

## ADDED VALUE OF CONCLUDING AN INTERNATIONAL AGREEMENT ON COOPERATION WITH EUROJUST

### 1. What is and what is not an international agreement on cooperation with Eurojust?

International agreements on cooperation with Eurojust are concluded by the EU with non-EU countries of interest. They serve as **legal basis to exchange operational personal data between Eurojust and relevant authorities of non-EU countries** in a **systematic manner**, that is without the need to carry out cumbersome case-by-case internal assessments on the risks associated with the transfer of such data.

Such international agreements **do not replace bilateral or multilateral agreements on judicial cooperation** – existent or future – between third countries and EU Member States, nor cooperation based on reciprocity.

### 2. Scope of cooperation under the agreement

Eurojust's mandate allows for the handling of a **variety of requests for assistance** related to the investigation and prosecution of **any serious criminal offence** where an **EU Member State is concerned**, be it bilateral or multilateral, simple or complex, formal or informal.

### 3. What does Eurojust provide

Eurojust can **facilitate the swift execution of requests** for judicial cooperation transmitted by third countries to EU Member States and vice-versa, for instance by:

- following-up on the status of execution with the competent authorities in the requested country via the national Desk of that country at Eurojust;
- organising coordination meetings and centres at Eurojust's premises in The Hague between the competent authorities of the countries involved to discuss ways forward, agree on common investigative strategies and coordinate investigative actions;
- providing legal analysis and interpretation during meetings;
- facilitating the setting-up and financing of joint investigation teams (JITs).

By enabling the systematic exchange of operational personal data, an international agreement opens the door to the posting of a **Liaison Prosecutor (LP) at Eurojust** who can directly engage with EU National Members in specific cases. Eurojust will thus serve as a gateway to cooperation with all EU Member States in one single vehicular language, as well as with more than 80 other jurisdictions, via the other Liaison Prosecutors posted at Eurojust and the extensive network of Eurojust Contact Points.

- ✓ LPs are based at Eurojust premises where they get office space and secure telecommunication services.
- ✓ LPs work side by side with their colleagues from EU Member States and LPs from other third countries to provide support in cross-border investigations involving their country.
- ✓ LPs can participate in operational and strategic meetings.
- ✓ LPs have access to Eurojust's operational tools and facilities.
- ✓ LP's documents are guaranteed as inviolable under the Agreement and retain ownership of the operational information they transmitted via Eurojust.

Establishing **direct personal contacts with 26 National Members** and **12 Liaison Prosecutors** makes it possible to overcome traditional obstacles to cooperation, such as language barriers or lack of knowledge about the judicial systems of other countries, acting swiftly and resolving issues in face-to-face meetings.

Eurojust also hosts **several judicial networks** - Network of National Experts on Joint Investigation Teams (JITs Network), the European Judicial Network (EJN), the European Judicial Organised Crime Network (EJOCN), the European Judicial Cybercrime Network (EJCN) and the Genocide Prosecution Network, as well as several focus groups - Focus Group for Prosecutors on Migrant Smuggling, Focus Group for Prosecutors on Trafficking in Human Beings and Focus Group for Prosecutors on Money Laundering and Asset Recovery. Contact with these networks and the obtaining of information and specialised advice is therefore easier to establish and access. Direct contacts with the JITs Network Secretariat can prove particularly helpful as the Secretariat handles the funding of JIT, including with third countries.

In addition to other projects, Eurojust implements the **EuroMed Justice** Project, which provides additional tailor-made support to countries in the Euro-Mediterranean region in order to strengthen their cooperation to better fight serious crime that affects the two regions.

#### 4. Services and facilities at Eurojust

In order to facilitate judicial cooperation, within the constraints of its infrastructure and subject to the availability of resources, Eurojust offers a wide range of services and facilities under an international agreement:

- Office space for the Liaison Prosecutor;
- Secure building and communication system (secure laptop, email, intranet);
- Access to meeting rooms with state-of-the art communication facilities, including videoconferencing;
- Access to Eurojust expertise on cases in specific fields, such as cybercrime, asset recovery, trafficking in human beings or terrorism;
- Access to expertise on JITs, including with regard to financial assistance;
- Possibility to participate in College meetings and strategic meetings and activities of College working groups;
- Easier access to other EU agencies and bodies that Eurojust works with, such as Europol and the EPPO.

#### 5. Implications for the non-EU countries

The country must have an **adequate level of protection of personal data**.

Regarding the Liaison Prosecutor posted, he or she should be a **public prosecutor subject to the national law** of their home country with regard to their status, and have a good level of English. He/she should have sufficient judicial powers within the territory of his/her home country to allow him/her to accomplish his/her tasks and should have the power to act in relation to foreign judicial authorities. LPs are also expected to have access to the information contained in their national criminal records and in any other registers of their home countries in the same way as prosecutors of equivalent competence.