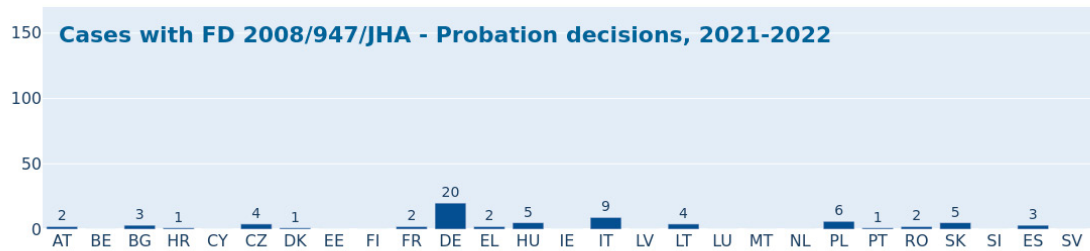
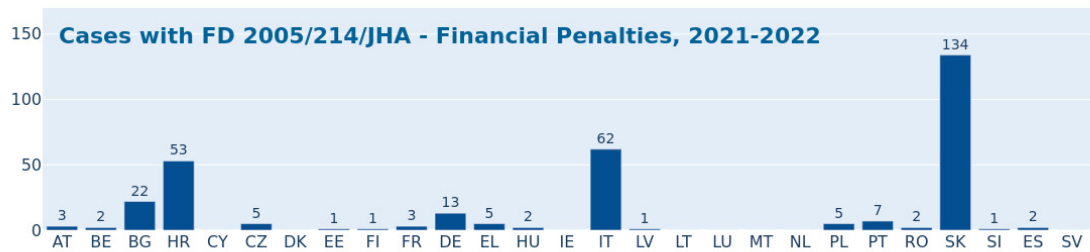
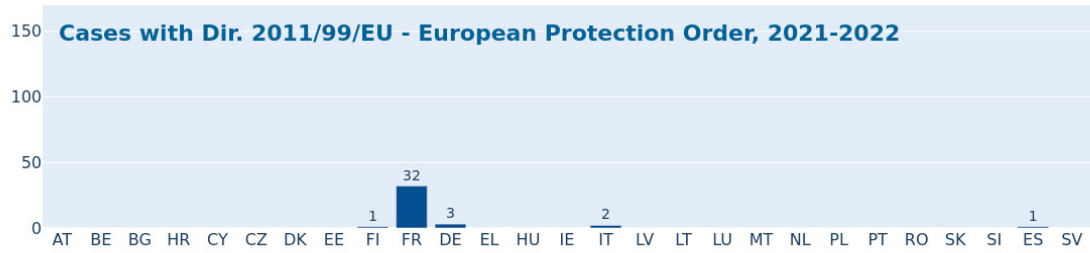
²² Council Conclusions on mutual recognition in criminal matters — ‘Promoting mutual recognition by enhancing mutual trust’ (OJ C 449/6, 13.12.2018, p. 6–9), Article 27. Available here: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52018XG1213%2802%29>.

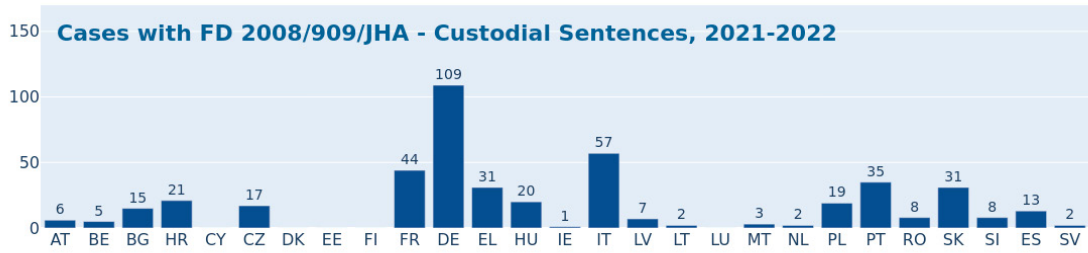
²³ The way forward in the field of mutual recognition in criminal matters – Report by Presidency, Council doc 9728/19 (27 May 2019), p. 19. Available here: <https://data.consilium.europa.eu/doc/document/ST-9728-2019-INIT/en/pdf>.

²⁴ The way forward in the field of mutual recognition in criminal matters – Report by Presidency, Council doc 9728/19 (27 May 2019), p. 19. Available here: <https://data.consilium.europa.eu/doc/document/ST-9728-2019-INIT/en/pdf>.

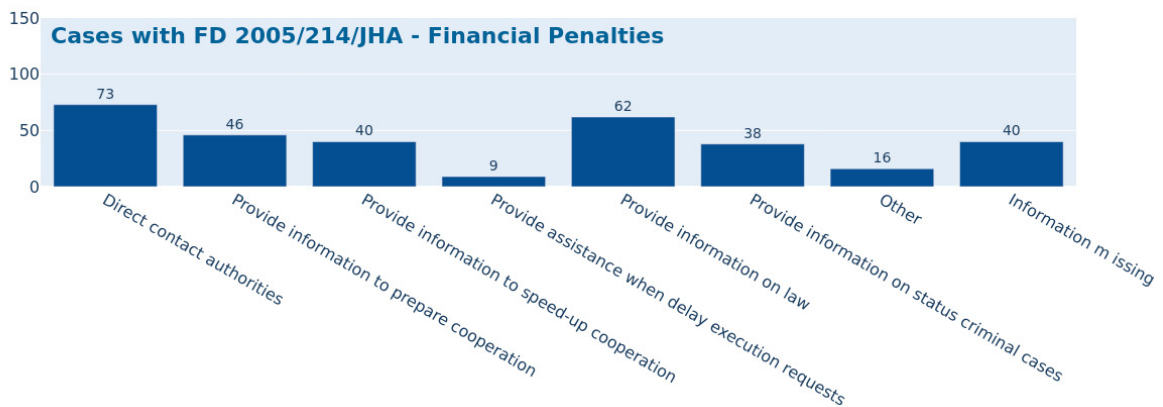
²⁵ Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union (OJ L 327, 5.12.2008, p. 27–46). Available here: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32008F0909>.

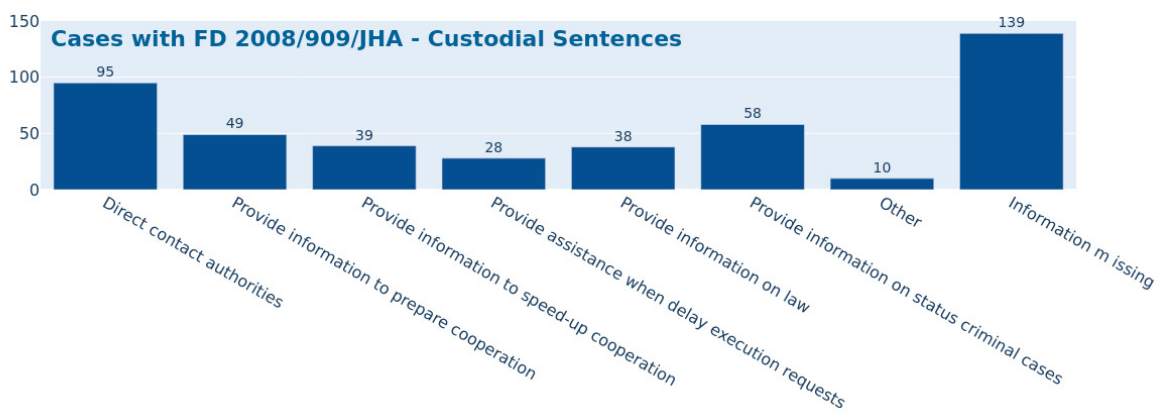
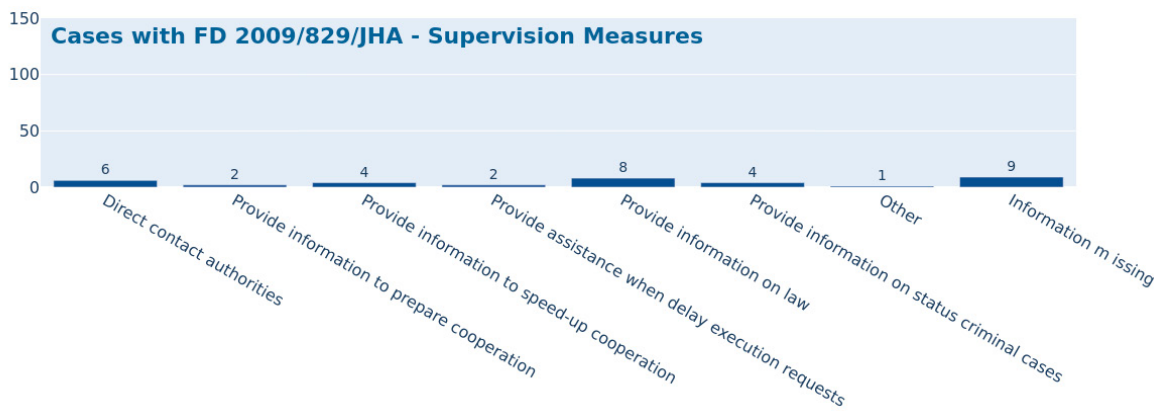
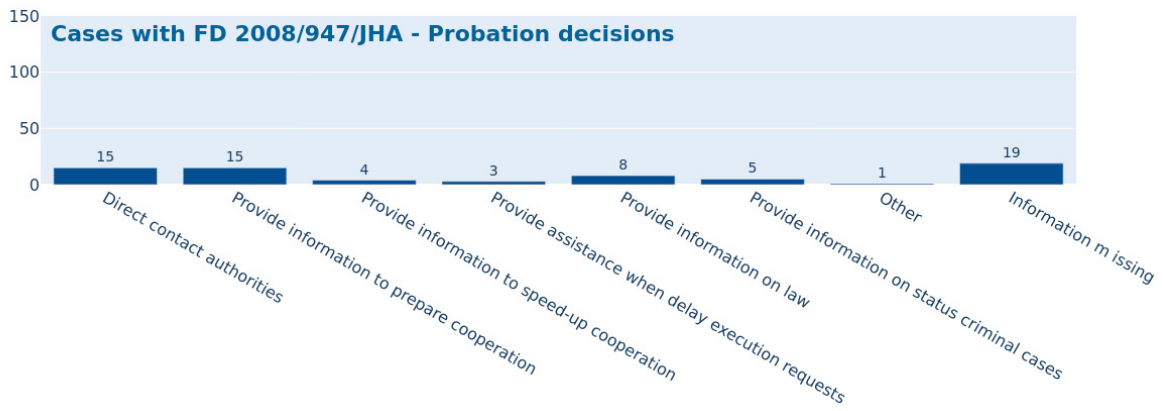
²⁶ Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order (OJ L 338, 21.12.2011, p. 2–18). Available here: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32011L0099>.





EJN cases: mutual recognition instruments





EJN cases: type of assistance provided

The graph above illustrates that, in the context of mutual recognition instruments, the EJM channel was mostly used for providing direct contact to the competent authorities. The other types of cooperation where the EJM assisted the Contact points were related to the providing of information:

- ▶ to prepare cooperation;
- ▶ on law;
- ▶ on the status of a criminal case; and
- ▶ to speed up cooperation.

It is worth noting that the assistance of the EJM was used not only for the FDs 2008/909/JHA and 2005/214/JHA, but also for the FDs 2011/99/EU, 2008/947/JHA and 2009/829/JHA which are not widely applied across the EU²⁷.

To demonstrate the added value of the EJM in facilitating cooperation in situations concerning mutual recognition instruments, the following example showcases the assistance the EJM provided to facilitate the execution of a judgment recognition procedure under Framework Decision 2008/909/JHA on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for their enforcement in the European Union²⁸.

FACILITATION OF A JUDGMENT RECOGNITION PROCEDURE: PORTUGAL–FRANCE

The EJM Contact Points in Portugal and France supported their national authorities in a case involving the application of FD 2008/909/JHA. At issue was a delayed recognition procedure for the purpose of enforcing a sentence imposed by a Portuguese court against a French citizen. The sentence was to be served in France. Due to the delay in the execution, the issuing authorities in Portugal requested the assistance of the Portuguese EJM Contact Points in the Central Authority, which in turn contacted the EJM Contact Points in the French Ministry of Justice. The EJM Contact Points supported the national authorities determining the reason for this delay in the execution. From the discussion, they discovered that although the final French recognition decision was sent to the Portuguese Court 6 months before, it was never received. As such, it was not served on the sentenced person and the procedure was stalling. Thanks to the EJM intervention, this hindrance was identified and addressed within 2 days by immediately sending the missing decision and serving it on the sentenced person. As a result, the person was transferred to France two weeks later to serve the sentence imposed by the Portuguese Court.

²⁷ Final report on the 9th round of mutual evaluations on Mutual recognition legal instruments in the field of deprivation or restriction of liberty, Council doc. 6741/23 (1 March 2023). Available here: <https://data.consilium.europa.eu/doc/document/ST-6741-2023-INIT/en/pdf>.

