



Dear Reader,

This special issue of the Eurojust News looks at Eurojust on the occasion of its 10th anniversary. You will find interviews with key players in the European Union, practitioners and current and former staff discussing the development of Eurojust from its beginnings as Pro-Eurojust in Brussels in 2002 to its growing role in the area of freedom, security and justice.

If you have any comments concerning this newsletter, please contact our Press & PR Service at info@eurojust.europa.eu.

Aled Williams, President of Eurojust

History of Eurojust

Eurojust celebrates its tenth anniversary on 28 February 2012. The discussion on the establishment of a judicial cooperation unit was first introduced at a European Council Meeting in Tampere, Finland, on 15 and 16 October 1999, attended by heads of state and government. This meeting was dedicated to the creation of an area of freedom, security and justice in the European Union, based on solidarity and on the reinforcement of the fight against trans-border crime by consolidating cooperation among authorities.

To reinforce the fight against serious organised crime, the European Council, in its Conclusion 46, agreed that a unit (Eurojust) should be set up composed of national prosecutors, magistrates, or

police officers of equivalent competence, detached from each Member State according to their own legal systems.

On 14 December 2000, on the initiative of Portugal, France, Sweden and Belgium, a provisional judicial cooperation unit was formed under the name Pro-Eurojust, operating from the Council building in Brussels. National Members were then called National Correspondents. This unit was the forerunner of Eurojust, the purpose of which was to be a sounding board of prosecutors from all Member States, where Eurojust's principles would be tried and tested.

Pro-Eurojust formally started work on 1 March 2001 under the Swedish Presidency of the European Union.



Eurojust National Members & Task Force, The Hague, March 2003 © Eurojust

IN THIS ISSUE

- 1 History of Eurojust
- 3 Interview Aled Williams
- 5 Interview Viviane Reding
- 7 Message Minister Opstelten
- 9 Interview Gilles de Kerchove
- 10 Interview Myria Vassiliadou
- 11 Article Hans Nilsson
- 14 Interview Mike Kennedy
- 17 Interview Ernst Merz
- 20 Interview Klaus Rackwitz
- 21 Interview José Villodre López
- 22 Interview Jean Michel Gentil
- 23 Interview Ioana Albani



EUROJUST

Maanweg 174
NL - 2516 AB The Hague

Tel: +31 70 412 5000
Fax: +31 70 412 5005
info@eurojust.europa.eu
www.eurojust.europa.eu



Pro-Eurojust meeting, Council building Brussels, March 2001 © Eurojust

With the attacks of 9/11 in the USA, the focus on the fight against terrorism moved from the regional/national sphere to its widest international context and served as a catalyst for the formalisation, by Council Decision 2002/187/JHA, of the establishment of Eurojust as a judicial coordination unit. In the first half of 2002, during the Spanish Presidency of the EU, important milestones were reached: the Eurojust Decision was published on 28 February, the budget was released in May, and the Rules of Procedure were agreed upon in June.



Inauguration ceremony, The Hague, 29 March 2003, M G Kennedy, P H Petsalnikos, A Vittorino, J P H Donner © Eurojust

On 29 April 2003, Eurojust moved to its seat in The Hague. Shortly after its establishment, Eurojust faced the challenge of EU enlargement: in May 2004, ten new National Members joined the College, and in January 2007, two more were added, bringing the total number to 27. Since the enlargement, Eurojust has been active in negotiating cooperation agreements with third States and other EU agencies, allowing the exchange of judicial information and personal data. Agreements were concluded with Europol, Norway, Iceland, the USA, Croatia, OLAF, Switzerland, and FYROM. As a result, liaison prosecutors from Norway, the USA and Croatia now are permanently based at Eurojust. In addition to coopera-

tion agreements, Eurojust also maintains a network of contact points worldwide.

Since 2000, Eurojust has grown tremendously and so have its operational tasks and involvement in European judicial cooperation. More powers and a revised set of rules became necessary.

In July 2008, under the French Presidency, the European Council approved the new Council Decision on the Strengthening of Eurojust, which was ratified in December 2008 and published on 4 June 2009. The new Decision's purpose is to enhance the operational capabilities of Eurojust, increase the exchange of information between the interested parties, facilitate and strengthen cooperation between national authorities and Eurojust, and strengthen and establish relationships with partners and third States.

The latest chapter in the development of Eurojust is contained in the Lisbon Treaty, namely in Chapter 4, Articles 85 and 86. Article 85 mentions Eurojust and defines its mission, "to support and strengthen coordination and cooperation between national investigating and prosecuting authorities in relation to serious crime affecting two or more Member States [...]". Article 86 states that, "in order to combat crimes affecting the financial interests of the Union, the Council, by means of regulations adopted in accordance with a special legislative procedure, may establish a European Public Prosecutor's Office from Eurojust". ■

Eurojust's success is evident in the growth in its caseload, from 200 operational cases in 2002 to over 1400 cases in 2011, a seven-fold increase.



Interview with Aled Williams, President of Eurojust and UK National Member

Aled Williams' legal career began in 1984, when he qualified as a solicitor. He joined the Crown Prosecution Service in 1986, with responsibility for serious cases of homicide, fraud and drug trafficking. In 2002, he was appointed the UK liaison magistrate to Spain. He worked in the Ministry of Justice in Madrid for four years, dealing with mutual legal assistance, extradition and the introduction of European Arrest Warrant procedures. Mr Williams joined Eurojust as Deputy National Member in July 2006 and was appointed National Member in June 2008. He was elected President of Eurojust on 16 February 2010.

What evolution do you see in Eurojust's first ten years? "I think it is fair to say that Eurojust has made a valuable contribution to the construction of the EU's area of freedom, security and justice over these ten years. While it is natural to look for changes in the last decade, Eurojust's value has really been because of an important element of continuity in its work. Eurojust has provided and continues to provide the practitioner perspective at EU level in coordinating the judicial fight against cross-border crime."

"Cross-border crime" may sound distant from ordinary concerns. What sorts of cases are involved? "Sometimes, Eurojust helps in cases where the cross-border nature of the crime is obvious, even though the immediate harm is felt locally. Let me give an example. A young woman stands on a street corner in an industrial town somewhere in the European Union. She has been trafficked into a Member State for sexual exploitation. She has a drug habit, which feeds on cocaine shipped halfway across the world and then through the European Union. Her presence creates danger and insecurity in the local neighbourhoods where rival groups compete to monopolise 'supply' from outside national borders. Eurojust is here to help meet the cross-border threat behind the national exploitation."

Sometimes, Eurojust helps in cases where the impact of cross-border crime appears less direct but is no less important. Say the woman's exploiters channel the profits from her virtual slavery (and that of many others) through financial transactions that span the globe. In doing so, they attempt to corrupt and undermine our institutions. So the effects of organised crime may be felt locally, in individual misery, and by its impact on national governance.

But to organised criminal groups, crime is neither local nor national, but global and regional. For them, borders are only significant if they make investigation and prosecution more difficult. Eurojust has steadily grown over the last ten years to meet this challenge."

How in fact has Eurojust grown over these 10 years? Statistics always need to be treated with care, but the figures do suggest that Eurojust is making a useful contribution to fighting serious cross-border crime. In 2002, Member States referred about 200 cases to Eurojust. In 2011, they sent more than 1400 cases. This sevenfold increase supports the view that Eurojust provides a service which is of value to investigating and prosecuting authorities in the European Union."

How does Eurojust help in the fight against cross-border crime? Eurojust has fostered the use of two important tools to meet the cross-border threat. First, there are our coordination meetings. These provide a secure forum where law enforcement and judicial representatives can agree on immediate practical matters, such as when and where arrests and house searches etc should take place.

Importantly, our coordination meetings provide national authorities with the cross-border experience of Eurojust's prosecutors, judges, police officers and other experts. Eurojust now holds over 150 such meetings each year, and they are very important to our work. This is not only because they help resolve the many practical issues which arise in a particular case. By bringing national investigators and prosecutors together with EU partners, such as Europol and OLAF, Eurojust's coordination meetings also allow a broader view of cross-border crime to be developed. This can have important consequences for fighting organised crime groups across the European Union.

