



JOINT INVESTIGATION TEAMS

Concept and supporting tools

JITs Legal basis

From EU...

- Article 13, *2000 EU MLA Convention*
- Article 1, *2002 EU Framework Decision*
- Article 5, *EU-US MLA Convention*
- Article 24, *Customs cooperation convention (Naples II)*



JITs Legal basis

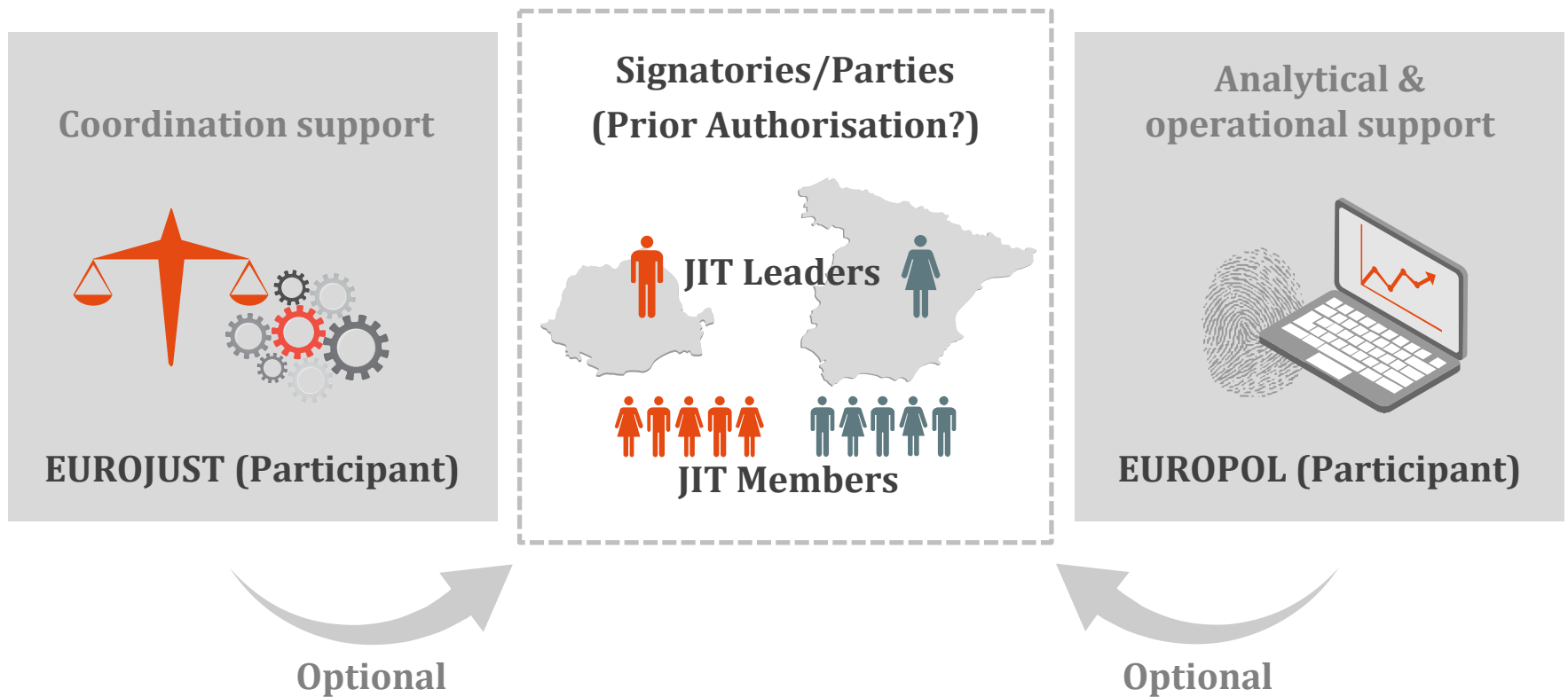
... to regional and universal

- Article 27, *Police Cooperation Convention for Southeast Europe (PC SEE)*
- **Article 20, 2nd additional protocol to 1959 Convention**
- Article 19, *UN Convention against transnational organized crime (UNTOC)*
- Article 49, *UN convention against corruption (UNCAC)*