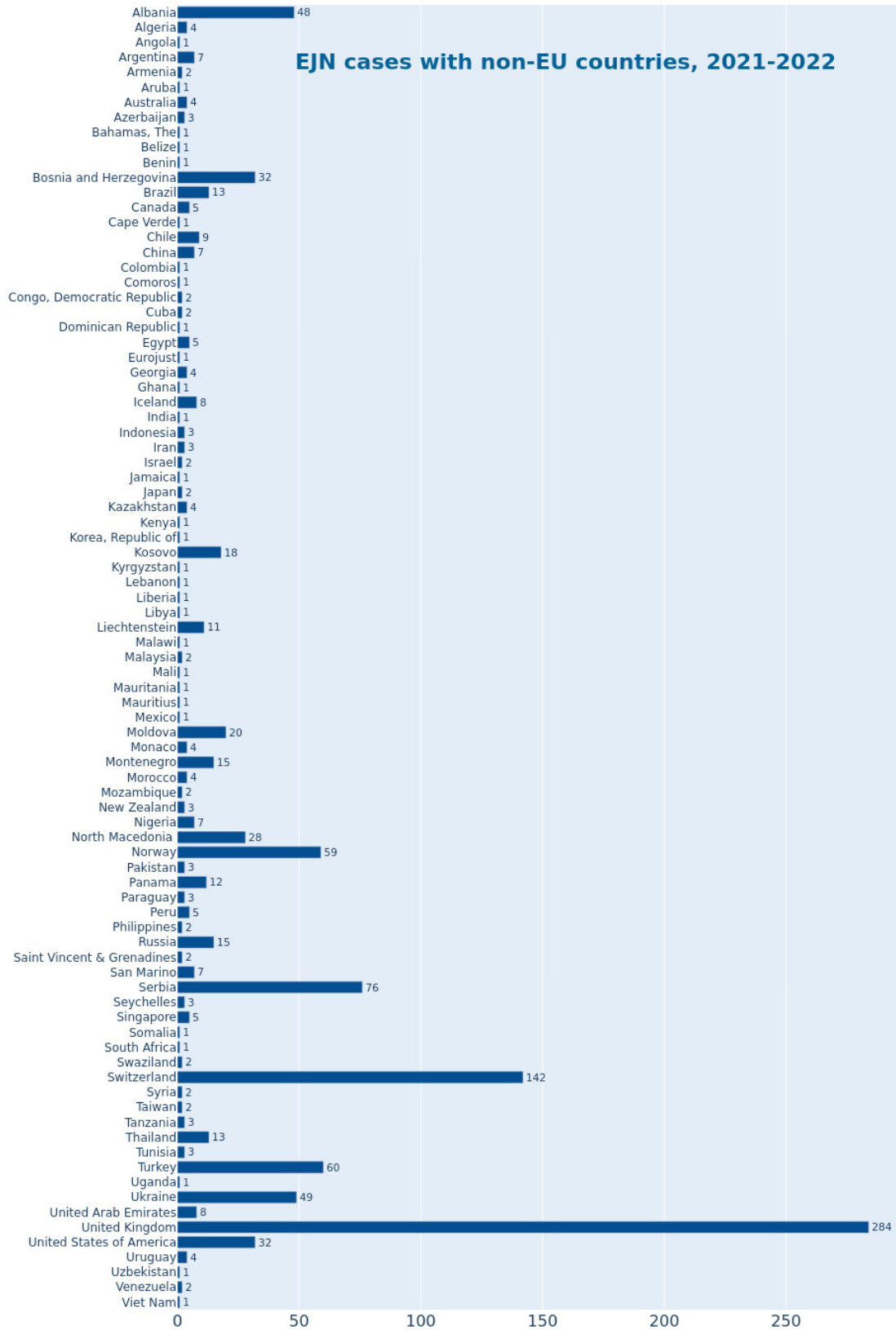
²⁸ Available here: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32008F0909>.

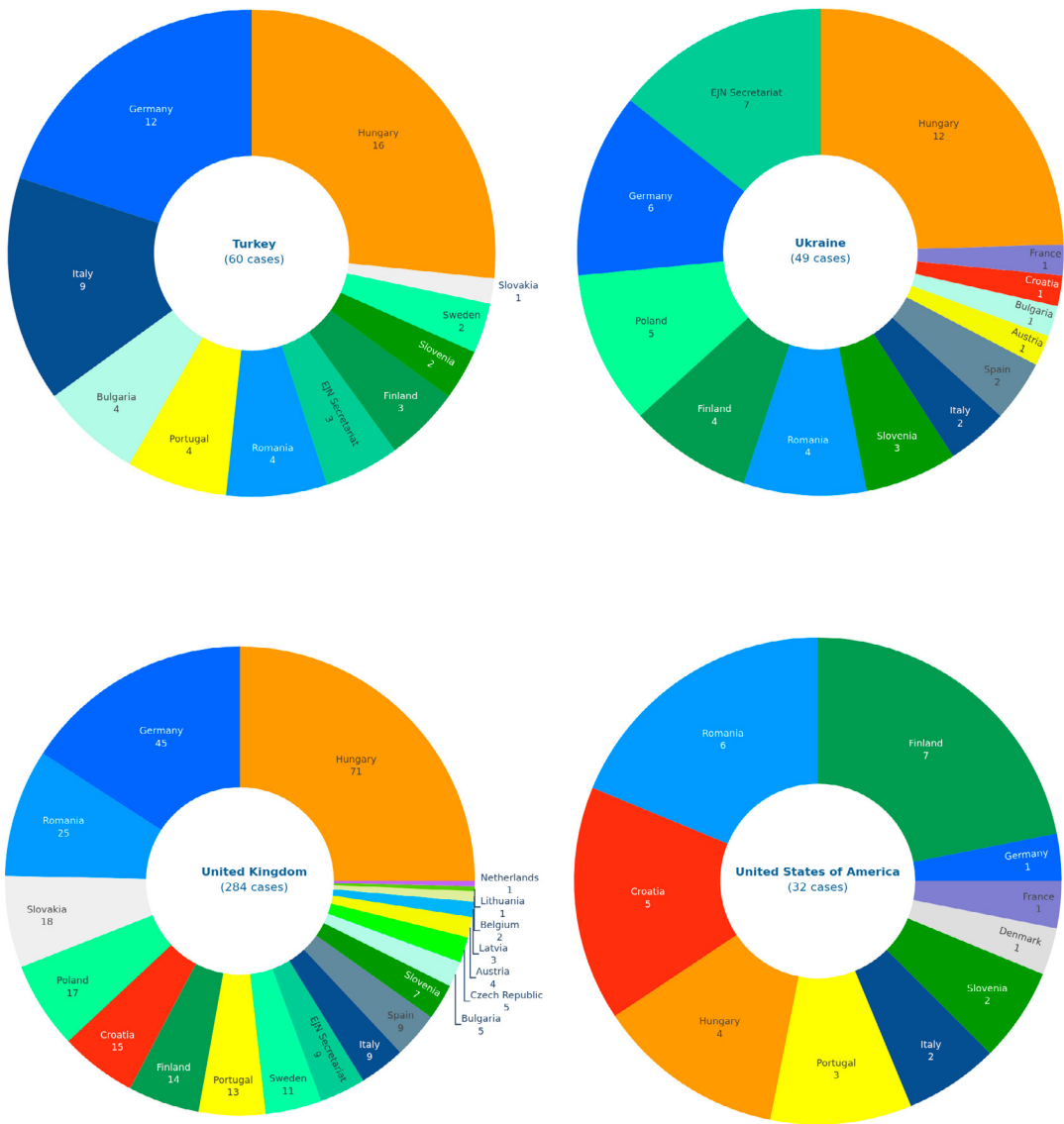
1.8. EJM cooperation beyond the EU borders

The EJM continues to strengthen judicial cooperation with countries around the globe, by maintaining existing partnerships and building new professional ties with the representatives of different regions of the world and judicial systems. These efforts have been instrumental to improving the operational cooperation on cases and creating mutual trust between the judicial authorities. The EJM maintains close relationships with regional judicial networks and their Contact Points. This creates the possibility of creating direct contact with an even wider scope of countries.



The intensified operational cooperation between the EJM and third countries is also reflected in the statistical overview shown below. The following chart shows the cases of the EJM Contact Points with non-EU countries – more than 700 cases with more than 70 third countries were facilitated by the EJM during the 2021–2022 reporting period.





EJN cases cooperation with non-EU countries 2021-22

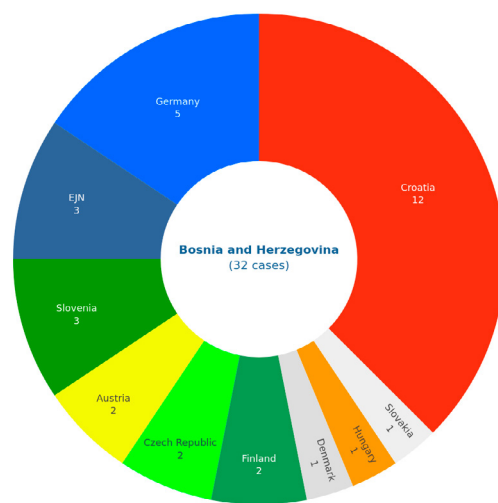
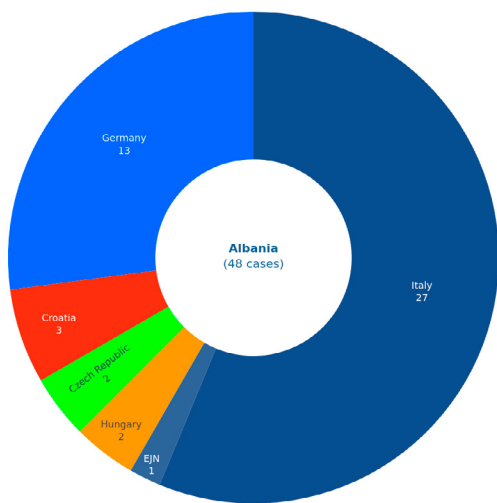
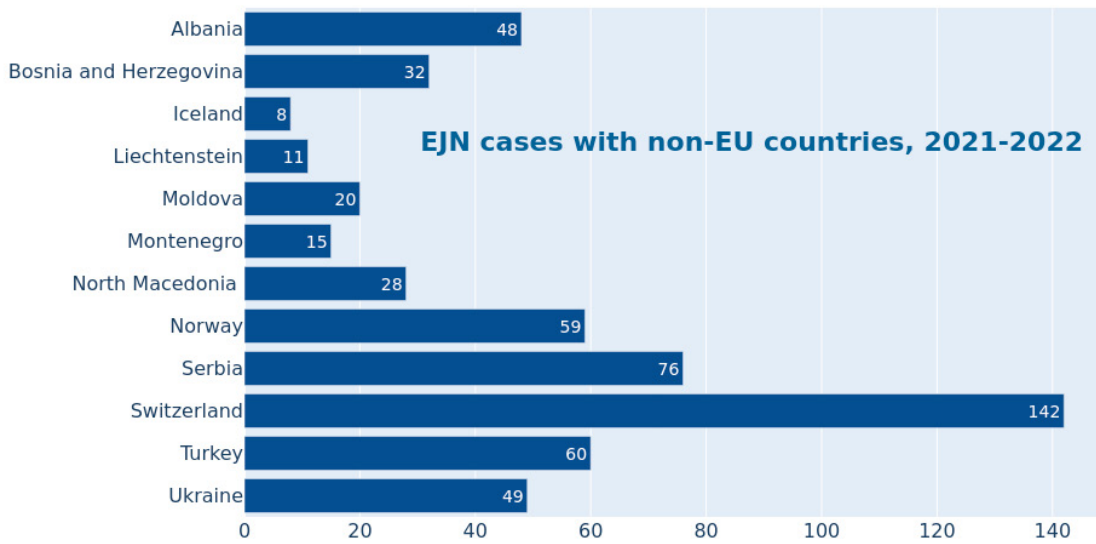
The example below is a good illustration of the EJN's operational efficiency in facilitating judicial cooperation with countries outside the EU.