A second development illustrates Eurojust's practitioner help in fighting cross-border crime. Legal provision for Joint Investigation Teams, which encourage investigators and judicial authorities from different Member States to work closely together, existed before Eurojust was established. But it is only in recent years that JITs are more used, and in part this is because of Eurojust's contribution. Two aspects should be mentioned. Eurojust now hosts the JIT Secretariat, which helps coordinate the work of national experts; and Eurojust now evaluates and advises on JIT proposals from Member States.

Last year, Eurojust supported 37 JITs, including those which targeted serious cross-border crime, such as drug trafficking and trafficking in human beings. So, Eurojust has evolved in the last ten years, both in terms of its case-work and in fostering the use of EU practitioner tools."

Eurojust has evolved in the last ten years, both in terms of its casework and in fostering the use of EU practitioner tools.

What has been the most significant change in judicial cooperation since 2002? "During Eurojust's first ten years, a new principle has come to guide judicial cooperation in criminal matters. This principle is the mutual recognition of court orders. It is gradually replacing the scheme of requests for mutual legal assistance (MLA). This shift from MLA to mutual recognition is a genuinely significant development in tackling cross-border crime.

The most prominent example of the mutual recognition approach is the European Arrest Warrant. Before the EAW, the average time for surrendering fugitives between Member States was more than 12 months. Now it is less than 3 months. Eurojust has helped the EAW scheme in various ways: it has facilitated practical execution by advising national practitioners on differing legal requirements in Member States, by monitoring timely execution of warrants, and by helping resolve situations where a criminal is sought by more than one Member State. And Eurojust has contributed its practitioner perspective to another development. If the proposal for a European Investigation Order is eventually adopted, it would largely replace the current complex and overlapping schemes for judicial cooperation. Eurojust has commented on aspects of how the EIO might work in practice.

The move from MLA to mutual recognition reflects a still more general development. It is the realisation that the response to organised crime cannot stop at a national border. We must work together to ensure that crossing a border does not mean a safe haven for criminals. So, if Eurojust's evolution has to be summed up in one word, it is partnership. Partnership between national authorities and EU bodies such as Eurojust is the way that international crime groups can be effectively challenged."

You mentioned that the case-



Eurojust's first coordination meeting, January 2004 © Eurojust

load dealt with by Eurojust has increased sevenfold since its beginnings (2002). How would you explain this phenomenon? Is this a measure of Eurojust being better known Europe- and/or worldwide? "There are many possible explanations. I would like to think that Eurojust is becoming better known because it offers a useful service to Member State practitioners, so that case referrals increase accordingly. At the same time, the population of the European Union has increased to approximately 500 million by successive enlargements and demographic change over the last ten years. This would account for some increase in the number of cases referred to Eurojust.

But perhaps the most likely explanation is also the most worrying. Criminals may now direct activities in one Member State from another, or indeed from another part of the world entirely. Profits from criminal enterprises can be moved from one jurisdiction to another by a mouse click. It is because law enforcement and judicial authorities are faced with these challenges that they appreciate the need to coordinate their efforts, and why referrals to Eurojust have increased in the last decade."

How do you see the future of Eurojust and the European Public Prosecutor's Office?

"Eurojust is still a relatively young organisation. It has had one major re-

vision of its legal base. Amendments to the Eurojust Decision were published in 2009 and where necessary were to have been transposed into national legislation by June 2011. The Decision has many changes designed to enhance Eurojust's ability to assist Member States in fighting cross-border crime. For example, what happens if a drug consignment changes route and moves into a jurisdiction whose authorities had not been previously alerted of the possibility? Eurojust's prosecutors, judges and police officers are now available 24/7 to help their colleagues throughout the European Union in dealing with such rapidly changing operations. But equally important for the future are information exchange measures to ensure that national authorities have better coordination of their efforts through Eurojust.

A prosecutor may realise that there is a cross-border dimension to a national case, but not have the facilities to explore it. Is the case a minor

Partnership between national authorities and EU bodies such as Eurojust is the way that international crime groups can be effectively challenged.

part of a larger picture which involves several other Member States? Is the particular national case the crucial element, the missing part of the jigsaw, which will enable justice to be secured in another jurisdiction and an organised crime group to be dismantled? By involving Eurojust under the provisions of the amended Decision, a coordinated response to cross-border crime for the benefit of all in the European Union can become possible.

So the immediate future of Eurojust is tied to some very concrete provisions in the amended Decision, and it follows that an immediate priority is to ensure that the provisions of the amended Decision take effect in all Member States.

Beyond this, there are decisions about the future of Eurojust which involve major political considerations. The obvious example is the possible creation of the European Public Prosecutor's Office 'from Eurojust', in the words of the Treaty of Lisbon. What Eurojust can contribute to the debate is an evidence-based approach, attempting to draw lessons from its casework. Whatever decision is ultimately taken, Eurojust will continue to work to make Europe a safer and more just place for its citizens by helping in the fight against serious cross-border crime." ■



Eurojust Inauguration, 29 March 2003 © Eurojust

Interview with Viviane Reding, Vice-President and Commissioner, responsible for Justice, Fundamental Rights and Citizenship



© European Commission

Viviane Reding, a native of Luxembourg, has a Doctorate in Human Sciences. She began her professional career as a journalist in 1978, and served as President of the Luxembourg Union of Journalists from 1986 to 1998. Her political career began in 1979 as Member of the Luxembourg Parliament, where she remained until 1989. She was a Member of the European Parliament from 1989 to 1999, at which time she joined the European Commission, first responsible for Education, Culture, Youth, Media and Sports (1999 – 2004), and then responsible for Information Society and Media (2004 – 2010). She was appointed Vice-President of the European Commission, responsible for Justice, Fundamental Rights and Citizenship, in February 2010.

How do you see the role of Eurojust?

"By bringing together senior prosecutors and judges from all the Member States of the European Union, Eurojust plays a central role in developing a European area of justice. It also plays a major role in fighting cross-border crime in the European Union.

The right to free movement is the right that EU citizens cherish most. Freedom of movement, however, also means freedom of movement for criminals and organised crime that does not know borders. It is therefore only natural that to tackle the problem of cross-border crime, Member States need to cooperate across borders. Judicial cooperation is therefore needed to protect and strengthen free movement, and our area of freedom, security and justice. Effective judicial cooperation needs coordination; here Eurojust plays a key role. Without the coordinating efforts of Eurojust and without its expertise, national judicial authorities would not have the necessary information needed to take informed decisions on the prosecution of criminals. They would not be able to act as effectively as they do today.

It is important to understand how Eurojust and the European Commission can cooperate on fighting cross-border crimes, such as child pornography, human trafficking and money laundering.

Eurojust has also become a point of reference for practitioners, who increasingly seek Eurojust's assistance to facilitate judicial cooperation in complex cases and to overcome the practical difficulties they face in cooperation in the field."

How can Eurojust further develop in the future, also taking into account that new Member States may join the European Union?

"Eurojust's role will become more and more important as we begin to make use of the new opportunities provided by the Lisbon Treaty. I am thinking in particular of the possibility to increase the powers of National Members in initiating criminal investigations and the tasks of Eurojust in resolving conflicts of jurisdiction. The Treaty also foresees a role for European and national parliaments in evaluating Eurojust's activities. Finally, we need to make sure Eurojust has the structure it needs to support investigations and prosecutions in the most effective way. The preparation of future proposals will allow closer cooperation between the Commission and Eurojust. That is why I have called for the conclusion of a memorandum of understanding between the Commission and Eurojust. I am hopeful that this can be signed in the coming weeks."

Will the European Commission decide about Article 86 of the Lisbon Treaty and the creation of the European Public Prosecutor from Eurojust?