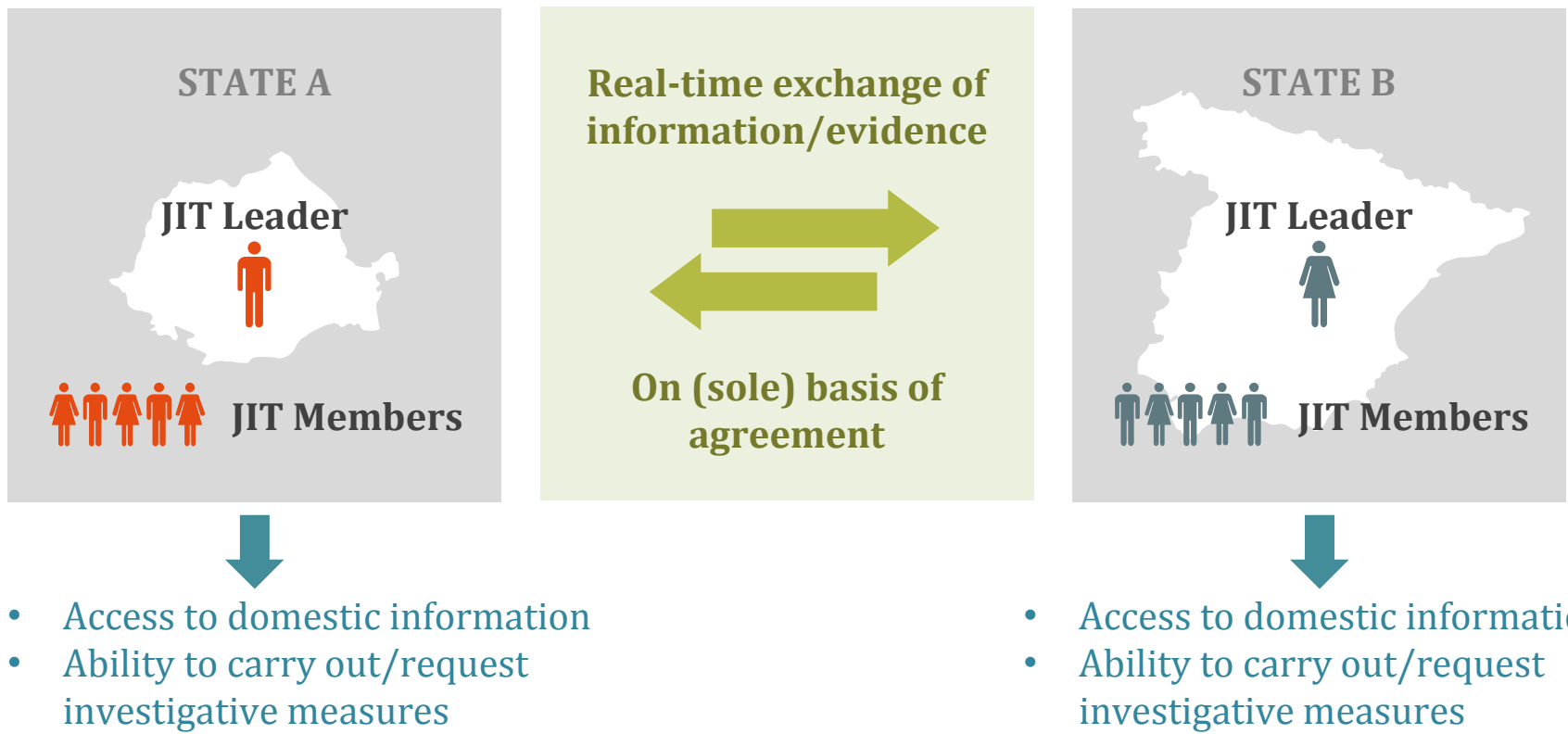
Team composition

Parties vs Participants



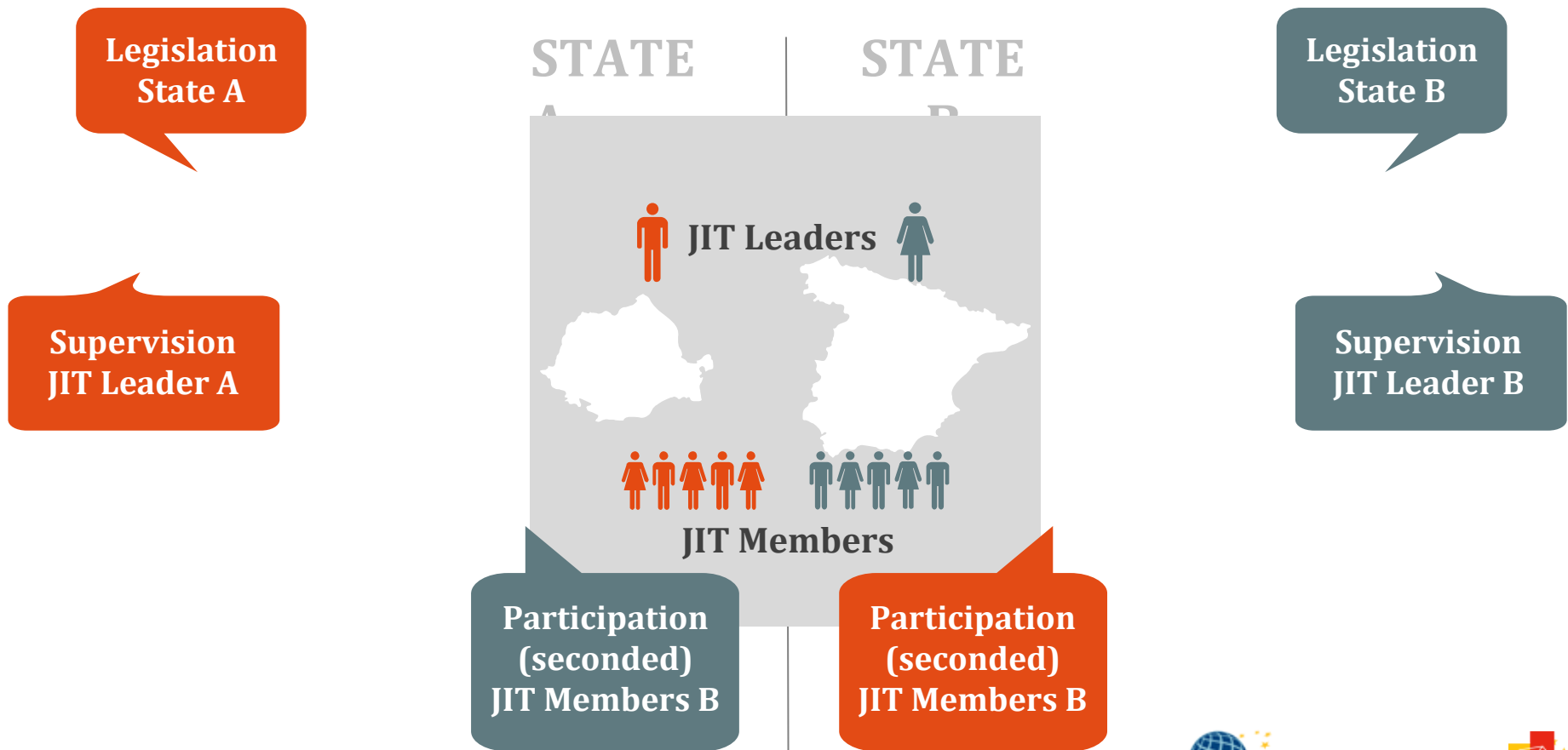
The JIT concept

Exchange of information and evidence within a JIT



The JIT concept

Joint investigative activities



Comparing MLA and JITs (1)