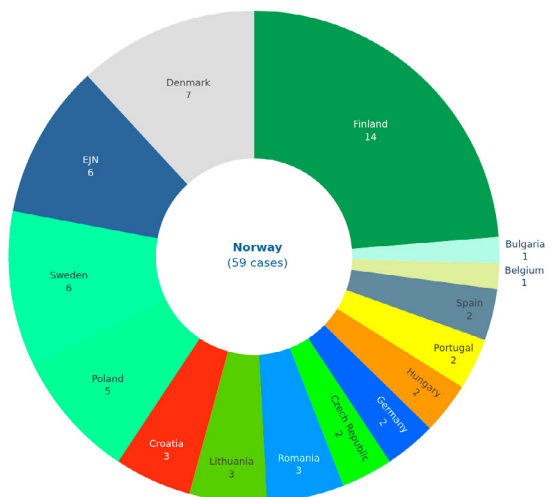
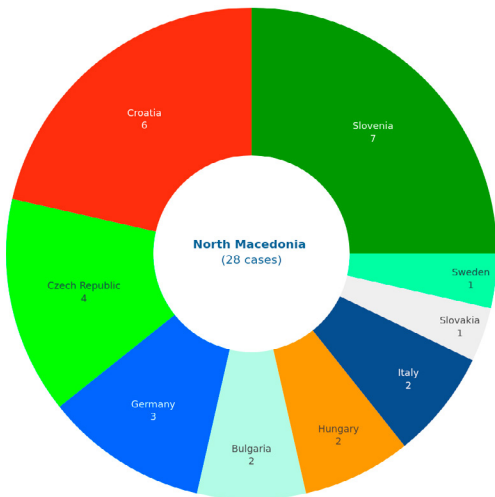
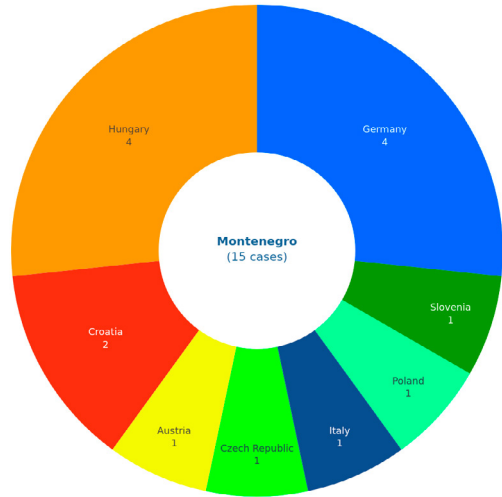
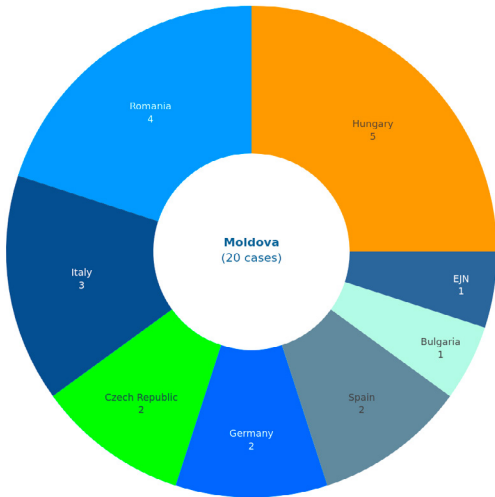
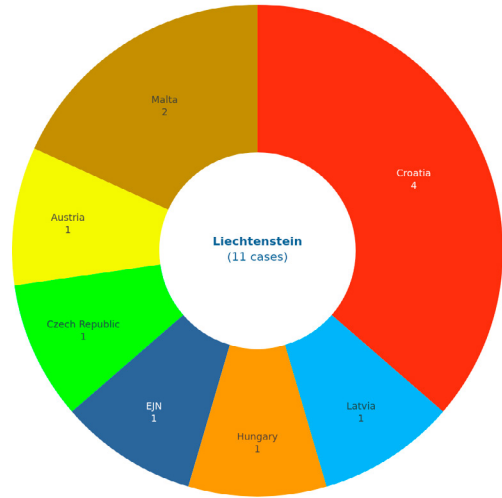
COOPERATION: BELGIUM-PERU

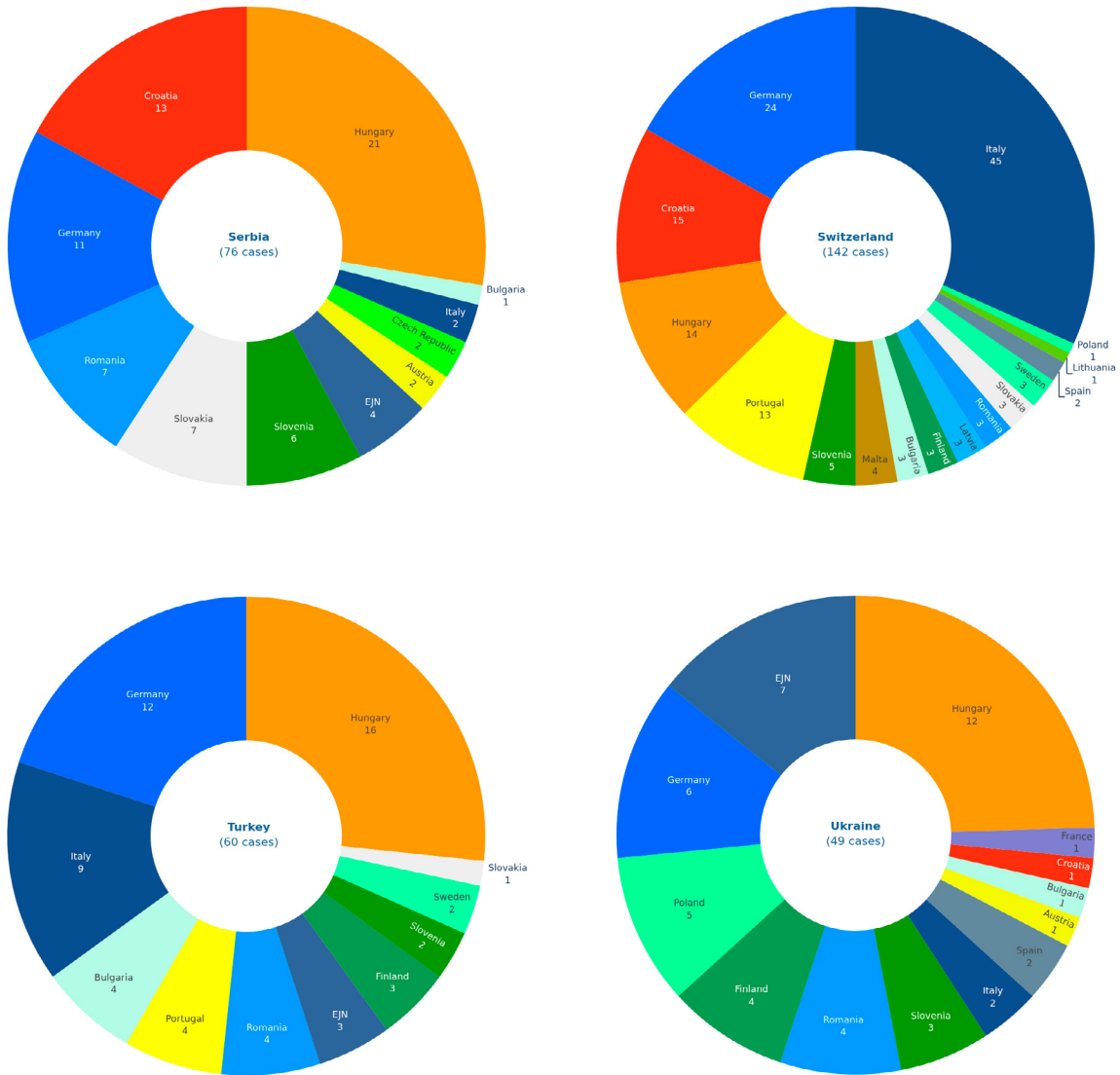
The EJN Contact Points supported the Belgian authorities in a case of the disappearance of a Belgian national in Peru. The Brussels' Public Prosecutor's Office wanted to issue a request for mutual legal assistance to Peru but they did not know which authority they should address it to. Hence, they contacted the Belgian EJN Contact Point with an urgent request for contact details of the relevant Peruvian authorities. Since the case concerned cooperation with a non-EU country, the Belgian Contact Point reached out to the EJN Secretariat for assistance. Thanks to the latter's involvement with the Ibero-American Association of Public Prosecutors Offices network (AIAMP), the EJN Secretariat was able to promptly provide contact details of the relevant Peruvian authority to the Belgian PPO. As such, the support of the EJN Contact Points and the EJN Secretariat lead to the successful issuance and execution of the Belgian MLA request.

1.8.1. Cooperation with EJN associate and EU candidate countries

Over the years the EJN has created and maintained close working relationships with the *EJN associated* (Iceland, Liechtenstein, Norway, and Switzerland) and *EU candidate* (Albania, Bosnia and Herzegovina, Moldova, Montenegro, North Macedonia, Serbia, Türkiye, and Ukraine) countries. Due to the territorial and historical proximity of these countries, there have always been very intense cross-border activities between them and the Member States. Such cross-border activities also include criminality. The high importance of judicial cooperation with these countries resulted in the designation of EJN Contact Points in all of them. The need for cooperation and a better understanding of their national legal systems and national laws also resulted in the integration of the national legal information into the tools provided on the EJN website.







EJM cases: cooperation with EU candidate and EJM associated countries 2021-22

1.8.2. Cooperation with third countries

Importantly, close cooperation with several third countries has naturally led to the appointment of EJM Contact Points among the national authorities of these countries. This has proved to be very beneficial for cooperation on cases and for building mutual trust between the national judicial authorities in the Member States and the respective third countries.

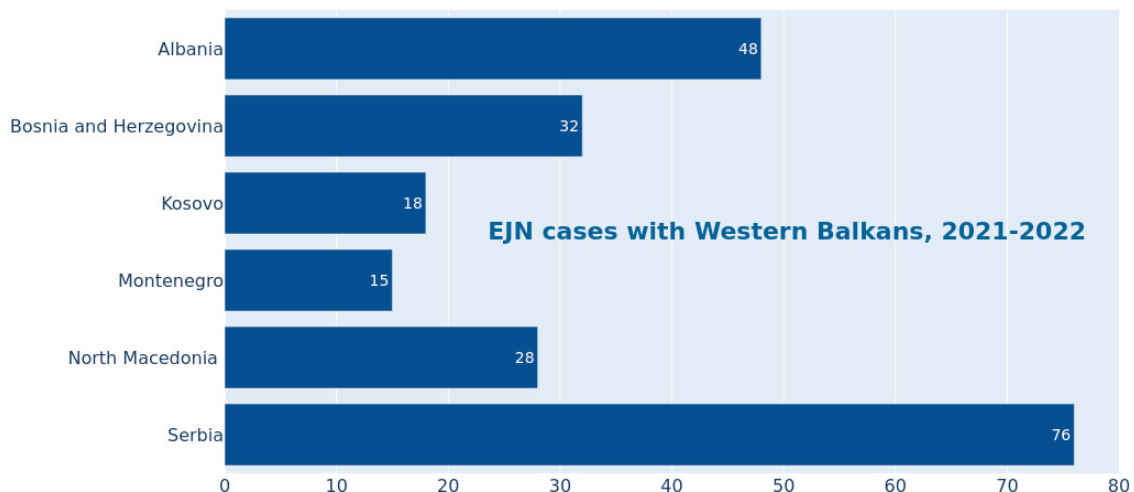
BILATERAL MEETINGS 2021-2022 - BELGIAN-THAI BILATERAL MEETING OF THE CONTACT POINTS OF THE EUROPEAN JUDICIAL NETWORK, 11 FEBRUARY 2022

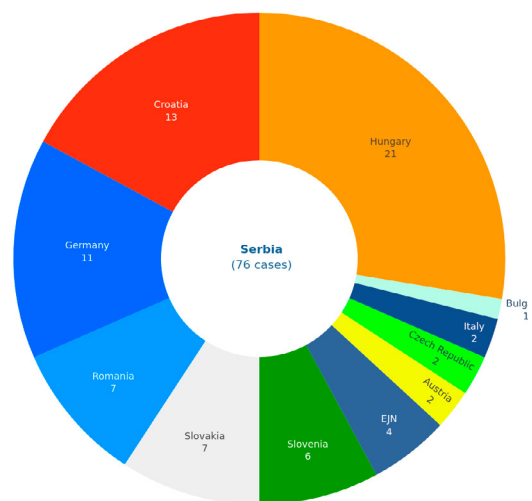
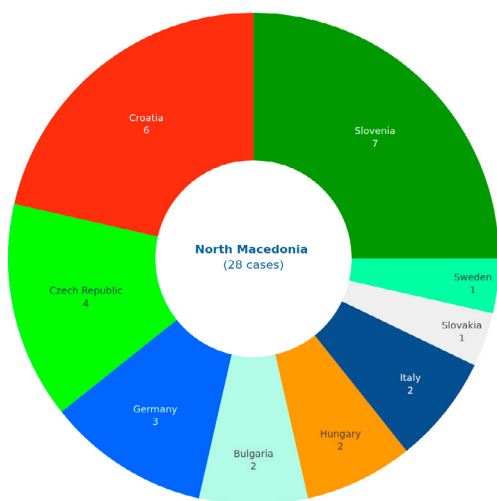
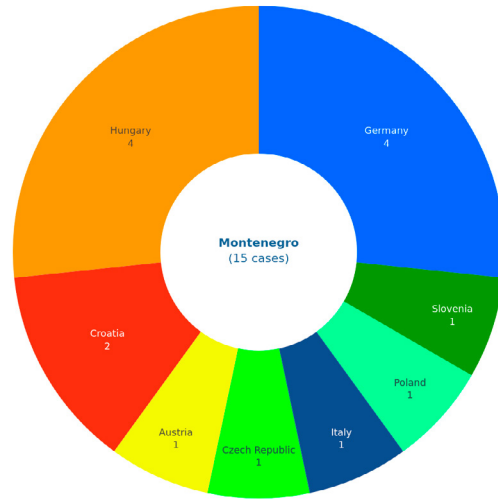
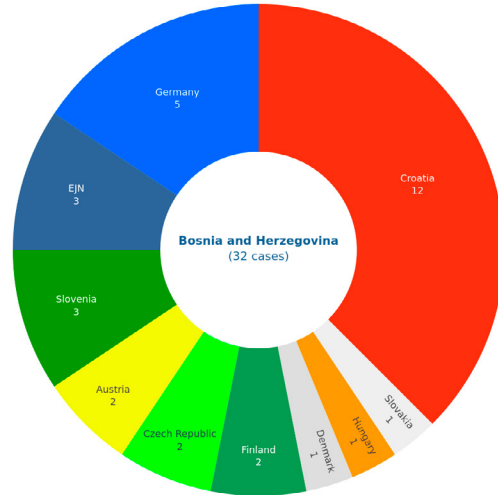
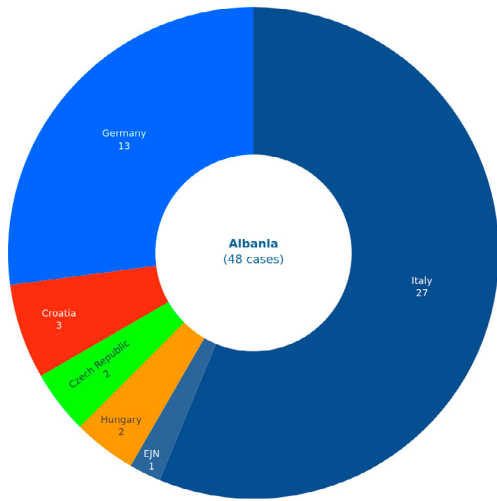
In October 2021, Thailand appointed an EJN Contact Point in the Office of the Attorney General of Thailand. On 11 February 2022, with the support of the EJN Secretariat, a **Belgian-Thai bilateral meeting of the Contact Points of the European Judicial Network** took place. The two parties discussed speeding up the execution of pending requests between the two countries. Effective cooperation on MLA and extradition were also discussed and shared during the meeting. The addition of Thailand to the EJN has contributed to further strengthening the inter-regional cooperation between the EJN and SEAJust, which benefits the fight against transnational crimes in Europe and Southeast Asia.



