

## ANNEX IV - Checklist for practitioners

Setting-up phase						
Legal basis	– International legal instruments (follow the hyperlink to check the ratification status):					
	<a href="#">2000 EU MLA Convention</a>	<a href="#">Second Additional Protocol COE 1959</a>	<a href="#">PCC SEE 2006</a>	<a href="#">UNTOC</a>	<a href="#">UN Convention against drugs</a>	<a href="#">UNCAC</a>
	– Bilateral agreement – National legislation – Principle of reciprocity					
Aspects to assess the suitability to set up a JIT	– Existence and stage of investigations in the involved countries – Number of potential JIT partners – Urgency of actions – Estimated required timeframe to finalise the JIT agreement – Available resources in the involved Member States					
Identification of key partners	– Involvement of Eurojust to facilitate the process (via Liaison Prosecutors at Eurojust, Eurojust contact points in third States) – Involvement of Liaison Magistrates posted in third States					
Drafting of JIT Agreement	– Consider use of the <a href="#">revised JIT Model Agreement</a> – Best practice to negotiate in a common working language – Consider specific clauses on <ul style="list-style-type: none"><li>○ Exchange of information/evidence</li><li>○ Confidentiality</li><li>○ Data protection</li><li>○ Liability</li><li>○ Human rights issues</li></ul>					
Eurojust support	– Presence of Liaison Prosecutors at Eurojust (FYROM, Montenegro, Norway, Switzerland, Ukraine, United States) – Organisation of coordination meetings at Eurojust (general rule that travel and accommodation of two participants per country are reimbursed); Preparation time – take into account required visa					
Operational phase						
Contacts between JIT members	– Appointment of one JIT member per country who is able to communicate in a common working language as contact person					

<b>Exchange of information/evidence</b>	<ul style="list-style-type: none"> <li>– Hand over sensitive documents in the framework of operational meetings, coordination meetings at Eurojust and/or via the respective embassies</li> <li>– Use of SIENA</li> <li>– Possible added value of keeping overview lists of exchanged material</li> </ul>
<b>Clarification of practical and legal issues</b>	<ul style="list-style-type: none"> <li>– Dual criminality</li> <li>– Transfer of proceedings</li> <li>– Conflict of jurisdiction</li> <li>– Extradition regime</li> <li>– Guarantees needed from third States that a death penalty will not be imposed</li> <li>– Challenges if evidence is based on plea-bargaining</li> <li>– Data protection or specific confidentiality requirements</li> </ul>
<b>Eurojust support</b>	<ul style="list-style-type: none"> <li>– JIT funding</li> <li>– Coordination meetings</li> <li>– Coordination Centres</li> </ul>
<b>Expiry of the JIT and JIT Evaluation</b>	
<b>Extension of the JIT</b>	<ul style="list-style-type: none"> <li>– Ensure a timely initiation of the extension of the JIT</li> </ul>
<b>Evaluation of the JIT</b>	<ul style="list-style-type: none"> <li>– JIT Evaluation Form</li> <li>– JIT Evaluation meeting (JIT funding available)</li> </ul>
<b>Settlement of jurisdiction</b>	<ul style="list-style-type: none"> <li>– Review of the scope of respective proceedings</li> <li>– Extradition</li> <li>– Transfer of proceedings</li> </ul>