Mutual Legal Assistance	Joint Investigation Teams
<p><i>Request <u>or</u> Reply to request</i></p> <ul style="list-style-type: none">• Cooperation limited to specific request• Additional measures → new request(s)	<p><i>Joint initiative with common purpose</i></p> <ul style="list-style-type: none">• Partners on equal footing; no lead role• Single written agreement
<p>Information/evidence transmitted after execution of MLA</p>	<p>Unlimited, real-time exchange of information/evidence</p>
<p>Limited participation of requesting authority</p>	<p>Active participation of seconded members</p>

Comparing MLA and JITs (2)

Mutual Legal Assistance	Joint Investigation Teams
In principle, no investigation in executing State	Parallel proceedings Importance of coordination <ul style="list-style-type: none">• common operational objectives• agreement on prosecution strategies

Legal requirements for JITs cases

Demanding investigations

“A Party’s investigations into criminal offences require difficult and demanding investigations having links with other Parties”

Connected investigations

“A number of Parties ... conducting investigations into criminal offences in which the circumstances of the case necessitate co-ordinated, concerted action ”

Key issues for JIT operations

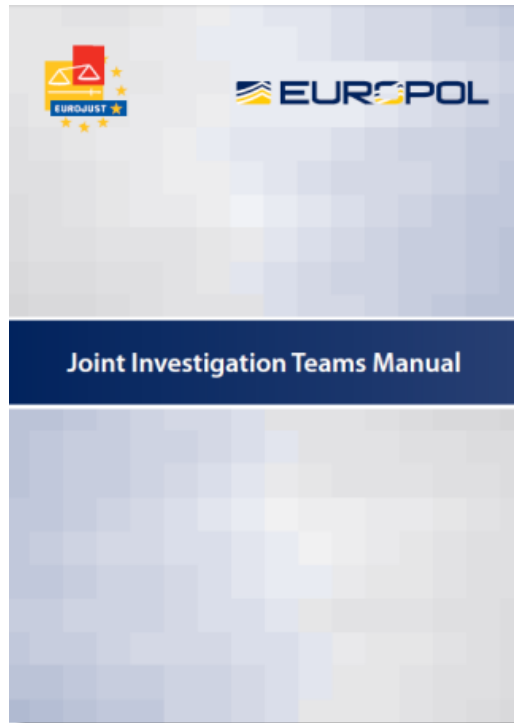
- Investigative objectives (both short & medium term)
- Coordination of investigative measures
- Prosecution strategies
- Conditions for information exchange (incl. with media)
- Disclosure issues
- Admissibility requirements
- Contribution of seconded members
- Funding



Supporting tools

UNDER REVISION

JITs Manual



Model agreement

15.3.2010 [EN] Official Journal of the European Union C 78/1

ANNEX

MODEL AGREEMENT ON THE ESTABLISHMENT OF A JOINT INVESTIGATION TEAM

In accordance with Article 13 of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000⁽¹⁾ (hereinafter referred to as the Convention) and the Council Framework Decision of 13 June 2002 on joint investigation teams⁽²⁾ (hereinafter referred to as the Framework Decision)

1. Parties to the Agreement

The following parties have concluded an agreement on the setting up of a joint investigation team, hereinafter referred to as (JIT):

1. Name of the first competent agency/administration of a Member State as a Party to the agreement

and

2. Name of the second competent agency/administration of a Member State as a party to the agreement

and

3. Name of the last competent agency/administration of a Member State party to the agreement

The parties to the agreement may decide by common agreement to invite other Member States' agencies/administrations to become parties to this agreement. For possible arrangements with third countries, include competent in virtue of provisions adopted within the framework of the Treaty and international bodies involved in the activities of the JIT, see Appendix 1.

2. Purpose of the JIT

The agreement shall cover the setting up of a JIT for the following purpose:

Description of the specific purpose of the JIT. This should include the circumstances of the crime(s) being investigated, time, place and nature.