1.8.3. Cooperation with the Western Balkans

The EJN continues to work closely with the Western Balkans region to strengthen cooperation and build mutual trust. The judicial authorities in the region have appointed EJN Contact Points in all branches of the judiciary. The enhanced and closer cooperation has resulted in a continuously rising number of cases supported by the EJN Contact Points in the Western Balkans and the EU. During the 2021–2022 reporting period, the EJN supported 220 cases involving the Western Balkans, illustrated in the graph below.





EJN cases with Western Balkans 2021-2022

Aiming to foster cooperation and promote mutual trust, in 2021–2022 the EJN continued to organise the annual meeting between the EJN Contact Points of the European Union and in the Western Balkans. The meetings proved to be of great importance for the EJN Contact Points as they created an opportunity to discuss and resolve outstanding legal issues in judicial cooperation such as extradition and the exchange of evidence. The meetings were also an opportunity to create mutual trust between the EU and Western Balkans judicial institutions, resulting in intensified cooperation.

On 9 December 2021, the **third Annual Meeting between the Contact Points in the European Union and the Western Balkans region** took place. During the meeting, two round-table discussions addressed challenges in judicial cooperation between the EU and Western Balkans as experienced by the EJN Contact points, as well as the state of play of the EJN in their jurisdiction.

The **fourth Annual Meeting between the EJN Contact Points in the European Union and the Western Balkans** was organised jointly with the IPA2019 project “Countering Serious Crime in Western Balkans” (CSC WB IPA 2019), and took place on 21 September 2022 in Budva, Montenegro.

COOPERATION WITH PARTNER INSTITUTIONS IN THE WESTERN BALKANS

IPA 2019 PROJECT

In the context of developing successful judicial cooperation in the Western Balkan region, the EJN has been involved in the IPA Project. The project was launched to strengthen the operational capabilities of Western Balkan law enforcement and security authorities to fight serious and organised crime and terrorism, to support the relevant authorities to effectively participate in and contribute to EU and intra-regional cooperation structures and assessments and to strengthen the capabilities of Western Balkan law enforcement and security authorities to exchange information²⁹. The IPA Project is a key partner for the EJN in the Western Balkans and the two structures maintain a close relationship.

The EJN continues to cooperate keenly with the IPA 2019 Project. The Secretary to the EJN attended the IPA 2019 Project Advisory Board meeting in January 2022.

SEEPAG

The other EJN partner in the Western Balkans regions is SEEPAG – the Southeast European Prosecutors Advisory Group. SEEPAG is a judicial mechanism for international cooperation. The objective of SEEPAG is to assist the fight against serious and organised crime in the Southeast Europe region through the judicial system and to assist the SEE Law Enforcement Center (SELEC) by facilitating the rapid exchange of information and evidence in cross-border investigations. SEEPAG is always represented in the EJN plenary meetings and shares updates on its activities. In addition, the EJN is invited to SEEPAG meetings.

The cooperation between SEEPAG and the EJN has continued in the last few years. In September 2021, the EJN Secretariat attended the 31st SEEPAG conference on the main topic of CyberCrime. On 28 April 2022, the EJN attended the 32nd SEEPAG conference in Sarajevo focused on crypto-related crime.



²⁹ Read more about IPA Project here: <https://cscwb.info/>.



1.8.4. Cooperation with the United Kingdom (after Brexit, contact with the CPs in the UK)

Throughout the reporting period, the EJM continued to cooperate closely with the UK and the EJM Contact Points in the UK. To address the needs of practitioners following Brexit, the EJM Secretariat created a dedicated Brexit area on the EJM website, as well as a section in the Judicial Library where practitioners can find all legal and practical information related to judicial cooperation between the European Union and the UK as of 1 January 2021. On the EJM website, practitioners can find relevant documents, such as a summary table of the UK competent authorities, the Trade and Cooperation Agreement in all official EU languages as well as the arrest warrant form and freezing and confiscation form. In addition, the EJM Secretariat collected notifications from the Member States regarding competent authorities and other documents that are beneficial for the work of judicial practitioners. The section also includes reports and practical guidance on cooperation with the UK.

At the request of the European Commission, the EJM Secretariat and Contact Points provided feedback on the new MLA form, drafted under the TCA from the viewpoint of the judicial practitioners. The feedback from the EJM was shared with the Commission.

1.8.5. Cooperation with partner institutions and other judicial networks

Apart from the appointed EJM CPs in third countries, the EJM maintains relations with countries in different regions of the world through partnerships with international institutions and regional judicial networks. In this way, the EJM improves its functioning and extends its potential for cooperation around the world, sharing best practices and taking the opportunity to learn from other regional networks.

COUNCIL OF EUROPE (COE)

The EJM is regularly represented in the PC-OC meetings of the Council of Europe. This practice continued in the 2021–2022 reporting period.

The EJN is following up on the PC-OC proposal for a project on the Interconnection of networks. This project aims to identify all operational networks in the area of judicial cooperation in criminal matters and to encourage their interconnection to facilitate the work of practitioners in fighting transnational organised crime. To this end, the PC-OC Secretariat prepared an inventory with all the operational judicial networks that are working in internal cooperation to identify the relevant actors and establish a mechanism to facilitate the global investigation of cross-border crime.

The EJN is also following up with the CoE on their possible project to develop an atlas based on the provisions on direct contacts between judicial authorities in the Second Additional Protocol to the European Convention 1959 on Mutual Assistance in Criminal Matters.

UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC)/UNITED NATIONS (UN)

In the 2021–2022 reporting period, the EJN maintained its close relationship with the UNODC and in particular with the regional judicial networks of the UNODC, namely: the West African Network of Central Authorities and Prosecutors in Africa (WACAP); Great Lakes Network (Central Africa); the Network for Central Asia and Southern Caucasus (CASC); and the South East Asia Justice Network (SEAJust).



The EJN is regularly invited to the meetings of the regional judicial networks while their representatives also regularly attend EJN plenary meetings. This practice has proved highly important for maintaining good operational contacts and for exchanging best practices on the functioning of the networks.

SEAJUST

The South East Asia Justice Network (SEAJust) constitutes a great example of the good cooperation between the EJN and the UNODC. Since its initiation in 2020, the SEAJust Secretariat and its Contact Points have rapidly become operational and actively cooperated with the EJN.



In 2021, the EJN held two online meetings with the SEAJust Network to share best practices on the management and organisation of the EJN and to encourage the sharing of information and discussions on how to improve the inter-regional support. In terms of the latter, during the second online Meeting between the EJN and SEAJust Contact Points, discussions were held about the legal systems and practical information from Australia, France, Germany, and Thailand.

In 2022, the EJN Secretariat represented the EJN in an online side-event of UNODC entitled "From EJN to SEAJust: Strengthening inter-regional cooperation in criminal matters through regional networks". The event was part of the 31st session of the Commission on Crime Prevention and Criminal Justice and co-organised by Korea, Thailand and UNODC. The EJN Secretariat further attended the SEAJust meeting in Bali on 29 August 2022 online.

EUROMED JUSTICE IV

EuroMed Justice (EMJ) is a capacity-building programme designed to develop a sustainable cross-regional mechanism of judicial cooperation in criminal matters between EU Member States, the South Partner Countries (SPCs) and EU JHA Agencies³⁰. The EuroMed project

³⁰ More about EuroMed Justice project here: <https://euromedjustice.eu/#/about>.

is run by Eurojust as of mid-2020 upon agreement between Eurojust and the European Commission. It was foreseen in the project that the EJM would continue to be a key partner to the project in relevant areas.

The EJM Secretariat discussed possible fields of cooperation with the EuroMed Justice Project Team in Eurojust. Cooperation on *Fiches Belges*, support in setting up a network in the region (EMJNet) and involvement of experts of judicial cooperation among the EJM contact points were among the fields mentioned. The EJM Secretariat has been further involved and attended meetings and conferences of the EuroMed project.

In December 2021, the creation of the EuroMed Judicial Network (EMJNet) was agreed upon at the third Prosecutors General Forum. The network is composed of representatives from EU countries as well as from countries in the Euro-Mediterranean area. The EJM Secretariat was asked to become a member of the Network. The Secretariat has made itself available for future cooperation with this newly established Network.

In 2022, the EJM Secretariat, as a member of the EuroMed Justice - Steering Committee, was represented by the EJM Secretary at its first meeting in April 2022. Furthermore, the EJM Secretariat attended the 15th Regular Crimex Session in May 2022 and the two EMJ meetings for Asia in July 2022, to explain the *Fiches Belges* on electronic evidence. In October 2022, the Secretary to the EJM also attended the fourth EuroMed Justice Forum of the Prosecutors General.

IBERRED

The Ibero-American Network of International Legal Cooperation (IberRed), created in 2004, is a cooperation tool in civil and criminal matters, made available for all legal agents from the 22 Ibero-American countries and the Supreme Court of Puerto Rico³¹. IberRed is a network comprised of Contact Points of judges and prosecutors, along with representatives of central authorities (i.e. liaison officers). The EJM continues to implement the Memorandum of Understanding signed in 2010 to improve cooperation between the EU and the Ibero-American Region.



AIAMP

The Ibero-American Association of Public Prosecutors Offices (AIAMP) is an association consisting of 22 members (20 members throughout Central and Latin America and two members among the Member states: Portugal and Spain). It aims to strengthen ties of solidarity and professional development, as well as to promote international cooperation among member Public Prosecutor's Offices along with building up common strategies to improve their institutional capacities. Furthermore, AIAMP seeks to facilitate linkages and communications with non-member Public Prosecutor's Offices to contribute to their institutional strengthening, while operating within the respective legal and political frameworks.



In view of strengthening the cooperation between the Member States and Central and Latin America, the first annual meeting between the EJM Contact Points in the EU and the representatives of RECOOP/AIAMP took place online in January 2021, under Portugal's presidency of the Council of the EU.

³¹ Regulation setting up the Ibero-American Network for Judicial Cooperation on Civil and Criminal Matters (IberRed) announced by the Ibero-American Conference of the Ministers of Justice, the Ibero-American Summit and the Ibero-American Association of Public Prosecutors, in Cartagena de Indias (Colombia) on 27-29 October 2004.

2. EJN MEETINGS

The EJN Contact Points have emphasised the added value of the meetings organised by the EJN. These meetings are essential for the network since they create possibilities for building mutual trust and lasting professional ties that contribute to the successful resolution of pending cases. They also provide an opportunity for the Contact Points to discuss legal and practical issues and share experiences on the application of mutual recognition instruments. Having the opportunity to discuss the topics in person with other participants often leads the Contact Points to a successful resolution of pending cases.

In 2021–2022, over 20 EJN meetings took place, including two Plenary Meetings in 2021 under the Portuguese and Slovenian Presidencies and two Plenary Meetings in 2022 under the French and Czech Presidencies. The EJN has successfully fulfilled the work programme and also organised smaller meetings of the working groups as well as training sessions for the EJN Contact Points.

ARTICLE 5 EJN DECISION - PURPOSES AND VENUES OF THE PLENARY MEETINGS OF CONTACT POINTS

1. The purposes of the plenary meetings of the European Judicial Network, to which at least three contact points per Member State shall be invited, shall be as follows:

- a.) to allow the contact points to get to know each other and exchange experience, particularly concerning the operation of the Network;
- b.) to provide a forum for discussion of practical and legal problems encountered by the Member States in the context of judicial cooperation, in particular with regard to the implementation of measures adopted by the European Union.

2. The relevant experience acquired within the European Judicial Network shall be passed on to the Council and the Commission to serve as a basis for discussion of possible legislative changes and practical improvements in the area of international judicial cooperation.

3. Meetings referred to in paragraph 1 shall be organised regularly and at least three times a year. Once a year, the meeting may be held on the premises of the Council in Brussels or on the premises of Eurojust in The Hague. Two contact points per Member States shall be invited to meetings organised on the premises of the Council and at Eurojust.

Other meetings may be held in the Member States, to enable the contact points of all the Member States to meet authorities of the host Member State other than its contact points and visit specific bodies in that Member State with responsibilities in the context of international judicial cooperation or of combating certain forms of serious crime. The contact points participate in these meetings at their own expense.

