

dbb akademie Bonn

Conference on

“Harmonizing the fight against fraud and  
corruption in Europe”

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# Judicial Co-operation in Europe: Mechanisms, Instruments, Structures The **EUROJUST** Example

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# Historical Background



Removal of border controls/ iron curtain in Europe  
torn down

Organised crime becoming “more international”

(at least) 30 different legal systems

Overlapping treaties and conventions/blockages in  
MLA

# To fight organised crime in Europe effectively: Who is to contact?



Liaison Magistrates

The European Judicial network (EJN)

Europol

The European Anti-Fraud Unit (OLAF)

Eurojust

# Liaison Magistrates



- EU joint Action of 22<sup>nd</sup> April 1996
- A French idea - with (only) France in the lead
- Also: UK
  - Spain
  - Italy
  - others reluctant

# EJN



- Eurojust's elder (but smaller) brother
- EU joint Action of 29<sup>th</sup> June 1998

## Contact Points

**“Fiches belges”**: Information on 43 investigation measures in each MS

**“Atlas”**: Identification of the locally competent authorities (for MLA and EAW)

**“Solon”**: Glossary of linguistic equivalencies

# Europol



Europol Convention ratified on 1<sup>st</sup> Oct 1998

EU law enforcement agency handling criminal intelligence with an emphasis on targeting criminal organisations

**No operational competence!**

(if they got those: **Who is going to control Europol?**)

and:

*Europol's existence as such = a catalytic effect to establish Eurojust?*

# OLAF



“Office Européen de la Lutte Anti-Fraude”

established April 1999

internally: Disciplinary body for the EU

externally: Administrative body for pre-investigations  
in the field of fraud, corruption a.o. against the  
EU

**without prosecutorial competence!**

# EUROJUST



Independent EU-institution/ Legal personality  
situated in The Hague/NL

Eurojust-Decision (EJD) from 28<sup>th</sup> February 2002

*“to deal more effectively with serious cross border crime, particularly when it is organised, and involves two or more Member States”*

Group of 27 national units of prosecutors (judges)

**Co-operation (MLA)**

**Co-ordination (Jurisdiction)**

**“support otherwise” (Recommendations)**

**Alternative to the European Public Prosecutor**

# WHY EUROJUST ?



Existing Extradition- and MLA-arrangements  
still lengthy and uncertain

Lack of co-ordination in cross border cases  
(not only lingual problems on direct channels)

Blockages in MLA

Admissibility of MLA evidence before courts

# Competences of EUROJUST



Catalogue in Art. 4 Eurojust Decision (nearly every form of severe criminality); general clause in Art.4 II “*assist (everytime) ... at the request of a competent authority*” to be dealt with restrictively

Tasks laid down in Art. 6 EJD: *Eurojust may ask MS to*

- *undertake investigations*
- *accept that another MS is in a better position*
- *coordinate between them*
- *set up a joint investigation team*
- *provide any information necessary*

# How EUROJUST works



Operational methods (“Round table” – three levels)

Flexibility, directness, no chains of bureaucracy

*Case Examples*

*in particular on fraud and corruption cases*

Operational meetings

Strategic/tactical meetings - conferences

# Corruption Cases (1)



European Anti-Corruption Policy:

Competence and influence as regards OLAF

*Corruption – not any longer a national problem  
(if it has ever been ...)*

The international market on trafficking in arms  
(war weapons) and corruption ...

and the corruptive influence of German groups

# Corruption cases (2)



“Kosovo powerplant”

„Heros“

„Food for Oil“

„The 2004 Olympic Games“

*to be continued ...*

# Corruption cases (3)



Secretariat of the European Anti-Corruption  
Network

The informal “Working group anti-corruption”

Conferences, seminars, workshops of specialists  
from police, judiciary, administration

- The “*Raesfeld Castle experience*” -

# Contacts from and to Eurojust



Directness shown in the light of the

*German Law on Eurojust (of 12<sup>th</sup> May, 2004)*

Art. 3

*“direct contacts allowed to all enforcement agencies ...  
prosecutors, judges, police, tax investigators, customs”*

Art. 4

*“direct transmission of information vice versa”*



# Working at different levels

## Level 1:

Incoming requests → plenary meetings of all national units (approval and registration of cases)

## Level 2:

Exchange of information only between national units involved in a case

## Level 3:

Co-ordination meetings (costs partly borne by Eurojust) - invited: prosecutors (judges), police, tax investigators, customs from MS

# Eurojust - Statistics



2001 = 192 cases

2002 = 202

2003 = 300

2004 = 381

2005 = 588

2006 = 771

2007 = **1086** ( **Germany requesting = 94**  
**requested = 175** )

# Eurojust and Third States



(Formal) Treaties with Norway, Iceland; Romania  
USA ( November 2006 )

Negotiations 2007/2008 with Switzerland  
Russia  
Ukraine  
Croatia

(Informal) Contact points worldwide



# Crime Types

<b>Fraud</b>	<b>25 %</b>
Drug Trafficking	21 %
Organised Robbery/Theft	9 %
Money Laundering	8 %
Murder	7 %
Terrorism	6 %
Trafficking in Human Beings	4 %
<b>Corruption</b>	<b>3 %</b>

# Areas of Added Value



- 1 Permanent Mutual Legal Assistance Network (24-hour-service)
- 1 Competence (“Round table” effectiveness)
- 2 Operational Meetings
- 3 Strategic Meetings and Conferences
- 4 Third Countries Agreements
- 5 Contact Points

# The Future of Eurojust



- Strengthening **Operational Work**
- More co-ordination / more multilateral cases
- More operational and strategic meetings
  
- Eurojust in the framework of the *European Constitution*
- Eurojust and the *European Public Prosecutor*

The vision:

*“to be the key player and a centre of excellence at judicial level for effective action against organised cross border crime in the EU”*

# ... how to reach them



- *Just give them a call at 0031 70 412 5000  
German desk: 0031 70 412 5130, 5132, 5133, 5134  
or contact their website [www.eurojust.europa.eu](http://www.eurojust.europa.eu)*
- *In case you would like to contact me:  
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