Ms Reding's visit to Eurojust, June 2010 © Eurojust

"One of the most important novelties offered by the Lisbon Treaty in the area of judicial cooperation is the establishment of a European Public Prosecutor's Office based at Eurojust. Its investigations would cover crimes against the EU's financial interests. The European Commission is eager to ensure that crimes affecting the financial interests of the European Union are pursued and criminals prosecuted. Fraud against the EU budget is fraud against taxpayers' money. In today's economic times, every cent matters. A European Public Prosecutor's Office would be an important instrument to meet this objective and close the legal loopholes that allow fraudsters to go unpunished. The Commission is examining how Article 86 can best be used for such an initiative." ■

Without the coordinating efforts of Eurojust and without its expertise, national judicial authorities would not have the necessary information needed to take informed decisions on the prosecution of criminals. They would not be able to act as effectively as they do today.



Ms Reding's visit to Eurojust, June 2010 © Eurojust

Message from HE IW Opstelten, Minister of Security and Justice of the Netherlands



Minister Opstelten received a degree in law in 1969, and began a long and successful career in politics, first serving as the youngest Mayor in the Netherlands in three different Dutch cities. He was appointed Director-General for Public Order and Safety at the Ministry of the Interior in 1987. He then served as Mayor of Utrecht for seven years, Mayor of Rotterdam for nearly ten years, and then as Acting Mayor of Tilburg. In October 2010, Ivo Opstelten was appointed Minister of Security and Justice.

This is an excellent moment to look back on some of Eurojust's achievements in the past decade, as we are to celebrate a relatively young but already impressive track record.

This is an excellent moment to look back on some of Eurojust's achievements in the past decade, as we are to celebrate a relatively young but already impressive track record. At the same time, I look forward to seeing Eurojust's potential being further developed in the course of the next and following decades. Going through Eurojust's annual reports, one is struck by the sheer variety of casework Eurojust has had to deal with over the years and the wide range of practical obstacles in the area of judicial cooperation in criminal matters still encountered by national authorities on a daily basis. The reality for some time to come is that we need to see Eurojust at the very forefront, this being especially true under the present difficult economic conditions. Therefore, we need Eurojust to continue to help us fight child pornography, THB, money laundering, terrorism, corruption, cybercrime and all of its other priorities, the very ones we share at the national level. For all these reasons, we do absolutely need to see Eurojust fulfil its potential.

Finally, as to the role of the Host State, I assure you that we are very proud to have Eurojust here and we are very keen to make a modest, if important, contribution to its future role. This, I strongly feel, is where Eurojust ultimately belongs, right in the very centre of European cooperation in this field." ■

"I am very pleased to be asked to say something on this special occasion: the 10th anniversary of Eurojust. International cooperation on justice and law enforcement is very important to the Netherlands and a reason why we most gladly host a whole range of international organisations. First and foremost, let me therefore extend my warm and heartfelt congratulations to Eurojust and its dedicated staff on this first 10-year anniversary.

Over the years, Eurojust has proven its added value as an indispensable tool for promoting and strengthening judicial cooperation in criminal matters in the European Union. It has done so particularly by being the essential go-between for national authorities, who find themselves increasingly having to deal with the many complex aspects of the sophisticated forms of cross-border organised crime and terrorism so characteristic of this century.

I look forward to seeing Eurojust's potential being further developed in the course of the next and following decades.



Commissioners visiting Eurojust
(clockwise from left):
António Vittorino, Franco Frattini,
Viviane Reding, Jacques Barot.

Interview with Gilles de Kerchove, EU Anti-Terrorism Coordinator



Can you tell us what Eurojust can do to help the European Union in the fight against terrorism?

"In addition to the classical role of Eurojust, which is judicial coordination of prosecution and facilitation of mutual legal assistance, with practitioners working together from day to day, we hope for more involvement from Eurojust, especially in Joint Investigation Teams and in concrete counter-terrorism investigations and prosecutions.

In my opinion, Eurojust can fulfil three further important functions. The first function is to monitor the decisions of the highest criminal courts in Europe regarding the national application of EU legislation on counter-terrorism, especially the definition of 'terrorism'. Eurojust can serve a role in monitoring and analysing cases and sentencing and advising the Council on the need to refine the definitions, using as one of its tools the Terrorism Convictions Monitor, which is produced by Eurojust's Counter-Terrorism Team and the Case Analysis Unit. Eurojust should also be involved in the discussion in the Member States on what approach to follow in criminal policy.

We hope for more involvement from Eurojust, especially in Joint Investigation Teams and in concrete counter-terrorism investigations and prosecutions. Eurojust can provide examples of best practices in investigation and prosecution, and all of the tools of criminal justice.

The European Union has adopted two Framework Decisions on the offence of terrorism. The 2002 Framework Decision defines actions and participation in terrorist organisations and defines the offence of terrorism itself. The 2008 Framework Decision, amending the 2002 Framework Decision, provides definitions to cover recruitment, incitement to commit a terrorist attack and training. Now may be the time for a new Framework Decision to cover the recent trend of travel abroad by EU citizens or EU residents, who attend terrorist training camps in Afghanistan, Pakistan or Somalia, and then return to mount terrorist attacks on EU soil. I am very much interested in seeing how these EU definitions are actually implemented by the judges.

A second role for Eurojust is involvement in the discussion among Member States on what approach to follow in criminal policy in the face of counter-terrorism. For example, the Kurdish Nationalist Organisation, PKK, which is on the list of terrorist organisations in the European Union, behaves as a classical criminal organisation inside the European Union and as a terrorist

After earning degrees in law and joining the European Commission, Gilles de Kerchove took up various Belgian government positions, including Secretary of the Government of the Walloon Region, Chef de cabinet of the Deputy Prime Ministers and Ministers of Justice of Belgium in two successive Administrations, and Director for JHA in the EU Council Secretariat. Mr de Kerchove was Deputy Secretary of the Convention that drafted the Charter of Fundamental Rights of the European Union. He is also Professor of Law at the Catholic University of Louvain, the Free University of Brussels and the University Faculty Saint Louis. He is the author of a number of books on European law. In September 2007, Mr de Kerchove was appointed EU Anti-Terrorism Coordinator.

organisation outside the European Union. Adherents collect money in Europe via racketeering and drug and human trafficking, and then filter the money through northern Iraq to mount attacks in Turkey. To combat this activity, do we use the counter-terrorism investigation methods and legislation arsenal, which are more sensitive and sometimes contentious, or do we use legislation related to the fight against organised crime? Counter-terrorism legislation may lead to more difficulties. A sentence for committing organised crime is easier to hand down than a sentence for committing terrorism. Deciding on what approach to follow is a question of criminal policy, and this is the type of discussion that should be held at Eurojust.

The third role for Eurojust is in the external dimension. The European Union is keen to promote a criminal justice approach to the fight against terrorism, in contrast to the USA's 'global war on terrorism', as advocated by the previous Bush Administrations. Except where the law of armed conflict applies, such as in Afghanistan, Pakistan, and maybe Somalia, you need to use normal law enforcement and criminal justice tools to investigate, prosecute and hopefully convict terrorists. In many of the countries faced with terrorism, the fight is most often intelligence-led, and not based on tested evidence. Few are convicted, and many

who are arrested stay in pre-trial detention for years. We owe justice to society, and to the victims. The message we want to send is the critical importance of securing convictions. Fighters are more glamorous than criminals, and we must promote the judicial approach and de-glamourise terrorism.

At my prompting, Eurojust became a member in September 2011 of the rule of law subgroup of the Global Counter-Terrorism Forum (GTF), created by the USA. Here, Eurojust can provide examples of best practices in concrete investigation and prosecution and all of the tools of criminal justice."

How do you see the future for Eurojust in counter-terrorism?

"In 2010, I submitted to the 27 Ministers of Justice a report on the judicial dimension of the fight against terrorism, and highlighted the three areas mentioned above where Eurojust can provide support.