2.1. EJN presidencies 2021

PORTUGUESE PRESIDENCY



56TH PLENARY MEETING, 29 JUNE 2021, LISBON, PORTUGAL (ONLINE)

On 29 June 2021, the **56th Plenary Meeting** of the European Judicial Network took place under the Portuguese Presidency in an online environment. Almost 100 participants – EJN Contact Points from the Member States, EU candidate, potential candidate and EJN associated countries, as well as representatives from Eurojust, EJC, Genocide network, the European Commission and the General Secretariat of the Council of the EU – gathered to discuss actual topics on judicial cooperation in criminal matters.

During the workshops, participants focused on the following topics:

- ▶ the impact of the CJEU case law on the EAW;
- ▶ direct cross-border access to electronic evidence; and
- ▶ new rules on freezing and confiscation: practical application.



OTHER EJN MEETINGS UNDER THE PORTUGUESE PRESIDENCY:

The **42nd Regular Meeting** of the European Judicial Network took place via video conference on 18 March 2021. The participants were given the opportunity to discuss several topics dedicated to judicial cooperation, including the COVID-19 situation and cooperation with the UK. The EJN Contact Points shared their experiences of the practical application of the new Regulation (EU) 2018/1805 on mutual recognition of Freezing and Confiscation orders. Furthermore, the EJN Secretariat provided an overview of the joint EJN/Eurojust Report concerning the extradition of EU nationals to third countries (*Petruhhin*) and the EJN/Eurojust Joint compilation on EAW issuing and executing authorities. During the meeting, the EJN Secretariat presented several topics concerning the EJN Business and Projects, such as the EJN Peer Evaluation; Work Programme 2021 and ongoing activities; EJN Secure Connection; Interconnection of Networks and activities with non-EU countries.

The **20th Tool Correspondents Meeting** of the European Judicial Network took place on 15 April 2021 via video conference, due to the ongoing COVID-19 measures. The meeting allowed for discussing several topics related to the EJN Website. Firstly, the EJN Secretary presented an update on the organisational support for the EJN website. The Eurojust Web Team introduced a new entity supporting the EJN Website and explained how the web team would work. Furthermore, the EJN Secretariat presented the EJN website redesign and a revision of lists of measures for the EJN Judicial Atlas and *Fiches Belges*. During the meeting, the Tool Correspondents shared the state of play on the list of activities and recent updates required for the EJN website. Additionally, the EJN Secretariat illustrated the Reporting tool and the launch of the revitalised EJNSC was also presented.

SLOVENIAN PRESIDENCY

57TH PLENARY MEETING, 18-20 OCTOBER 2021, LJUBLJANA, SLOVENIA



The **57th Plenary Meeting** of the EJM took place on 18–19 October 2021 in Ljubljana. The meeting gathered almost 50 participants, a smaller number than a usual EJM Plenary. However, this reduced setting offered a long-awaited opportunity for the Contact Points of the EJM to get together in person, while being compliant with the sanitary measures currently in place to contain the circulation of Covid-19. Present at the meeting were the EJM Contact Points from the Member States, Switzerland and the Western Balkans, as well as representatives of Eurojust, the European Commission, the General Secretariat of the Council of the European Union and the IPA2019 project. The participants discussed the following two topics and the key role of the EJM in improving these aspects of judicial cooperation in criminal matters:

- ▶ The use of videoconferences in court, due to COVID-19, in the working lives of judges and prosecutors. The interventions focused on possibilities, admissibility and obstacles to its use.
- ▶ Judicial cooperation with the Western Balkan region, where representatives of the Western Balkans illustrated their systems for judicial cooperation and shared best practices and obstacles to cooperation between the EU and the Western Balkans.



OTHER EJM MEETINGS UNDER THE SLOVENIAN PRESIDENCY:

On 27 September 2021, the **13th National Correspondents Meeting** of the EJM took place online under the Slovenian Presidency. It provided the participants with the opportunity to present updates regarding their national systems and the development of Judicial Cooperation, including cooperation with the UK and during COVID-19. Furthermore, the National Correspondents shared their experience with the e-Evidence Digital Exchange System (e-DES platform). The aim of the meeting was also to present the ongoing activities and planning for the EJM Work Programme and to discuss other topics about EJM, such as the updates of the EJM website.

2.2. EJN presidencies 2022:

FRENCH PRESIDENCY

58TH PLENARY MEETING 15-17 JUNE 2022, BORDEAUX, FRANCE

On 15–17 June 2022, the **58th Plenary Meeting** of the European Judicial Network took place in Bordeaux, France. After the opening remarks by the French Presidency, the consequences of the war in Ukraine were presented with regard to judicial aspects of international sanctions and strengthening cooperation in the fight against war crimes. The key topics of the meeting were freezing and confiscation of crypto-currency, access to digital evidence in the context of hate crime and cooperation in the fight against environmental crime. During the meeting, the EJN Contact Points used the opportunity to share with the participants relevant updates in the field of judicial cooperation in their Member States and several non-EU EJN Contact Points used the opportunity to present themselves. Furthermore, the presentation of the METIS (Mutual recognition in Europe through InterVision Studies) project was made by the project team from Belgium, France, and the Netherlands. During the meeting, the European Commission explained the state of play of the digitalisation of criminal cooperation – the e-EDES project and initiative on the digitisation of judicial cooperation as well as the collaboration platform to support the operation of joint investigation teams.



OTHER EJN MEETINGS UNDER THE FRENCH PRESIDENCY:

On 24 February 2022, the EJN met in the context of the **43rd EJN Regular Meeting**. The meeting was organized in a hybrid format and gathered approximately 50 participants from Member States, candidate countries and EJN associate countries. The French Presidency opened the meeting by condemning the attack on Ukraine and expressing support for Ukraine and its citizens, in line with the values of the EJN. During the meeting, the participants discussed topics of interest concerning judicial cooperation in criminal matters, such as the impact of the CJEU judgments on the application of the European Investigation Order, cooperation with the UK and the application of the TCA as well as the practical experience with regards to the application of the Freezing and confiscation Regulation. The EJN Secretariat presented the developments related to the EJN website, the state of play of the EJN Secure Connection and the first results from the EJN case reporting for 2021.



On 31 March 2022, the **21st Tool Correspondents Meeting** took place in The Hague, preceded by on-the-spot training for newly appointed Tool Correspondents on 30 March 2022. Due to the ongoing major reform and redesign of the EJN website, the EJN Secretariat presented the roadmap of the projects planned for implementation in 2022 and 2023 and related IT security requirements. Moreover, the Tool Correspondents were introduced to some upcoming developments such as the Reporting tool, the EJN Secure Connection (EJNSC) and the integration of non-EU countries and judicial networks sections into the redesigned EJN website. Furthermore, the EJN Secretariat showed the functionality of the new platforms that had been created for updating the two main e-tools of the EJN website – Atlas and *Fiches Belges*. During the meeting, the Tool Correspondents had an opportunity to test the platforms themselves to see how they worked in practice. At the practical session, the participants had the opportunity to further update the EJN website, with the assistance of the web team and the EJN Secretariat.

CZECH PRESIDENCY

59TH PLENARY MEETING, 9–11 NOVEMBER 2022, PRAGUE, CZECH REPUBLIC



The 59th Plenary Meeting of the EJN took place on 9–11 November 2022 in Prague. The meeting gathered over 130 participants – EJN Contact Points from the Member States, EU candidate countries and EJN associated countries, as well as representatives from the European Commission, Eurojust and the IPA 2019 Project. The meeting was devoted to current issues of the EIO concerning certain investigative measures (current issues of interception of telecommunications and some investigative measures associated with the gathering of evidence in real time). During the meeting, the EJN Secretariat informed the EJN Contact Points on a variety of topics such as the work programme, interconnection of networks and activities with non-EU countries and the upcoming updates of the EJN website. Furthermore, the participants congratulated the newly elected members of the Presidency Board. The meeting was also an opportunity for the Contact Points to thank the outgoing Secretary to the EJN. The participants expressed their gratitude for his hard work towards furthering the development and recognition of the EJN.



OTHER EJN MEETINGS UNDER THE CZECH PRESIDENCY:



On 29 September 2022, the **14th National Correspondents Meeting** of the EJN took place in The Hague, gathering the National Correspondents from the Member States for discussions related to the management of the Network as well as the ongoing EJN projects. Among the discussion points were the composition of the EJN Presidency Board as well as the ongoing activities of the EJN and the planning for 2023 and 2024. The participants discussed the plans for the EJN's 25th anniversary in 2023 during the Swedish EJN Presidency. Additionally, the state of play of the implementation of the Action Plan of the EJN Peer Evaluation was presented. The EJN National Correspondents presented updates from the Member States, regarding the organisation of the EJN and legislative changes in the area of judicial cooperation in their countries. Furthermore, the EJN Secretariat provided information about the progress on cooperation with third countries and other judicial networks, including the outcome of the meeting between the EJN EU and Western Balkan Contact Points. The EJN Secretariat presented the state of play of the developments of the EJN website and its tools, especially the Atlas, *Fiches Belges* and the Reporting tool.

2.3. EJN Judicial trainings

In 2021 and 2022, the EJN Secretariat continued to organise the yearly EJN English language training course for the EJN Contact Points:

- ▶ The **11th Legal English Language Training** for EJN Contact Points took place on 8–9 November 2021 in Paris, France. The training was co-organised with the French School for Magistrates
- ▶ The **12th Legal English Language Training** for EJN Contact Points took place on 5–7 April 2022 in Helsinki, Finland. The training was co-organised with the Finnish General Prosecutor's Office

The format of the training is customised for the needs of the EJN Contact Points and includes training in legal English vocabulary to support their work on EJN cases as well as presentations and discussion on substantive legal topics in judicial cooperation.



2.4. Other EJN trainings

EJN GRANT ONLINE TRAINING

On 21 January 2022, the EJN Grant online training took place. The meeting aimed to inform the EJN Contact Points about the new aspects of the 2022 EJN Grant procedure and an opportunity to reply to their questions. It focused mainly on the application stage and the preparation of the estimated budget.

TRAINING FOR NEWLY APPOINTED TOOL CORRESPONDENTS

During 2020–2021, several new Tool Correspondents were appointed in the Member States. Due to COVID-19 restrictions, they couldn't receive individual training from the EJN Secretariat until 30 March 2022 in The Hague. The EJN Secretariat, together with the colleagues of the web team at Eurojust, provided training on the functionalities of the EJN website back-office, technical and legal aspects of a Tool Correspondent work and the important role of them in keeping the information on the EJN website updated.

In-house, the Tool Correspondents had the opportunity to do some practical exercises in the EJN website back-office, such as filling in new and updating existing information in the Atlas, *Fiches Belges* and Contact Points lists.

2.5. EJN Regional and National Meetings in 2021–2022

The EJN Secretariat provides financing for Contact Points (CPs) in the Member States to organise national or regional EJN Meetings to engage the CPs, reinforce the network at the national and regional levels, and provide possibilities for the CPs to discuss judicial cooperation issues. As underlined on numerous occasions by the EJN Contact Points, the regional meetings have proved to be one of the most preferred formats to meet and exchange experience and provide the most sufficient solutions to problems in the field of judicial cooperation.

EJN Regional and National Meetings in 2021 – 2022

Date and Place	Meeting	Countries involved	Topics discussed
14 September 2021 Berlin, Germany	<i>21st Annual Meeting of the German EJN-Contact Points and 9th Annual Berlin Regional EJN-Meeting</i>	Austria, Germany, Liechtenstein, the Netherlands, Poland, Switzerland	Misinformation and misunderstanding in the context of filling out the EAW sheet.
12 October 2021 Warsaw, Poland	<i>11th National Meeting of the Polish Contact Points of the European Judicial Network</i>	Poland	The role of the EJN in facilitating cooperation in the area of freezing and confiscation of criminal assets is based on the new regime provided by the new Regulation 2018/1805 on the mutual recognition of the freezing and confiscation orders.
5 November 2021 Aveiro, Portugal	<i>EJN National and Regional Meeting</i>	France, Portugal, Spain	Practical intervention of the EJN contact points as facilitators of the application of FWD 2002/584, 2008/909 and 2008/947.
2-3 June 2022 Riga, Latvia	<i>EJN Regional meeting</i>	Estonia, Finland, Latvia, Lithuania, Sweden	The issue in Examination of Witnesses by Videoconference in cross-border Criminal Proceedings.
23 September 2022 Berlin, Germany	<i>22nd Annual Meeting of the German EJN Contact Points and 10th Annual Berlin Regional EJN-Meeting</i>	Austria, Germany, Liechtenstein, Luxemburg, Poland, Slovenia, Switzerland	Problems with the extending authorisation of extradition.
25 October 2022 Warsaw, Poland	<i>12th National Meeting of the Polish Contact Points of the European Judicial Network</i>	Poland	EJN Contact Points as facilitators of judicial cooperation in criminal matters in the EU with the special focus on electronic transmission of documents, transfer of proceedings and execution of freezing orders.