The parties may redefine the specific purpose of the JIT by common agreement.

3. Approach

The parties to the agreement may agree on an operational action plan (OAP) setting out the activities according to which the purpose of the JIT is to be achieved⁽³⁾.

4. Period covered by the agreement

In accordance with Article 1(1) of the Convention and Article 1(1) of the Framework Decision, JITs shall be set up for a limited period of time. With respect to this agreement, the JIT may operate during the following period:

(1) OJ C 107, 11.7.2000, p. 1.
(2) OJ L 142, 23.6.2002, p. 1.
(3) In the light of the best practice regarding legal aid and reciprocity requirements, the text could be included in the JIT agreement, or at all (provided by the applicant or third party) as a separate confidential document, to all those the competent authority, which sign the agreement shall be aware of the OAP. The OAP must be a flexible document concerning practical arrangements on a case-by-case basis and may be revised to achieve the purpose of the JIT set out in Article 1, including the practical arrangements not otherwise covered by the agreement.
It shall be updated by the parties stated in the possible content of the OAP is set out in Appendix 1 to this model agreement.

Enhancing expertise on JITs



Projects of the JITs Network

“Fiche espagnoles”



Improving knowledge
on JIT national legislation

JIT Evaluation Project



Improving knowledge
on JIT operations

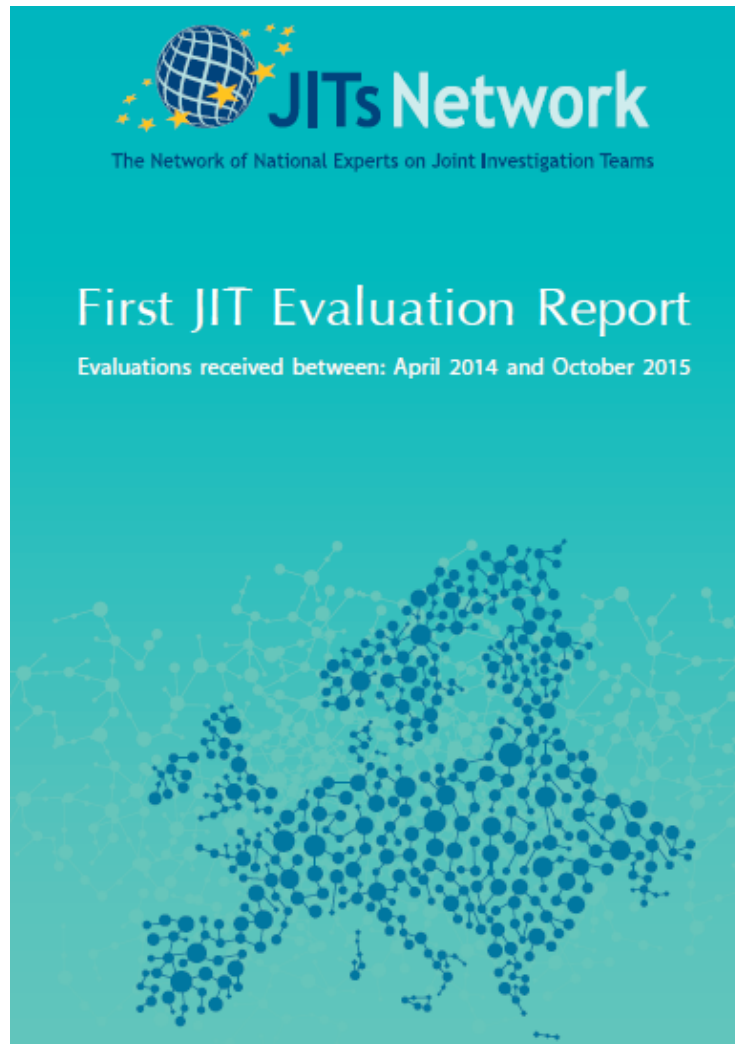
"Fiches Espagnoles"

Compilation of national information on the practicalities and legal aspects of JITS