Eurojust should start posting liaison magistrates in key locations in the world to rationalise the work of the Member States.

Eurojust should enter into more cooperation agreements with more third States. I am currently working with the Sahel region to reform its security sector, and the same will be done for the so-called 'Arab Spring Countries' in the coming months and years. We need to build strong bilateral relationships in that area of the world.

The Eurojust Counter-Terrorism Team is doing a very good job by holding strategic and tactical meetings, especially with difficult topics such as Skype, and should continue to hold these meetings.

Eurojust could possibly play a role in the proposed Terrorist Financing Tracking System.

The fight against terrorism is a long journey. Terrorism is one of the most sensitive sorts of crimes. Therefore, it is not straightforward for Member States to accept sharing their files with an agency like Eurojust; they should do this more often. Eurojust needs to create a strong feeling of trust in the Member States." ■



Ms Vassiliadou showing the Joint Statement of JLS Agencies, Anti-Trafficking Day, 18 October 2010, Warsaw © Eurojust

Interview with Myria Vassiliadou, EU Anti-Trafficking Coordinator

Myria Vassiliadou, from Cyprus, holds a Doctorate in Sociology. She previously served as Secretary General of the Brussels-based European Women's Lobby (EWL). Through her work in academia, NGOs and European institutions, she has gained extensive experience in fundamental rights, human trafficking, migration and women's rights. Ms Vassiliadou was appointed EU Anti-Trafficking Coordinator in December 2010.

What exactly are your tasks? "My main job is to provide the overall strategic policy orientation in the field of trafficking in human beings (THB). In addition, I am asked to raise the public and political profile of the EU work on the issue and increase political commitment for the implementation of EU legislation and policies. I am working further on creating strong alliances and ensuring cooperation with civil society and the private sector and other relevant stakeholders. Ultimately, what I need to do is ensure visible coherence and strengthened coordination on policies and actions within the Commission, other EU institutions and agencies, third States, and regional and international organisations. I see my task as ensuring that we fight this terrible crime and at the same time that we move from a law enforcement approach and address the issue of trafficking as a broad phenomenon, since for me prevention, prosecution and protection are of equal and utmost importance."

Eurojust participated in the EU Anti-Trafficking Day in Warsaw. All JHA agencies present signed a Joint Statement to show their firm intention to work closely together in addressing this form of slavery. Have there been any results yet and/or what results do you expect in the future? "The last EU Anti-Trafficking Day in Warsaw, co-organised by Frontex and six other EU agencies, the Commission and the Polish Presidency, brought the EU agencies together for the first time. The need for practical cooperation between them and with Member States in an integrated way was adopted. I feel very strongly that Europol, Eurojust, Frontex and CEPOL should cooperate with the Fundamental Rights Agency and the Gender Institute to better address the challenges when fighting THB. Anti-Trafficking Day was indeed an important step forward in establishing more

systematic partnerships between all actors involved in anti-trafficking policies, and Eurojust has been very proactive in this area. As agreed in Warsaw, all the agencies have designated their contact points, and we plan to hold a first meeting of all the contact points in Brussels very soon. The outcome of the meeting can be useful in the context of the EU Integrated Strategy on THB on which we are currently working, and which will be released in 2012. This strategy needs to be an instrument that addresses the challenges in the European Union for the next five years, and my goal is to have an instrument that is as concrete and practical as possible. In fact, I am glad that Eurojust has been actively involved in the consultations for this upcoming communication."

How can Eurojust help you and your office in your task as EU Anti-Trafficking Coordinator?

"We are constantly asked why the available statistical information shows such small numbers of traffickers being prosecuted and convicted for THB. The EU agencies, and therefore Eurojust, have a crucial role to play in encouraging and facilitating judicial cooperation and coordination between Member States and with third States.

I am very pleased that Eurojust launched a project to get better in-

My team and I look forward to continuing the constructive cooperation that has already been established with Eurojust: working on prosecution is a key aspect in addressing THB.

sight, both through analysing cases in which Eurojust coordination meetings have been held and through distributing a questionnaire to the Member States, inquiring about the main problems they face in investigating and prosecuting THB. The findings of the project will be discussed during the strategic meeting that will be held at Eurojust in April. The participation of as many practitioners as possible in the strategic meeting is

important. The project will hopefully give an indication of the most common obstacles in prosecuting and investigating THB within the European Union. In this way, better targeted responses can be developed, possibly in the form of a Eurojust Action Plan.

Further, training on THB is crucial, also for the judiciary. On 9 February, I will attend a training seminar for prosecutors and judges from all Member States, funded by the Commission. The different aspects of THB will be discussed and Eurojust will participate in the programme to present its work. My team and I look forward to continuing the constructive cooperation that has already been established with Eurojust: working on prosecution is a key aspect in addressing THB." ■

Hans Nilsson on the origins of Eurojust



Hans G Nilsson, Jur Dr h.c., is Head of Division, Fundamental Rights and Criminal Justice, General Secretariat of the Council of the EU. He began his legal career as a judge. He joined the Legal Directorate of the Council of Europe in 1986, serving on the European Committees on Crime Problems and Legal Cooperation until 1996, when he was appointed to his current position. Mr Nilsson is responsible for the implementation of mutual recognition measures and all EU negotiations on legislative acts in criminal law. Mr Nilsson is a Visiting Professor of the College of Europe, a member of the Advisory Board of the ICLN and author of more than 70 articles on international, criminal and EU law.

The first time I discussed Eurojust was on a train between Taormina and Siracusa in 1991, some 20 years ago. The train was a Rapido, but setting up Eurojust became a Long and Winding Road. The participants in the discussion were Wolfgang Schomburg, a former prosecutor who was to become a judge in the German Supreme Court and in the Yugoslav Tribunal, Otto Lagodny, a professor of criminal law from Germany, my wife and me. This was just after Chancellor Kohl had proposed the setting up of a European FBI, later to become Europol. We talked about setting up a judicial cooperation centre, a unit for judicial cooperation within the Council of Europe which at the time was the centre for criminal law in Europe, but we realised that we had to work step by step.

Five years later, I had moved to the Council of the EU, but the idea of setting up Eurojust had not been abandoned. In a document drafted in October 1996 and distributed to some delegations the day before a meeting of the K4 Committee (three Third Pillar intergovernmental groups formed the K4 Committee in November 1993, dealing with issues such as judicial cooperation,

immigration and asylum), I proposed the setting up of a judicial cooperation unit and also a system of mutual peer evaluations in the European Union. My proposal was immediately supported by my Director, Gilles de Kerchove, and the Irish Presidency, but our Director General was more cautious (probably because he knew that the delegates in the K4 Committee would be reluctant (he had himself chaired the K4 Committee and knew their feeling towards revolutionary ideas)). In the official document that was discussed in the K4 Committee on 15 November 1996, a proposal was made to set up a judicial cooperation unit with "magistrates, prosecutors, senior police officers or civil servants all having practical experience of international judicial co-operation and language skills. A real experience in handling dossiers would be required" (as my document had noted).

This idea was quickly thrown out by delegations in the K4 Committee, as

Tampere had to have "deliverables" and Eurojust was definitely this type of product.

predicted by the Director General. Time was not yet ripe to set up Eurojust but the preparations for the Tampere Summit conclusions gave us another opportunity, in particular since a more revolutionary idea had come on the table - the setting up of a European Public Prosecutor. We proposed again the setting up of Eurojust, and managed to get the German and French Ministers to accept and support the idea. Tampere had to have "deliverables" and Eurojust was definitely this type of product.

In Tampere, none of the Heads of State and Government really knew what they had decided (this is often the only way of advancing an ambitious project, in particular when the tyranny of unanimity is the voting rule). Some senior officials thought that Eurojust was "15 prosecutors and a secretary"; others saw it as an independent body that could take binding decisions on national judicial authorities.