21st Annual Meeting of the German EJN Contact Points and ninth Annual Berlin Regional EJN Meeting, 14 September 2021, Berlin, Germany



11th National Meeting of the Polish Contact Points of the European Judicial Network, 12 October 2021, Warsaw, Poland



EJN national and regional meeting, 4-5 november 2021, Aveiro - Portugal



EJN Regional Meeting, 2-3 June 2022, Riga - Latvia



22nd Annual Meeting of the German EJN Contact Points and 10th Annual Berlin Regional EJN Meeting, 13 September 2022, Berlin, Germany



12th National Meeting of the Contact Points of the European Judicial Network, 25 October 2022, Warsaw, Poland

2.6. Welcome to the EJM: induction meeting for the new EJM Contact Points (tbc)

Aiming to ensure a smooth introduction of the newly appointed EJM Contact Points, the EJM Secretariat launched an initiative to organise a yearly meeting for all new EJM Contact Points. The first two meetings of this format took place in 2021 and 2022.

The goal of such an induction meeting is for the new Contact Points to learn more about their role and EJM cooperation on cases in practice. The EJM Secretariat uses the opportunity to provide information regarding the EJM Reporting Tool and the resources available on the EJM Website.

3. EJN WEBSITE

The EJN website is an established and comprehensive online repository for practitioners who deal with international judicial cooperation in criminal matters.

The website contains concise legal and practical information concerning the judicial and procedural systems in the Member States, texts of the relevant legal instruments, notifications from the countries and related case law, as well as electronic tools that allow authorities to identify the competent authority in another Member State and to compose the request. Updating the EJN website is one of the priorities of the EJN Secretariat to keep providing practitioners with the latest documents on judicial cooperation.

The EJN website redesign project started in June 2019 when the EJN Secretariat presented to the EJM a list of necessary improvements for the website, i.e. overall outdated technical solutions and security concerns.

In 2021–2022, the EJM Secretariat continued to work on the redevelopment and redesign of the homepage and of the e-tools – the most visited sections of the EJM website – to make it more modern, comprehensive and user-friendly.

► **Homepage**

In December 2021, the [new homepage of the EJM](#) was finally launched, offering the users a modern and user-friendly interface of the main page of the EJM website, as well as easier access from mobile devices.

JUDICIAL COOPERATION IN CRIMINAL MATTERS

The European Judicial Network in criminal matters (EJM) is a Network of national Contact Points for the facilitation of judicial cooperation in criminal matters.

[READ MORE](#)

Explore info by countries
Select from the list or click on the map

EJM Tools for Judicial Cooperation

<p>Judicial Atlas →</p> <p>Identification of the competent authority to receive requests for judicial cooperation</p>	<p>Compendium →</p> <p>Drafting requests for judicial cooperation</p>	<p>Fiches Belges →</p> <p>Legal and practical information on the applicability of judicial cooperation measures</p>	<p>List of Contact Points →</p> <p>Contact details of the EJM Contact Points</p>
<p>Judicial Library →</p> <p>Documents related to the EU legal instruments</p>	<p>Cooperation outside the EU →</p> <p>Cooperation with non-EU countries and judicial networks</p>	<p>Info about national systems →</p> <p>Information on judicial systems, international cooperation, relevant links and other useful data</p>	

New homepage of the EJM website

► Judicial Atlas and *Fiches Belges*

The Judicial Atlas is a tool used to find the competent executing authority to address a request for judicial cooperation in criminal matters, depending on the type of cooperation or measure required. It is regularly updated in cooperation with the EJM Tool Correspondent of each Member State.

The *Fiches Belges* is a tool that provides practical information on specific sets of measures that are covered by judicial cooperation in criminal matters. By using the *Fiches Belges*, it is possible to check whether a certain measure is applicable in a certain country, to find out the language into which the request should be translated, to identify the scope of information to be included in the request and to compare the measures between two countries.

Both tools are interactive and work according to the selection criteria – investigative

EUROPEAN JUDICIAL NETWORK
Operating Centre

ABOUT EJM | EJM TOOLS FOR JUDICIAL COOPERATION | LEGAL INSTRUMENTS FOR JUDICIAL COOPERATION | EJM CONTACT POINT AREA

HOME / JUDICIAL ATLAS

JUDICIAL ATLAS

The Atlas allows the identification of the locally competent authority that can receive your request for judicial cooperation and provides a fast and efficient channel for the direct transmission of requests according with the selected measure.

Search Competent Authorities

Extradition of UE citizens / Petruhin / National Focal points

Select country to where your request is to be sent to, clicking on the map :

Disclaimer: The designations employed and the presentation of material on the map do not imply the expression of any opinion whatsoever on the part of the European Union concerning the legal status of any country, territory or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

or select from the list of countries:

measure, nature of crime, geographical location - made by users, the list of measures being the core and basis for both the Atlas and *Fiches Belges*.

The development of the Atlas along with the *Fiches Belges* started in 2019. The EJM Secretariat, working closely with the EJM Working Group on Atlas/*Fiches Belges*, revised the content and functionality of both tools and introduced, *inter alia*, four new items to the list of measures:


- ▶ provisional measures (freezing of evidence);
- ▶ preservation and production of electronic evidence;
- ▶ room surveillance; and
- ▶ transit of a person.

To ensure the update of the content and its smooth transition from the old tools to the new Atlas and new *Fiches Belges*, two special platforms were launched in February 2022:

- ▶ the Atlas platform, enabling the EJM Secretariat, upon confirmation from the Tool Correspondents, to transfer the existing data, and update and store it before the new tool is publicly available for the users.
- ▶ The *Fiches Belges* platform that Tool Correspondents filled with updated information about the legal and practical requirements of the investigative measures. This is to be stored in this platform and automatically moved to the new *Fiches Belges* after the tool is deployed on the website.

Since the present report was drafted, both the new Atlas and *Fiches Belges* became available to users in February 2023.

The screenshot displays the EJM website's navigation bar with the logo and menu items: ABOUT EJM, EJM TOOLS FOR JUDICIAL COOPERATION, LEGAL INSTRUMENTS FOR JUDICIAL COOPERATION, and EJM CONTACT POINT AREA. Below the navigation bar is a blue header for 'JUDICIAL ATLAS'. A sub-header reads: 'Atlas allows to identify an authority that is competent to receive a request for judicial cooperation according to the requested measure. Valid for the EU countries and Norway.' The main section is titled 'Search Competent Authorities' and features a search bar with the text 'Extradition of EU citizens (Petrulhin); National Focal Points'. Below the search bar, it says 'Select country to where your request is to be sent to, clicking on the map:' followed by a map of Europe with several countries highlighted in blue.



ABOUT EJN
EJN TOOLS FOR JUDICIAL COOPERATION
LEGAL INSTRUMENTS FOR JUDICIAL COOPERATION
EJN CONTACT POINT AREA

HOME / JUDICIAL ATLAS / CHOOSE MEASURE

JUDICIAL ATLAS

The Atlas allows the identification of the locally competent authority that can receive your request for judicial cooperation and provides a fast and efficient channel for the direct transmission of requests according with the selected measure.

Search Competent Authorities

More than one measure in the EIO/ MLA request? [Click here](#) to find which authority to choose!


Judicial cooperation measure

ALL

- A. EIO/ MLA MEASURES
- B. JTS
- C. EAW
- D. TRANSFER OF PROCEEDINGS
- E. ASSETS - FREEZING, CONFISCATION AND RESTITUTION
- F. TRANSIT OF A PERSON
- G. OTHER MEASURES
- A.13 Hearing by telephone conference
- A.14 Confrontation/line-up
- A.20 Spontaneous exchange of information
- A.21 Request to provide documents, objects or information
- A.22 Obtaining information on bank accounts and other financial accounts and on banking and other financial operations

ALL

- base see A.45) [View Fiches Belges](#)
- ers personally) [View Fiches Belges](#)
- ansmission [View Fiches Belges](#)
- [View Fiches Belges](#)
- [View Fiches Belges](#)
- [View Fiches Belges](#)
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- [View Fiches Belges](#)
- [View Fiches Belges](#)



ABOUT EJN
EJN TOOLS FOR JUDICIAL COOPERATION
LEGAL INSTRUMENTS FOR JUDICIAL COOPERATION
EJN CONTACT POINT AREA

HOME / FICHES BELGES

FICHES BELGES

Find concise and practical legal information on the following judicial cooperation measure. If you don't know how to use the Fiches Belges, go to Guide for a first visit.

Select Country*

Choose 2nd country to compare measure

Judicial cooperation type


All

Judicial cooperation section

[Empty]

SEARCH

Disclaimer: These Fiches contain information provided by the Member States in accordance with the provisions of Article 7 para. 1 (c) of the Council Decision 2008/975/JHA in the European Judicial Network. This information has indicative value only and it does not have binding legal value in the context of judicial proceedings



ABOUT EJN
EJN TOOLS FOR JUDICIAL COOPERATION
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EJN CONTACT POINT AREA

HOME / FICHES BELGES

FICHES BELGES

Judicial cooperation measure

A. EIO/ MLA MEASURES

Summaring and hearing persons (A.10 - A.14)

A.10 Summaring (for the service of other documents please see A.45)

for

AUSTRIA

<p>Measure Implementation</p> <p>Legal Framework</p> <p>Competent Authority</p> <p>Accepted languages</p> <p>Execution deadline</p> <p>Concise legal practical information</p>	<p style="font-weight: bold; font-size: small;">MEASURE IMPLEMENTATION</p> <p style="font-size: x-small;">Is this measure possible in your Member State under International Judicial Cooperation?</p> <p style="font-size: x-small;">Before commencing the hearing, the accused is informed of the offence of which he/she is suspected. The accused also is informed of the fact that his/her testimony serves his/her defence, but that it may also be used as evidence against him/her. He/She is also informed of the fact that he/she has the right to comment on the matter, or not to give evidence and to first consult a defence counsel. He/she is entitled to be accompanied by a defence counsel during the interrogation. However, the accused is not allowed to consult on single questions with his/her defence counsel. According to Art 4 of the European Convention on Mutual Assistance in Criminal Matters (20.04.1959), the assistance of participation of agents or other parties of the proceedings (e.g. private party, lawyer) of the requesting State in the execution of the measure is possible and permissible on demand.</p> <hr/> <p style="font-size: x-small;">LEGAL FRAMEWORK</p> <p style="font-size: x-small;">International legal framework applicable for this measure in your Member State</p> <p style="font-size: x-small;">Test</p> <hr/> <p style="font-size: x-small;">COMPETENT AUTHORITY</p> <p style="font-size: x-small;">* receive the request/decision for judicial cooperation</p> <hr/> <p style="font-size: x-small;">ACCEPTED LANGUAGES</p> <p style="font-size: x-small;">Accepted languages for the request/decision</p>
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► Compendium

The Compendium is a tool for drafting requests for judicial cooperation such as:

- EIOs³²;
- EAWs³³;
- freezing orders³⁴;
- confiscation orders³⁵;
- custodial sentences³⁶;
- protection orders³⁷;
- ECRIS³⁸;
- financial penalties³⁹;
- probation⁴⁰ and supervision measures⁴¹; or
- mutual legal assistance⁴².

It assists practitioners in filling out the request form, ensuring all the required information is entered; importing the address etc. of the executing competent authority and adding the logo and official address from the requesting authority. The forms are available in all EU languages.

³² Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters (OJ L 130, 1.5.2014, p. 1–36). Available here: <https://www.ejn-crimjust.europa.eu/ejn/libdocumentproperties/EN/1276>.

³³ Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.7.2002, p. 1-20). Available here: <https://www.ejn-crimjust.europa.eu/ejn/libdocumentproperties/EN/787>.

³⁴ Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders (OJ L 303, 28.11.2018, p. 1-38). Available here: <https://www.ejn-crimjust.europa.eu/ejn/libdocumentproperties/EN/2030>. For cooperation with Ireland and Denmark, see Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence (OJ L 196, 2.8.2003, p. 45–55). Available here: <https://www.ejn-crimjust.europa.eu/ejn/libdocumentproperties/EN/16>.

³⁵ Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders (OJ L 303, 28.11.2018, p. 1-38). Available here: <https://www.ejn-crimjust.europa.eu/ejn/libdocumentproperties/EN/2030>. For cooperation with Ireland and Denmark, see Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders (OJ L 328, 24.11.2006, p. 59-78). Available here: <https://www.ejn-crimjust.europa.eu/ejn/libdocumentproperties/EN/681>.

³⁶ Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union (OJ L 327, 5.12.2008, p. 27-46). Available here <https://www.ejn-crimjust.europa.eu/ejn/libdocumentproperties/EN/780>.

³⁷ Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order (OJ L 338, 21.12.2011, p. 2–18). Available here: <https://www.ejn-crimjust.europa.eu/ejn/libdocumentproperties/EN/691>.

³⁸ Directive 2019/884 of the European Parliament and of the Council of 17 April 2019 amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third-country nationals and as regards the European Criminal Records Information System (ECRIS), and replacing Council Decision 2009/316/JHA (OJ L 151, 7.6.2019, p. 143-150). Available here: <https://www.ejn-crimjust.europa.eu/ejn/libdocumentproperties/EN/2138>.