- General information
- Setting up of JITS
- Exchange of information and evidence
- Admissibility of evidence
- Other relevant information



JIT evaluation report



- Periodic reports
- First report published in December 2015



EUROJUST'S FINANCIAL SUPPORT TO JITS

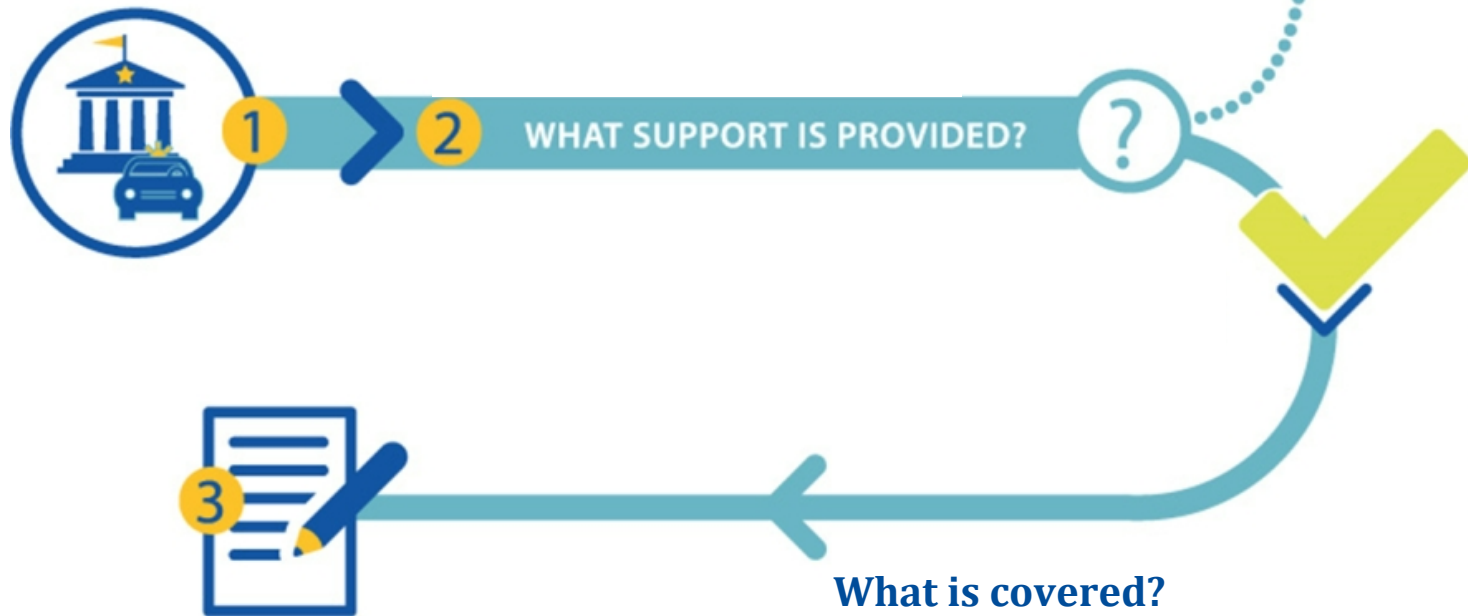


Who can apply?

- Judicial and/or law enforcement authorities (to be considered at signature ?)
- JITs between EU States and JITs between EU/non-EU States
- Eurojust's National Members invited to participate in the JIT

What is not covered?

- Costs prior to the JIT
- Domestic costs
- Purchase of equipment
- Pre-financing of costs



Logistical support

- Loan of smartphones, laptops, mobile scanners & mobile printers
- Communication costs paid by EJ
- 6 months (renewable)

What is covered?

- Costs of cross-border operations
 - Interpretation/translation
 - Travel and accommodation
 - Transport of items
- 50 000 maximum per 3 month period

Contact Information

JITs Network Secretariat

JITsNetworkSecretariat@eurojust.europa.eu

+31 70 412 5850



www.eurojust.europa.eu