To prepare a proposal, we set up the "Group of 4 Presidencies" (Portugal,

France, Sweden and Belgium), and Gilles came up with the idea of setting up "Pro-Eurojust" as a testing ground, in the same way as Europol had been set up, starting with the European Drugs Unit. In the informal meeting of ministers in Marseille, this idea was tested, and all delegations except one supported the idea. That delegation later came around to support the idea following a very good lunch in the Ministry of Justice during the French Presidency.

In the meantime, the Group of 4 Presidencies had done its job, assisted by the General Secretariat (drafting was done by Thierry Cretin, a national expert and French prosecutor in Lyon, Gilles and me), and, after strategic discussions during the Portuguese Presidency, a proposal was finally tabled. Several counter-proposals were made (one official counter-proposal from a delegation even before the proposal of the Group of 4 Presidencies was made, and some informal counter-proposals), and bringing the extremely varied views together required considerable delicacy. When the Council approved the draft on 6 December 2001, applause broke out in the room and silenced the one minister who wanted to speak out against a part of the draft. I ran up to him and explained that his point had been dealt with in a Declaration. I think he believed me.

Pro-Eurojust (or Pro-Justus Lipsius) started to work on 1 March 2001 in a corridor without air conditioning in the Justus Lipsius building. I lent a national expert (Isabelle Arnal, a French prosecutor) and a secretary (Helen Martin) from my division to the Pro-Eurojustians. We were won-

dering if they would actually have a single case to look at, and when 12 cases were registered, Pro-Eurojust was considered to be a great success.

The rest is history - 32 working days in a Council working party were required to draft the Decision, a good measure for how sensitive the file was considered to be in several Member States. After 9/11, we (Marie-Hélène Descamps and I) spent several evenings drafting until midnight to get the project done. The word "unconstitutional" was mentioned a number of times and sometimes very twisted solutions were found. Constructive ambiguity was the catchword of the day.

And then we started again some years later to revise the Decision and the Second Generation Eurojust would be born. I did the first draft in my house during a hot summer (with subsequent help from Ania Lipska and Serge de Biolley) and chaired an informal working group with representatives from 7 Member States and the Commission. When the draft was finally submitted, 14 Member States joined it officially. And history continued....

An idea that took 10 years to gestate and another 10 years to implement had come to fruition. We are now entering a phase - perhaps one of turmoil - of another 10 years of Eurojust history. As Sir Thomas Browne said: "... dreams out of the Ivory gate, and visions before midnight". Let us continue to have visions - realistic ones - but let us also continue dreaming!

Happy birthday, Eurojust! ●



Council meeting Tampere 1999 © European Council



Cooperation agreements
 (left) Europol, 2004; Switzerland, 2008;
 Norway, 2005; Iceland and Romania, 2005;
 (right) USA, 2006; FYROM, 2008; Croatia, 2007;
 OLAF, 2008.

Mike Kennedy on the early days of Eurojust



Mike Kennedy was elected President of the newly formed Eurojust in 2002. Following his successful tenure as two-term President, in November 2007 Mike returned to the Crown Prosecution Service (CPS) after being appointed as the Service's first Chief Operating Officer. Mike previously had a long career with the CPS - in addition to a number of casework roles, he was Chief Crown Prosecutor in Sussex before leaving for Eurojust. Amongst other areas of work, Mike is the line manager of the 13 regional Chief Crown Prosecutors and is responsible for their performance and that of the centrally based specialist casework units.

The provisional judicial cooperation unit Pro-Eurojust started work on 1 March 2001 under the Swedish Presidency of the European Union. You were based temporarily in Brussels in the Justus Lipsius building. This was the first time you, as representative from the UK, met with the prosecutors from the other Member States. How was the atmosphere? "Yes, Pro-Eurojust started during the Swedish Presidency, so Björn Blomqvist, the Swedish representative, became the President of the College. He did an enormous amount of background and preparatory work. This included securing our room and making contacts with all the other future College members, most of whom were appointed by their Member States specifically to their roles, but a few were Brussels-based and seconded from their Permanent Representations as Justice and Home Affairs Counsellors or Ministers.

Our room was literally a corridor in the Council's Justus Lipsius building overlooking Berlaymont. The tables and chairs were set up in a large rectangle. We had one telephone, one computer and one printer.

The French representative, Olivier de Baynast de Septfontaines, arrived with a deputy, an assistant and a car as transport. The Italian representative, who had been the anti-mafia prosecutor in Sicily, came with a personal assistant, three bodyguards and a bullet-proof car. Seeing this, some of us wondered what sort of an organisation we had joined!

All 15 of us were present on 1 March 2001, and we were all in Brussels permanently by the end of April. We met three times per week, and the other days were set aside for domestic contact with our national authorities. We held a College meeting on our first day and Björn had persuaded us to bring cases to the table.

Handling our casework effectively was, and still is, the priority.

The atmosphere was open and friendly, with a wide range of experience and varied backgrounds. It was an exciting time. The 'golden thread' was that we all were excited by the challenge of doing something new and different and we all wanted to work effectively together. There were many meetings in the early months but, unfortunately, without a press officer or even a camera, these events were not recorded for posterity."

How were you able to organise coordination meetings without an infrastructure? "Basically, we did not hold coordination meetings. We had no meeting room, no translation facilities and no financing. We dealt with most of the cases ourselves. Most of the early College meetings were concerned with the drafting of the Eurojust Decision of February 2002, and ensuring that our views as practitioners were heard in the Justice and Home Affairs working groups and at CATS meetings."

What was the impact of 9/11 on your work, especially after the special JAI Council meeting? "Great credit must go to Michèle Coninx, the Belgian National Member, who organised a meeting on Islamist fundamentalist terrorism in June 2001 to bring together for the first time prosecutors and police authorities from the UK, Germany, Belgium, France, Spain and Italy.

We received some help from the Council Secretariat and so we were able to offer simultaneous translation into English, French and Italian. This situation was new to us. The meeting was very successful. The UK had a case to present and attendees were very open to exchanging information.

So when the 9/11 attacks occurred we were well placed and we offered

our assistance to the USA, as we now had a seat at the table for the special Justice and Home Affairs meeting. Our links to the USA were strengthened from then on, especially with the cooperation of Mark Richards of the US Mission to the EU.

Under Michèle's Presidency, she formed the College into five teams, and began working on the drafting of the Rules of Procedure. After months of negotiations, the Rules were finally adopted.

The next step was to find a permanent seat for Eurojust. There were many rumours, but we did not know where we would be sent: Brussels, Helsinki, Lisbon or Paris. After a European Council meeting at the end of December 2001, a decision was made to locate us in The Hague to be closer to Europol."

In June 2002, you were elected the first President of the College of Eurojust. Was this the first step in a more structured unit? in other words, what were your plans for Eurojust? "I was delighted to be the first elected President of the College of Eurojust. As we were not formally structured, much basic work needed to be undertaken to set up the organisation and to establish our credibility in the home countries. We set about marketing and raising the profile of Eurojust. Some Member States were interested, and some others were less so.

I had my own manifesto for the election:

- focussing on casework as our first priority – I was sure that more cases would lead to the growth of, and respect for, our new organisation;
- establishing top-quality facilities in The Hague;
- appointing an Administrative Director; and
- preparing for EU enlargement by ensuring strong relations with the 2004 Accession Countries.

As Chair of the External Relations Team, I arranged the appointment of contact points in the 10 Accession Countries and other EU Candidate Countries.

After the Council Decision was agreed, Eurojust was allocated a budget and we moved into the Arc building in The Hague in mid-December 2002. The building was unfinished and posed a huge challenge for the small number of temporary staff that had been hired. As soon as the large meeting rooms were completed, we began holding coordination meetings regularly. The grand opening of the building took place in March 2003 at the inaugural event, which was attended by Justice Ministers and the most senior prosecutors and other dignitaries from throughout Europe."

... personally, I do not think we need an EPP.

In May 2004, 10 new Member States joined the European Union, and 10 new National Members joined the organisation. You were re-elected in June 2005. How was your daily work influenced by the enlargement?