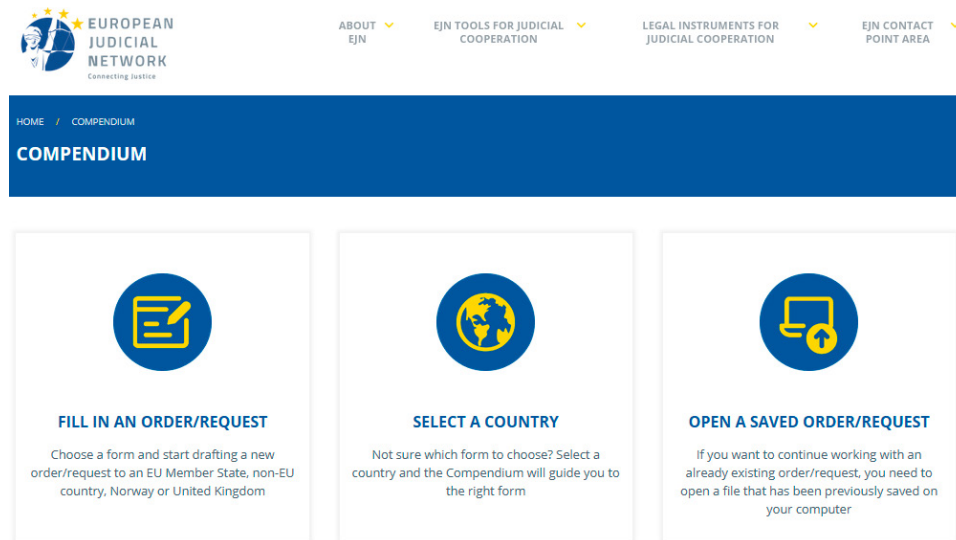
³⁹ Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties (OJ L 76, 22.3.2005, p. 16–30). Available here: <https://www.ejn-crimjust.europa.eu/ejn/libdocumentproperties/EN/781>.

⁴⁰ Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions (OJ L 337, 16.12.2008, p. 102–122). Available here: <https://www.ejn-crimjust.europa.eu/ejn/libdocumentproperties/EN/783>.

⁴¹ Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention (OJ L 294, 11.11.2009, p. 20–40). Available here: <https://www.ejn-crimjust.europa.eu/ejn/libdocumentproperties/EN/221>.

⁴² Convention established by the Council in accordance with Article 34 of the Treaty on European Union, on Mutual Assistance in Criminal Matters between the Member States of the European Union (OJ C 197, 12.7.2000, p. 3–23). Available here: <https://www.ejn-crimjust.europa.eu/ejn/libdocumentproperties/EN/16>.

Along with the changes to the Atlas and *Fiches Belges*, the Compendium is also being updated. However, unlike the Atlas and *Fiches Belges* tools, the changes to the Compendium mostly refer to design that should be in line with the new EJM website. Moreover, another goal to achieve is to make the Compendium even more user-friendly. In the new EJM website design the compendium has been divided into three sections, which the users can choose depending on their needs.



► Judicial Library

The Judicial Library is designed to provide legal practitioners with all available documents and relevant information related to the EU legal instruments in the area of judicial cooperation in criminal matters, including legal texts and notifications by the Member States, the status of implementation of the instruments; national legislation; case-law of the CJEU, reports and handbooks and other additional information. The Judicial Library is regularly updated so that the information provided stays up to date. However, the EJM Secretariat is committed to further updating and improving the Judicial Library, which will be undertaken in 2023–2024.

► EJM Reporting Tool

The EJM Reporting Tool is an online tool created by the EJM Secretariat to collect data on the EJM cases. Each EJM Contact Point should report their EJM cases and submit the data to the EJM Secretariat for further analysis. The importance of this tool includes its usefulness for demonstrating the practical advantage of the website, to provide information on the most used resources and to highlight the areas which require the most cooperation.

As a follow-up to the outcome of the EJM Peer Evaluation and due to technical requirements, the EJM started working on the re-development of the EJM Reporting Tool. The EJM Secretariat, together with the EJM Working Group on EJM Case Reporting, collected the needs and requirements of the EJM Contact Points for the new version of the EJM Reporting Tool. The focus will be on an improved user experience, by introducing more flexibility in the reporting process and decreasing the reporting time. In addition, the new tool will be visually aligned to the redesigned EJM website. It is expected that the new tool will be launched in June 2023.

3.1. EJM Secure telecommunication connection (EJNSC)

At the 42nd Regular meeting, the re-launch of Secure email for the EJM Contact Points - EJM Secure Connection (EJNSC) was announced. The EJNSC is a secure email set up for the EJM Contact Points to be able to communicate in a protected manner in line with Article 9 of the "EJM Decision". Furthermore, according to Article 7(4) of the "EIO Directive", "the issuing authority may transmit EIOs via the telecommunications system of the European Judicial Network (EJM)". The EJNSC is also mentioned in the new Regulation on Freezing and Confiscation, which came into force in December 2020.

4. FUNCTIONING AND MANAGEMENT OF THE EJN

4.1. EJN Presidency Board

The EJN Presidency Board is the governing body of the EJN. It defines the objectives, projects and activities in the EJN Work Programme.

The main responsibilities of the EJN Presidency Board include the following:

- ▶ establishing continuity and follow-up of the EJN Work Programme within the Presidency Priorities and EJN objectives in the interest of the Network and of the continuity of its activities;
- ▶ providing direction and advising the EJN Secretariat on the implementation of the EJN Decision;
- ▶ overseeing the administrative resources of the EJN Secretariat;
- ▶ participating in the EJN Presidency Board meetings – the EJN Presidency Board and the EJN Secretariat meet at least four times a year in connection with each of the EJN Plenary meetings and the meetings of National Correspondents;
- ▶ ensuring open communication with the EJN Secretariat; and
- ▶ representing the EJN as per the needs of the EJN and the Secretariat.

The Presidency of the EJN is held by the Member State holding the rotating Presidency of the Council of the EU. The EJN Presidency Board consists of a team of four Presidencies: the current Presidency, the former Presidency and the two incoming Presidencies to ensure continuity and follow up on the ongoing projects.

During the 14th National Correspondents Meeting of the EJN in September 2022, it was decided that the EJN Presidency Board shall be extended by two selected Members for a term of two years. Accordingly, in October 2022, the EJN Presidency Board was expanded by two permanent members that have been selected based on a vote of the National Correspondents. The two new members are Joachim Ettenhofer (Germany) and Tuuli Eerolainen (Finland). They will join the EJN Presidency Board from 2023 and 2024.

4.2. EJN Secretariat

The EJN Secretariat is responsible for the administration of the EJN.⁴³ The Secretariat forms part of the Eurojust staff but functions as a separate unit⁴⁴ that enjoys autonomy⁴⁵.

As the administrative body of the EJN, in practical terms, the EJN Secretariat's tasks include:

- ▶ ensuring the proper administration of the EJN to enable the EJN Contact Points to fulfil their tasks and keep the EJN identity;
- ▶ supporting the EJN Presidency Board;
- ▶ setting up, maintaining and improving the EJN website;
- ▶ coordinating information from the Member States to provide the most up-to-date information included in the EJN e-tools, including EJN Atlas, *Fiches Belges*, EJN Judicial Library, Compendium, Status of implementation of EU instruments and Information about national systems;
- ▶ drafting documents related to the activities of the EJN (including reports referred to in Article 13 of the EJN Decision);
- ▶ organising and supporting the EJN meetings with the aim of building the Network and improving judicial cooperation;
- ▶ keeping a general up-to-date record of projects and decisions taken within the EJN;
- ▶ providing support to the Member State holding the Presidency of the Council with the organisation of the meetings;
- ▶ collecting and analysing the practical experience of the EJN Contact Points in the application of EU judicial cooperation instruments and providing feedback to the EU institutions;
- ▶ sharing information on the challenges, achievements, difficulties and any other issues of general interest for the EJN with the EJN Contact Points on a permanent consultation basis (e.g. through a newsletter);
- ▶ preparing Action Plans for the new and ongoing projects of the EJN after consultations with national correspondents;
- ▶ maintaining close partnership in the spirit of complementarity with Eurojust;
- ▶ establishing and maintaining relations with other bodies and structures in the field of judicial cooperation in criminal matters within and outside the European Union;

⁴³ Article 2 (8) of the EJN Decision.

⁴⁴ Article 25a (b) of Council Decision 2002/187/JHA of 28 February 2002 setting up of Eurojust with a view to reinforcing the fight against serious crime, as amended by the Council Decision 2003/659/JHA and by Council Decision 2008/426/JHA of 16 December 2008 on the strengthening of Eurojust (OJ L 63, 6.3.2002, p. 1-13). Available here: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32002D0187>.

Updated reference with current legislation: Article 48 (1) (b) of regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA (OJ L 295, 22.11.2018, p. 138-183.) Available here: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R1727>.

⁴⁵ Recital 20 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 (OJ L 138, 4.6.2009, p. 14-32). Available here: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32009D0426>.

- ▶ organising Legal English Language training for the EJM Contact Points;
- ▶ training judicial authorities, EJM Contact Points and EJM Tool Correspondents on the resources on the EJM website; and
- ▶ promoting the EJM, including presentation of the EJM in meetings, conferences or other events organised both within the European Union or outside by partners in third countries or international organisations.

In the 2021–2022 period, the Secretariat was composed of six staff members: the Secretary to the EJM, the EJM Secretariat Coordinator, two Legal Specialists, one Seconded National Expert and one Legal Assistant. Since October 2022, the EJM Secretariat has had a trainee.

4.3. EJM Peer evaluations follow up

In 2020, following the sixth round of mutual evaluations on EJM and Eurojust (6RME), the EJM Work Programme prioritised the actions to be taken by the EJM in response to the recommendations addressed to the EJM provided by the 6RME. In this context, the EJM Secretariat prepared an Action Plan⁴⁶ for the implementation of the recommendations regarding the EJM. One of the proposed measures for further improving the functioning of the EJM and the EJM Contact Points was the performance of an ‘EJM Peer Evaluation’ exercise with the active participation of the EJM Contact Points who were asked to provide their feedback and proposals for the work of the EJM.

The objective of the “EJM Peer Evaluation” was to evaluate the functioning of the Network with a special focus on its operational functions and support for judicial cooperation. It serves as an assessment of the working methods within the Network and a basis for recommendations for the further improvement of the functioning of the EJM, the cooperation within the Network and with other partner networks and EU bodies.

The Peer Evaluation was concluded by a **Final Report on the EJM Peer Evaluations**⁴⁷ including an **Action Plan** with concrete steps to be taken by the EJM in response to the findings of the Evaluation. The Report and the Action Plan were presented to the EU institutions in 2021.

Throughout the reporting period, the EJM took action to address some of the points of the Action Plan to further improve the cooperation within the Network, as follows:

- ▶ created a Catalogue of EJM Best Practices – Handling EJM cases;⁴⁸
- ▶ updated the EJM Reporting Tool;
- ▶ addressed less responsive countries of the EJM;
- ▶ List of activities for EJM Contact Points and National Correspondents – email sent;
- ▶ introduced the Introduction training for newly appointed EJM Contact Points; and
- ▶ improved EJM Contact Points lists on the website.

⁴⁶ Action Plan for the implementation of the recommendations regarding the European Judicial Network (EJM) from the country reports and the Final report of the sixth round of mutual evaluations.

⁴⁷ Available here: <https://www.ejm-crimjust.europa.eu/ejm/libdocumentproperties/EN/3412>.

⁴⁸ Available here: <https://www.ejm-crimjust.europa.eu/ejm/libdocumentproperties/EN/3615>.

5. COOPERATION WITH EU INSTITUTION AND PARTNERS

5.1. Cooperation with EU institutions

THE EUROPEAN COMMISSION

VICTIMS' RIGHTS

As of September 2020, the EJM Secretariat was nominated as a member of the Victims' Rights Platform, which is one of the actions within the Victims' Rights Strategy 2020–2025. The platform was launched in September 2020 by the European Commission and it is led by the European Commission's newly appointed Coordinator for Victims' Rights.

In 2021, the EJM Secretariat was involved in the activities of the Victims Rights platform, upon invitation by the Coordinator for Victims' Rights, as follows:

- ▶ February 2021, the first Plenary meeting of the Victims Rights platform;
- ▶ March 2021 – ad hoc meeting on digitalisation of justice (to assess the impact of digitalisation of justice on victims' rights)
- ▶ June 2021 – ad hoc meeting on methods of improving the cooperation and exchange of information and good practices between the competent authorities in cross-border cases (to advance on the concrete action under the Strategy to produce a report on the topic by the EU agencies and the European Network of Victims' Rights (ENVR)).

As a member of the Victims' Rights Platform, the EJM was asked to contribute to a report of the agencies and networks on improving cooperation between the competent authorities in cross-border cases, to be issued in 2022.

Accordingly, in 2021, the EJM Secretariat launched a questionnaire aimed at gathering information on the experience of the EJM Contact Points with the Victims' Rights Directive. The replies of the Contact Points were highly valuable; the final version of the report on their replies will be distributed to the EJM Contact Points.

EDES AND THE CONNECTION TO THE EJM ATLAS

The European Commission continues to develop the e-Evidence Digital Exchange system (eDES) – an online platform for drafting and transmitting the EIOs and MLA requests securely.

The EJN Secretariat is supporting the project. Linking the Atlas to the eDES platform will provide a significant added value to users – practitioners all over the EU – to identify the competent receiving authority directly on the platform, combining benefits from the two different resources in one place. The discussions to find the possible technical solutions enabling the connection between the Atlas and the eDES platform are still ongoing.

THE COUNCIL OF THE EU

During the reporting period, the EJN participated in the ninth Round of Mutual Evaluations and contributed to the discussions on the topics concerned. The evaluation focused on the mutual recognition of legal instruments in the field of deprivation or restriction of liberty. Specifically, the evaluation concerned the framework decisions on EAW⁴⁹, custodial sentences⁵⁰, probation measures⁵¹ and supervision measures⁵².