"Because we had prepared well, the enlargement process went very smoothly. We were able to integrate quite easily because many of the former contact points became National Members.

Nonetheless, a 60 per cent increase in the College did pose some challenges. Chairing meetings with 25 National Members is certainly harder than with 15, but we were able to maintain a friendly and open environment both during meetings and behind the scenes, and this definitely contributed to our success. Handling our casework effectively was, and still is, the priority.

I must also mention the invaluable support of our Vice Presidents during my Presidency, Olivier de Baynast de Septfontaines, Roelof-Jan Manschot, Ulrike Haberl-Schwarz, and José Luis Lopes da Mota, and also our contacts outside the European Union with Norway, Switzerland and the USA.



Eurojust's inauguration ceremony, 29 March 2003 © Eurojust



Eurojust College meeting, March 2004 © Eurojust

Other keys to our success were the strength and level of experience in the College and the administration and the good relationship we maintained with our administrative staff."

You left Eurojust to work at the Crown Prosecution Service as Chief Operating Officer. From this privileged external perspective, how would you describe Eurojust's development after you left the organisation? "The foundation for Eurojust's reputation will always be its casework. Judging Eurojust's development after my departure at the end of 2007 is difficult.

Naturally, when I hear my colleagues in the UK talk about using the services of Eurojust, I am proud. It is wonderful to see, each year, the increasing numbers of cases referred to the College. I am also proud of the work I did with Olivier de Baynast de Septfontaines, José Luis Lopes da Mota and others on the Eurojust guidelines for deciding "Which Jurisdiction Should Prosecute?", which can be read in the Eurojust Annual Report 2003 in 11 official EU languages (http://www.eurojust.europa.eu/press_annual_report_2003.htm).

How do you see the role of Eurojust after the Lisbon Treaty, including the European Public Prosecutor (EPP)? "Thinking too far ahead can prove to be very time-consuming. But for the future, I think Eurojust should focus its energy on providing solutions to difficult and new transnational problems including challenging cases such as child abuse on the internet and other forms of cybercrime, boiler room fraud and carousel fraud, i.e. resolving 'real' criminal cases.

I do not think a range of mutual recognition and other Decisions are being used sufficiently or in the way intended. The European Arrest Warrant is an exception and is used frequently, but other instruments such as confiscation and restraint orders are rarely used. Eurojust can play an even bigger role in encouraging their use.

Establishing an EPP is a political decision and I am not a politician. But it will be a big investment, and I do not think the potential benefits, if any, have been quantified to make sure the investment is worthwhile. All Member States want good value for money. It is clear from our coalition government's programme that the UK will not be a participant in an EPP under the current administration and, personally, I do not think we need an EPP. I would ask: 'Where are all the cases that the EPP should deal with that are not already being dealt with?' When I was President, despite asking repeatedly, we had very few case referrals from OLAF. Member States can, or should be able to, deal themselves with investigations and prosecutions into crimes involving the financial interests of the European Union.

Eurojust is now better equipped to handle these cases effectively with 'On Call Coordination', JITs funding, and many other advantages we didn't have 10 years ago. Eurojust should focus on supporting national systems and ensuring that national powers allow all national authorities to work better together." ■

Interview with Ernst Merz, first Administrative Director of Eurojust



Ernst Merz served as a judge in a court of first instance in Germany from 1981 to 1987. He then was detached to the Ministry of Justice of Rheinland-Pfalz and Thuringia until 1992. He went on to become Director of the Academy of European Law (ERA) in Trier from 1992 to 1999. In 2000, he was appointed President of the Social Court Koblenz and acted as first Secretary General of the European Judicial Training Network (EJTN). In May 2002, he became provisional Administrative Director of Eurojust and in September 2002, he was appointed Administrative Director. He left Eurojust in May 2008 to return to his homeland as President of the Higher Court for Social Security of Rheinland-Pfalz.

My first priorities were staffing, budget and infrastructure.

You were part of the task force recruited for the setting up of Eurojust when it was still Pro-Eurojust in Brussels. How were you chosen for the job? "In truth, I was in the right place at the right time. During the transition from Pro-Eurojust to Eurojust, I had close contacts with the Council (Messrs Elsen, de Kerchove and Nilsson) while I was serving as Director of the ERA. In fact, I joined Eurojust and not Pro-Eurojust. After two interviews with the College, I was appointed provisional Administrative Director in May 2002."

Can you tell us something about the type of work you were required to do to get the Arc building in The Hague ready for habitation? "The Council had a clear interest in finding other housing for us. Not all College members were enthusiastic about The Hague. The European Council meeting in Laeken of 14 and 15 December 2001 stated that 'Eurojust should begin to work in The Hague', as a provisional location, but did not mention Eurojust's final seat.

In addition, we needed support from the Dutch authorities, who had no clear concept of our specific needs regarding, for example, security standards and meeting facilities. We entered into difficult negotiations with the future Host State. We asked for alternatives to the Arc, as its structure made adaptation to Eurojust's operational needs a challenge. But our Dutch counterparts had decided to host us in the Arc as it was also to become the first headquarters of the International Criminal Court.

My first priorities were staffing, budget and infrastructure. We needed to adhere to complex procurement and data protection rules. With such a small staff, ensuring the propriety of all procedures was not always easy. In The Hague, to a large extent, we relied on our sister organisation, Europol, to make use of their contracts to purchase goods and services."

Can you tell us something about the inauguration itself, which took place on 29 April 2003? “We moved from Brussels in early December 2002. The interior of the Arc had to be reconstructed, and I had a staff of six people to insure that the infrastructure was operational in time for the inauguration less than five months later.

We all agreed that a high-level inaugural event was essential to raise awareness about Eurojust in Europe and in third States. We invited 200 high-level participants, including members of the Dutch royal family, high-ranking Dutch authorities, heads of European institutions and agencies, ministers and presidents of courts from the Member States and Accession Countries, and ambassadors.

We painted the interiors, and hired furniture and carpeting. Everyone across the organisation worked very hard to make the event a real success.

As the event occurred during the Greek Presidency of the European Union, HE Philippos Petsalnikos, Minister of Justice of Greece and President of Justice and Home Affairs, was a keynote speaker. We had agreed that he would address the participants in Greek, and that we would provide simultaneous translation. Shortly before his speech, due to a disconnected cable, the system broke down. Fortunately, the problem was detected, and the event went smoothly. Fortunately, the audience did not notice this dramatic situation. We received very positive feedback about the inauguration.”

Can you tell us how much work was involved in the preparation for the EU enlargement of 10 new Member States in May 2004?

“Preparing for the inclusion of 10 new Member States posed logistical challenges. We had to ensure good working conditions for the influx of people, without interrupting our core business: the casework. We organised the distribution of offices in such a way that the new National Members were located next to their geographic neighbours. Completion of our conference facilities in 2004 made a tremendous difference. Based on our experiences in 2004, preparation for the accession of Ro-



Eurojust welcomes 10 new National Members, 3 May 2004 © Eurojust

mania and Bulgaria in January 2007 was easy.”

Your tenure as Administrative Director saw the growth of Eurojust from a handful of people to roughly 150 staff members. Was working in a small organisation easier or more challenging than working in a relatively large one?

“I found the creation of a new organisation on European level a real challenge. The vision of the 2002 Eurojust Decision needed to be ‘translated’ into an organisational structure and operational environment. We needed to establish effective working relationships with the Member States and third States, integrate the secretariat of the EJM into our administrative structure, and organise networks with Europol and OLAF and other partners on European and international level.

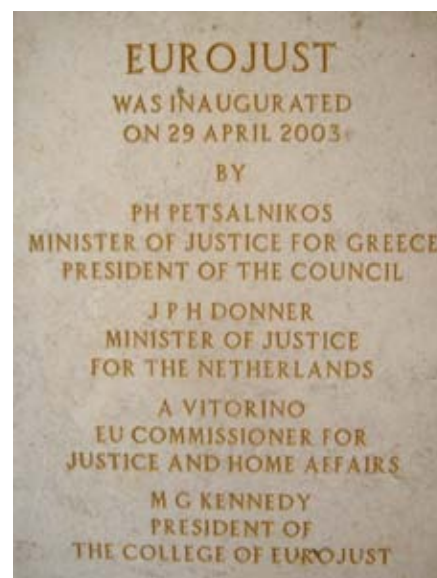
We had no funding. Two staff members from the Council provided assistance to the College. First, we had to establish a task force and secure a budget. By the end of 2002, we had six statutory and some interim staff. This was a very exciting time for us. There was a strong team spirit. I personally found the work at the beginning of the process very interesting. To see quick results, we needed to be more flexible than Eurojust can act today. At the beginning, we had no alternative but to succeed.

Although the number of cases was growing, support to the National Members from their Member States

The vision of 2002 needed to be “translated” into an organisational structure and operational environment.

was limited. The College needed strong support from the administration to conduct its core business. Eurojust needed to grow to reach a level of operational quality at least equal to that of Europol and OLAF.

On 29 December 2003, Eurojust received a posted letter bomb. This incident proved two things: we needed to invest in security systems and infrastructure, and we had succeeded in making Eurojust known.” ■





Eurojust administrative staff, 2004, 2006, 2008, 2011.

Interview with Klaus Rackwitz, Eurojust's current Administrative Director

Klaus Rackwitz took up duties as Eurojust's Administrative Director (AD) in October 2011. He started his legal career as a judge. He then headed the division for IT and reorganisation in the Ministry of Justice of North Rhine-Westphalia. In 2002, he formed part of the Advance Team of the International Criminal Court (ICC) in the Office of the Prosecutor and was later appointed Senior Administrative Manager of the Prosecution Office of the ICC. Mr Rackwitz also worked in the field of IT law and has lectured for several years on civil law, commercial law and IT law at the Universities of Cologne and Düsseldorf and the Technical Academy of Wuppertal.

Were you familiar with the work of Eurojust before applying for the position of Administrative Director?

"Of course, I knew the mandate of Eurojust. Both Eurojust and the ICC moved into the building almost at the same time in 2002, so I was there to watch the growth of two young, small, new organisations. I had regular lunches with the then President, Mike Kennedy, regarding negotiations with the Host State. We shared lots of common concerns and experiences. I met the first AD, Ernst Merz, when our two cars were the only ones in the car park. I also had close contacts with the German Desk at Eurojust, including Jürgen Kapplinghaus and Hermann von Langsdorff. I also met National Members on diplomatic occasions. Although through sharing the building I had encountered the enthusiasm and spirit of Eurojust, I was not aware of the volume and quality of work performed. What is completely new to me is the dialogue with our stakeholders, the various entities in Brussels. This structure is much more complicated than I experienced in the ICC dealing directly with the States Parties."

What are your plans for the administrative staff?

"Staff is the most important resource, in fact the only resource, of this organisation. The challenges ahead will most likely result in an increase in workload across the entire organisation. To accomplish all our objectives, we need staff who feel secure and comfortable in their jobs and maintain their good motivation and engagement. Hence creating and maintaining a good working environment is a key task to which I am happy to contribute."

Do you anticipate any major changes from outside Eurojust?

"The 10th anniversary is a milestone for this now established and mature organisation. We have indications from Brussels that some things might change again in the future. I am still innocent enough to expect positive changes. To a large degree, I do not think that the expected new Eurojust Regulation will affect our daily work. The mandate of the College may change, but in any case will still include the coordination of cross-border investigations of serious crimes. These possible changes will therefore not affect our common goal and core business: supporting the fight against serious cross-border crime. I want all of us to feel a part of this common goal. My focus is to improve the prospects for the future, not to dwell in the past. The commitment of staff and the quality of the work form a good foundation for the future of Eurojust and I want everyone to participate in our achievements. The governance of Eurojust will need to continue and here we might see changes. However, the daily work of the staff should not be affected." ■



Staff is the most important resource, in fact the only resource, of this organisation.



Interview with José Villodre López, Senior Judge of the First Instance and Criminal Investigation Court nº 7, Vilanova i la Geltrú, Barcelona, Spain

José Villodre López has a Doctorate in Criminology and has served as a judge since 2003, with the Court of Criminal and Civil Matters in Girona, Barcelona, and Albacete, and as a senior judge in Barcelona since November 2007. He has also served as director of a Joint Investigation Team since May 2009. He is a frequent speaker at international conferences, and in October 2011 was decorated with the Mérito Policial medal.

Two or more countries would have trouble working together without Eurojust.

What is the added value of Eurojust? "First of all, congratulations on your 10th anniversary! I've worked with Eurojust for three years. We have worked together on a very complicated case between three European countries with amazing results. Eurojust has been our coordination office from the start. In fact, Eurojust promoted our joint criminal investigation. In my opinion, two or more countries would have trouble working together without Eurojust. I wish to emphasize that Eurojust has great experts and professionals. They make our national investigations very easy. I'm quite satisfied."

What are the main crime types you deal with in coordination meetings at Eurojust? "That's a difficult question because our cases are very complicated. We have had thirteen coordination meetings at Eurojust! I think the main crime has been drug trafficking, but we've also dealt with money laundering, crimes against public finances and THB. Because our legal systems are not always compatible, challenges arise for judges and prosecutors as well as Eurojust's legal experts."

How, in your view, can the role of Eurojust be improved in the future to better suit the needs of the Directorate for Investigating Organised Crime and Terrorism? "That is a good question. To be honest, I think there are four areas where Eurojust can improve. In Spain, many judges and prosecutors do not know about Eurojust. They do not know how Eurojust can help us. Therefore, I think Eurojust's experts should travel to each European country frequently and explain the advantages of working with them. In my opinion, a real "marketing campaign" is necessary.

A second point for improvement is a change in the financial regulations, so that financing to attend meetings does not require reimbursement, especially in this economic climate. Currently, judges and prosecutors in Spain must personally advance the money to attend meetings.

Another interesting area would be to improve or strengthen relationships with third States such as the USA and South American countries. Their speedy assistance, especially in drug investigations, is absolutely vital.

Finally, I think the Spanish Desk at Eurojust needs more support. The 2010 Annual Report notes that Spain is the most requested Member State in the European Union. However, the Spanish Desk has only three experts and two secretaries. They are doing a fantastic job, but they need more assistance from within."

Because our legal systems are not always compatible, challenges arise for judges and prosecutors as well as Eurojust's legal experts.

Can you provide a case example to illustrate the above?

"Yes, of course. I have been a judge since 2001, but I first learned about Eurojust in 2007, when I attended a seminar for the Spanish Judiciary General Council. I found the experience quite interesting. So when I received a call from the Spanish Desk asking me to participate in a large criminal investigation, I already knew Eurojust very well. Therefore, our work was much easier." ■

Interview with Jean Michel Gentil, Vice-President of the Court of Bordeaux



Jean-Michel Gentil studied law at the University of Bordeaux. He became investigating judge at the courts of Dunkerque and Nanterre, and was appointed Vice-President of the Court of Ajaccio. He taught at the National Magistrate's School, and in 2004 he was appointed Vice-President of the Court of Bordeaux, where he is responsible for the investigations of the JIRS (Inter-Regional Specialised Jurisdictions). He has broad international experience in the field of serious organised crime, having worked on cases with Member States as well as Switzerland, Morocco, Turkey, Benin, Thailand, China, Nigeria and the USA. Mr Gentil has written articles on specialised judicial topics in various magazines and has made presentations on organised crime groups and related topics in international working groups and at the University of the Sorbonne in Paris.

What exactly is the role of Eurojust in important international cases?