The evaluations were finalized in 2022 and the [Final Report](#)⁵³ was adopted by the Council of the EU in December 2022. Following the latter's adoption, the EJN Secretariat analysed the outcomes of the report and the recommendations addressed to the EJN. Based on the recommendations, the EJN Secretariat prepared an Action Plan to guide the implementation process. The Action Plan was presented during a COPEN meeting in April 2023.

The EJN, on invitation from the General Secretariat of the Council, regularly attends COPEN to provide updates on EJN activities. This exercise is of pivotal importance as it provides the EJN with a unique opportunity to directly address representatives of Member State governments.

5.2. Cooperation with Eurojust

As provided for in Article 10 of the EJN Decision and Article 48 of the Eurojust Regulation, the EJN and Eurojust maintain privileged relations. These are based on consultation and complementarity which have been the main principle of cooperation since the creation of Eurojust in 2002. The complementarity of the two institutions is also evidenced by the graph below, showing the cooperation and cooperation on cases between the EJN Contact Points and the Eurojust national desks:

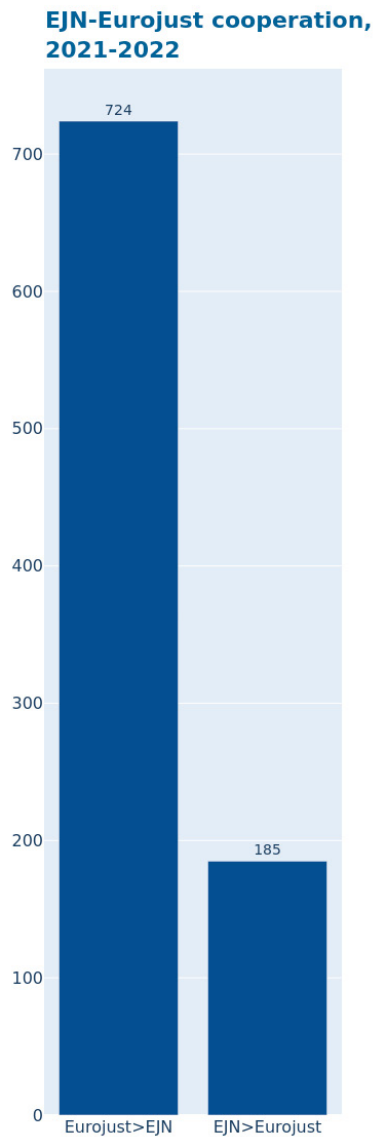
⁴⁹ Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.7.2002, p. 1-20). Available here: <https://www.ejn-crimjust.europa.eu/ejn/libdocumentproperties/EN/787>.

⁵⁰ Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union (OJ L 327, 5.12.2008, p. 27-46). Available here <https://www.ejn-crimjust.europa.eu/ejn/libdocumentproperties/EN/780>.

⁵¹ Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions (OJ L 337, 16.12.2008, p. 102-122). Available here: <https://www.ejn-crimjust.europa.eu/ejn/libdocumentproperties/EN/783>.

⁵² Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention (OJ L 294, 11.11.2009, p. 20-40). Available here: <https://www.ejn-crimjust.europa.eu/ejn/libdocumentproperties/EN/221>.

⁵³ Final report on the 9th round of mutual evaluations on Mutual recognition legal instruments in the field of deprivation or restriction of liberty, Council doc. 6741/23 (23 February 2023). Available here: <https://www.ejn-crimjust.europa.eu/ejn/libdocumentproperties/EN/3806>.



EJN- Eurojust cooperation on cases 2021-22

The cooperation between the EJN Contact Points and the national desks at Eurojust is further demonstrated by the case example below, which concerns the execution of an MLA request between Croatia and Serbia.

COOPERATION WITH EUROJUST

The effective cooperation between the EJN and Eurojust led to the successful execution of an MLA request between Croatia and Serbia. Since the request concerned a case with defendants who were imprisoned during an investigative stage, the time for its execution was limited. Therefore, after being contacted by the Serbian liaison prosecutor at Eurojust, the Croatian National Member at Eurojust involved the Croatian EJN Contact Point to speed the process up. The latter was able to process the request and relevant documentation in the shortest time possible. Due to the prompt coordination between the EJN and Eurojust stakeholders involved, the MLA request was swiftly executed.

To strengthen this cooperation and maintain the privileged relations, the EJM Presidency Board, the Eurojust Presidency Team and the EJM Secretariat meet in The Hague annually to discuss cooperation between Eurojust and EJM, common projects, as well as budget and staffing of the EJM Secretariat.

In the 2021–2022 period, the EJM and Eurojust worked together to update previously jointly published documents. Notably, in November 2021, the EJM and Eurojust updated their Joint Compilation on the Requirements for Issuing and Executing Judicial Authorities in EAW Proceedings pursuant to the CJEU’s Case-Law⁵⁴.

The EJM and Eurojust also provided updates for the Eurojust/EJM Compilation with information on the impact of COVID-19 on judicial cooperation in criminal matters in the EU, Iceland and Norway. The compilation is published as Council LIMITE document and its [Executive Summary](#) is publicly available. The practical value of this document in handling judicial cooperation during the pandemic has been acknowledged. However, following consultations with the EJM Contact Points and the national authorities, the EJM and Eurojust decided not to further update this document. The compilation was regularly updated from April 2020 to January 2022.

Next, during 2021–2022, the EJM and Eurojust combined their efforts to gather practitioners and collect their experience, knowledge, challenges and best practices in the application of different legal instruments.

In December 2021, the EJM and Eurojust started working together on a joint document about the impact of the *Gavanozov II* judgment upon the invitation of the Slovenian Presidency. In February 2022 the compilation of the replies to the questionnaire was sent to the Council and issued as Council LIMITE document. The compilation was presented jointly by the EJM Secretariat and Eurojust at the COPEN meeting on 21 February 2022. It is available in the [EIO area](#) on the EJM website for the EJM Contact Points and national authorities. In May 2022, the joint compilation was updated with replies from Malta. See also section 1.3.2. of this report.

5.3. Cooperation with the Secretariats of other Networks placed at Eurojust

Eurojust hosts two network secretariats that form part of the Eurojust staff⁵⁵ – the Network of National Experts on Joint Investigation Teams (JITs Network) and the European Network of Contact Points in respect of the investigation and prosecution of genocide, crimes against humanity and war crimes (the Genocide Network). In addition, Eurojust provides administrative support to the European Judicial Cybercrime Network (EJCN).

The EJM has successfully collaborated with the above networks since their establishment. In 2021, all three networks shared an updated list of contact persons with the EJM Secretariat. These were uploaded on the EJM website under restricted access to the EJM Contact Points.



⁵⁴ Available here: <https://data.consilium.europa.eu/doc/document/ST-5607-2021-REV-2/en/pdf>.

⁵⁵ Article 48 (2) of the Eurojust Regulation.

THE EJN SECRETARIAT ATTENDED THE FOLLOWING MEETINGS:

	2021	2022
<i>EJCN Plenary Meeting</i>	17-18 June	14 June
	2-3 December	12 December
<i>Genocide Network Meeting</i>	24-25 March	6 April
	23 November	



5.4. Cooperation with EUROPOL

In 2021–2022, the EJN continued its close cooperation with Europol on the SIRIUS Project. The purpose of this project is to enhance cross-border access to electronic evidence. It aims to do so by providing opportunities for the exchange of best practices and training on cooperation with US-based service providers, as well as for EU practitioners on applicable rules in the US on mutual legal assistance procedures.

The EJN participates in the SIRIUS project by providing feedback relating to electronic evidence from the perspective of judicial practitioners. It further presents a comparative analysis of the procedural regulation of electronic evidence across the EU. As a result, together with Europol and Eurojust, the EJN has contributed to the third and fourth annual editions of the SIRIUS EU Digital Evidence Situation Report (2021⁵⁶ and 2022⁵⁷).

The reports provide reflections on the status of EU authorities in retrieving electronic data held by foreign-based online service providers in 2021 and 2022. In addition, they also include an impact assessment of the Covid-19 pandemic on the access to e-evidence. [Both reports](#) have been uploaded to the EJN website.

The EJN was also represented at the annual SIRIUS Conference in December 2021 and in November 2022 at a discussion panel on e-evidence.

5.6. Cooperation with the European Judicial Training Network (EJTN)

The cooperation between the EJN and the EJTN continued in 2021–2022, given the Memorandum of Understanding (MoU) concluded between the EJTN and its partners in 2014, including the EJN.

The EJN Contact Points proceeded to emphasise the importance of judicial training and further enhancement of knowledge and skills which are aimed at improving cooperation in cross-border cases. As such, the EJN continued to provide support in assessing the training needs of the practitioners and providing experts and training materials for the EJTN training events.

⁵⁶ Available here: <https://www.ejn-crimjust.europa.eu/ejn/libdocumentproperties/EN/3614>.

⁵⁷ Available here: <https://www.ejn-crimjust.europa.eu/ejn/libdocumentproperties/EN/3786>.

The EJN Secretariat attended the annual meeting of the EJTN and the parties to the MoU in January 2021. The EJN Secretariat further attended the General Assembly in June 2021 (online) and the annual meeting of the Lot 4 partners of the EJTN (the partner entities of the MoU) in January and June 2022.

In 2021, it was concluded in the EJN Peer Evaluation report that a working group should be set up to assess the need for training on judicial cooperation issues for the EJN Contact Points with the involvement of the EJTN, the Academy of European Law, the European Institute of Public Administration or any other relevant entities, including national schools of magistrates. The objective was to set up this EJN working group in 2023.

In May 2021, the EJTN Secretariat organised a webinar on judicial cooperation. Another course took place in Stockholm in November 2021, where the National Correspondent from Sweden contributed. The EJN Secretariat was also asked to nominate an EJN Contact Point as one of the speakers and a Contact Point from the Slovenian Presidency made a presentation on behalf of the EJN.

For an overview of the judicial and other trainings the EJN organised and/or took part in, see sections 2.3 and 2.4 of this report.

5.7. Cooperation with the European Public Prosecutors Office (EPPO)

In 2021-2022, the EJN held meetings where the EJN Contact Points were able to discuss the necessary legislative changes in the judicial cooperation area related to the work of the EPPO.⁵⁸ During this reporting period, the EJN Secretariat worked closely with EPPO to come up with a draft document on a proposal to the National Correspondents about the cooperation and nominate an institutional EJN Contact Point at EPPO and any other joint institutional initiatives. Even though it was decided that operational cooperation could be tackled at a later stage, the EJN has already facilitated cooperation between the EPPO and non-EU countries during this period.

Furthermore, in the first half of 2021, the EJN Secretariat updated the EJN website by uploading country notifications related to the competence of the EPPO in the relevant parts of the EJN Judicial Library.

In 2022, the EJN Secretariat held bilateral meetings with the EPPO representative to establish and define the cooperation between the two entities. On top of that, the EJN Secretariat extended the outreach of the SIRIUS project by facilitating the possibility for the EPPO authorities to join the SIRIUS Platform. This led to several EPPO National and Delegated prosecutors being provided with access to some important tools that the SIRIUS platform offers for the improvement of access to e-Evidence via Online Service Providers.

⁵⁸ For example, during the National Correspondents Meeting under the Slovenian Presidency, 17 September 2021. See also, the 21st Annual Meeting of the German EJN-contact points and the 9th Annual Berlin Regional EJN-Meeting, 14 September 2021, Berlin, Germany.

5.8. Cooperation with EU Agency for Fundamental Rights (FRA)

As highlighted in the 2021 EJM Conclusions on the application of the EAW⁵⁹, the EJM continued its cooperation with the FRA over the 2021–2022 period by contributing to and promoting the FRA's Database on criminal detention in the EU⁶⁰ and projects related to detention conditions.

Notably, the EJM Secretariat raised awareness about the detention conditions database by incorporating it on the EJM website in the [EAW Section](#), as well as in the [Judicial Library](#). The EJM also invited the FRA to present the Database during an EJM workshop in Paris, France in November 2021.

Furthermore, in 2021, the EJM collected information from the EJM Contact Points and provided feedback to the FRA on its Database. This feedback responded to the FRA's questions raised in Council doc [13239/20](#) regarding the usefulness of the current version of the FRA Criminal Detention Database for the work of practitioners, as well as the practitioners' needs and expectations given the extension of the Database's scope.

In 2022, the EJM participated in the FRA's project on procedural rights in EAW proceedings. This project aims to gather experience and opinions about challenges and good practices concerning the procedural rights of persons requested by the EAW, as well as grounds for refusal and the relationship with other instruments on cross-border cooperation in criminal matters.

For the EJM to work in a systematic way to raise awareness about its role, the EJM adopted the *"EJM Policy on Raising Awareness of its Role and Activities"* at the Regular meeting in February 2017.

To further this project, the EJM Secretariat decided to revise the EJM brochure. Accordingly, two types of brochures were designed, one with general information and the other specifically about the EJM website. The brochures were translated into all the EU languages, the languages of the EU candidate and EJM associated countries, as well as into other partners' languages.

⁵⁹ EJM Conclusions – Current Developments on the application of the EAW 2021. Available here: <https://data.consilium.europa.eu/doc/document/ST-7655-2022-INIT/en/pdf>.

⁶⁰ Available here: <https://fra.europa.eu/en/databases/criminal-detention/>.

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