"Personally, I have frequently worked with Eurojust. Therefore, I know what it can offer in terms of exchange of information and preparation. Eurojust makes it possible to put together and synthesize all the elements that have been gathered, and this is already an immediate result. Even if Eurojust's role is more prominent in the first phase of operations, it can also provide considerable assistance in the next phases, such as the execution of European Arrest Warrants. I would like to talk about a drug trafficking and money laundering case, as this time a proper real-time coordination unit was set up, which I think should be the norm for the most important cases."

What is this particular case about? "A vehicle, containing €800,000 and traces of cocaine, was stopped at a customs road check near Bordeaux in March 2010. The vehicle was driven by a Spanish national and registered abroad; given the amount of undeclared money that was being transported, the first searches were made of the driver and the vehicle. The file was

Eurojust makes it possible to put together and synthesize all the elements that have been gathered, and this is already an immediate result.

opened on 6 March 2010. The French authorities had to find out where the money came from and for whom the suspect was working. The international procedure evolved very quickly.

The vehicle was registered in Germany. The German authorities contacted their French counterparts. The vehicle's owner was responsible for an international money laundering operation that had been going on for years. During the eight days the suspect was under arrest, the German authorities came to Bordeaux and explained what they knew about the investigation; they also informed us that similar investigations into the same organisation had been started in Spain, Italy and the Netherlands. Therefore, in the month after the arrest, an international file was created, for which we realised we needed a sort of atypical cooperation. The prosecutor of Bordeaux decided to start an investigation and appoint an investigating judge; the judge requested the assistance of Eurojust."

What was the role of Eurojust?

"The role of Eurojust was quite 'classical' in the first stage: France asked to set up a meeting in The Hague so that all countries involved could exchange information. This first phase took place in December 2010. The kind of cooperation that was provided was atypical in the sense that it was the first time that such a big case was handled like this. It was necessary to carry out simultaneous operations in the affected countries, namely France, Spain, Germany, Belgium, the Netherlands and Italy.



We had to foresee arrests and interrogations in many countries and take into account the procedural and legal limitations of all those countries. Each country had to be ready to intervene quite quickly and at the same time as the others. Therefore, the role of Eurojust was to prepare this investigation phase.”

Even if Eurojust’s role is more prominent in the first phase of the operations, it can also provide considerable assistance in the next phases, such as the execution of European Arrest Warrants.

Concretely, how can Eurojust help “in the field”? Eurojust set up a coordination unit that was vitally important, as it allowed us to prepare the inquiry phase and to make contacts with magistrates and judges in the concerned countries. Because of the language barrier, we decided to address all communication to Eurojust, which quickly redistributed it to the units set up in the participating countries.

As an example, a remarkable achievement was that during a search done in Spain, important elements were found, which were immediately sent to the Netherlands and to Germany (where I was based). For me it was a ‘première’; I had never taken part in such a fast, concerted effort. Ten house searches were carried out and six people were arrested on the basis of European Arrest Warrants.”

After the real time action, how can Eurojust be of assistance?

“When the case was over and the file had been closed, everybody went back home, but this is when the differences in legal systems appeared. Eurojust ensured an ‘after-sale’ service, so that all the elements could be transmitted without delay to the French authorities.” ■

Interview with Ioana Albani, Head of Cyber-crime Unit, Directorate for the Investigation of Organized Crime and Terrorism, Romania



© Eurojust

Ms Ioana Albani became a prosecutor in 1997. She led the first specialised unit on cybercrime and money laundering within the Romanian General Prosecutor’s Office, dealing with organised crime and drug trafficking. She has served as Head of the Cybercrime Unit within the Directorate for the Investigation of Organized Crime and Terrorism for the past eight years. In addition, Ms Albani represented the Public Ministry in the working group appointed in 2002 to draft the Romanian Cybercrime Law, and served for three years as a member of the Southeastern European Prosecutorial Advisory Group. Through her activities as a prosecutor and lecturer, she has promoted the Romanian Cybercrime Law and developed, tested and disseminated investigatory procedures. She is also the contact point of the 24/7 Council of Europe Convention ETS 185 Network, G8 Network High Tech Crime Subgroup.

What is the added value of Eurojust? Eurojust should not be seen as only another way to facilitate international cooperation. In my opinion, Eurojust, due to its prerogatives and composition, is a necessary body that can ensure an interface between professionals (judicial bodies, law enforcement, Europol) in an operative manner.

Though Eurojust is a body that does not yet have the power to investigate, it creates an environment for the judiciary and law enforcement to work internationally, using all the instruments provided for exercising their national powers in an extraterritorial manner (JITs, reciprocity on letters rogatory or other mutual legal assistance requests, collecting evidence in several countries in real time, and exchanging in due time evidence, information, intelligence, etc).”

Eurojust, due to its prerogatives and composition, is a necessary body that can ensure an interface between professionals (judicial bodies, law enforcement, Europol) in an operative manner.

How, in your view, can the role of Eurojust be improved in the future to better suit your needs?

"Even if I could imagine a supranational body with such a power, I think the time has not yet come for Eurojust to become more operative in investigations. However, one step can be taken in this view: giving investigative powers to each National Member. If these powers were granted, the National Member could become, in addition to being a part of the national investigation, a member or a coordinator of a Joint Investigation Team (JIT) in a specific case. According to this view, Eurojust could be perceived as a permanent JIT. To accomplish these goals, some procedures regarding JITs would need to be modified or simplified, and the understanding of sovereignty would need to be altered."

Can you provide any case examples to illustrate the role of Eurojust?

"My experience with Eurojust is strictly related to cybercrime investigations (credit card-related fraud and auction fraud, child pornography through the internet) and started in 2007 with a coordination meeting at Eurojust with our Italian colleagues, at their request. Although the Romanian investigation was already concluded, the exchange of information about that criminal group, specialising in credit card fraud and operating in Romania and Italy, was fruitful and enabled the Italians to take action against other members of the criminal group.

In another case, a coordination meeting took place at Eurojust with representatives from Romania, the UK, Italy, Norway and the USA to discuss a child pornography case (the molesters travelled to Romania several times and abused children and young boys, filmed their abuses and then circulated the materials via the internet). Cases have been opened in each country, actions have been taken against each offender and the young Romanian boys testified in court against the main offender in Norway. Convictions followed. In the USA, several targets have been arrested and convicted. Italy took action against its own national, who was arrested at his home. The Romanian accomplices are still under investigation. Hard work was done by each country to locate the images over the internet. This case was successfully concluded in each involved country and actions and prosecutions were clearly decided." ■

Though Eurojust is a body that does not yet have the power to investigate, it creates an environment for the judiciary and law enforcement to work internationally.



Eurojust is a European Union body established in 2002 to stimulate and improve the coordination of investigations and prosecutions among the competent judicial authorities of Member States when they deal with serious cross-border crime.

Each Member State second a judge, prosecutor or police officer to Eurojust, which is supported by its administration. In certain circumstances, Eurojust can also assist investigations and prosecutions involving a Member State and a State outside the European Union, or involving a Member State and the Community.

Eurojust supports Member States by:

- *coordinating cross-border investigations and prosecutions in partnership with judges, prosecutors and investigators from Member States, and helping resolve conflicts of jurisdiction;*
- *facilitating the execution of EU legal instruments designed to improve cross-border criminal justice, such as the European Arrest Warrant;*
- *requesting Member States to take certain actions, such as setting up Joint Investigation Teams, or accepting that one is better placed than another to investigate or prosecute; and*
- *exercising certain powers through the national representatives at Eurojust, such as the authorisation of controlled deliveries.*

Colophon

Eurojust News is produced by Eurojust's Press & PR Service.
 Editor in Chief: Joannes Thuy, Spokesperson, Head of Press & PR
 Editing: Jacalyn Birk, Daniela Biddiri
 Design: Michèle Wilks-Speer; Layout: Joannes Thuy
 © Eurojust 2012

For enquiries:

Phone: +31 70 412 5509
 E-mail: info@eurojust.europa.eu
 Website: www.eurojust.europa.eu
 Catalogue no: QP-AB-11-003-EN-C
 ISSN: 1831-5623