

A hand is shown sowing seeds into dark, rich soil. A small green seedling with two leaves is growing out of the soil. In the background, a bright sun with rays is shining through green foliage. A red rectangular box is visible in the upper right corner of the image.

Investigation, prosecution and adjudication on waste crime

**Piotr Nowak, public prosecutor, European Network of Prosecutors
for the Environment (ENPE)**

Piotr Nowak

Modern challenges:

A common crime technique - falsifying documents to, for example, misclassify waste as recycling or second-hand goods, or classify hazardous waste as non-hazardous. It can be as simple as changing the waste code from the European Waste Catalogue (commonly known as CER code), falsifying the destination, or under/over-invoicing the shipment.

Individuals or organised crime networks – often operate legitimate waste management companies makes it easy to hide the criminal origins of their funds. Those who engage in both legal and illegal waste trade can easily mix the payment across the two business lines.

Waste crime is a serious and growing threat to the quality of the environment, the integrity of ecosystems and human health. It challenges legitimate economies and the rule of law. As environmental legislation advances, requiring stricter pollution control measures, compliance costs increase.

Preventing waste crime deals with a proper risk assessment

- ▶ stronger prevention measures to complement the existing enforcement efforts
- ▶ intensive collaboration and multi-stakeholder dialogue between environmental crime experts, customs and financial investigators is key to stop environmental crimes especially transboundary movements of hazardous wastes and their disposal

Cross-border cooperation is considered to be one of the biggest challenges in investigating and prosecuting cases of illegal waste trade. Referring to Europol's threat assessment in the field of illegal trafficking of waste, the report stated that illegal trafficking in waste remains under-reported and under-investigated, while the introduction of strict regulations and an increase in the amounts charged for the legal disposal of waste, led to a growing demand for illegal waste disposal services, especially with regard to waste intended for exportation.

CONVENTION IMPLEMENTING THE SCHENGEN AGREEMENT of 14 June 1985

between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders

CHAPTER 3 APPLICATION OF THE *NE BIS IN IDEM* PRINCIPLE

Article 54

A person whose trial has been finally disposed of in one Contracting Party **may not be prosecuted** in another Contracting Party for the same acts provided that, if a penalty has been imposed, it has been enforced, is actually in the process of being enforced or can no longer be enforced under the laws of the sentencing Contracting Party.

Schengen Area Countries List



AUSTRIA	BELGIUM	CZECH REPUBLIC	DENMARK
ESTONIA	FINLAND	FRANCE	GERMANY
GREECE	HUNGARY	ICELAND	ITALY
LATVIA	LIECHTEN- STEIN	LITHUANIA	LUXEMBOURG
MALTA	NETHERLANDS	NORWAY	POLAND
PORTUGAL	SLOVAKIA	SLOVENIA	SPAIN
SWEDEN	SWITZERLAND		

schengenvisa.info.com

COUNCIL FRAMEWORK DECISION 2008/675/JHA
of 24 July 2008 on taking account of convictions in the
Member States of the European Union in the course of new
criminal proceedings (ACTS ADOPTED UNDER TITLE VI OF THE EU TREATY)

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Article 3

Taking into account, in the course of new criminal proceedings, a conviction handed down in another Member State

1. Each Member State shall ensure that in the course of criminal proceedings against a person, previous convictions handed down against the same person for different facts in other Member States, in respect of which information has been obtained under applicable instruments on mutual legal assistance or on the exchange of information extracted from criminal records, are taken into account to the extent previous national convictions are taken into account, and that equivalent legal effects are attached to them as to previous national convictions, in accordance with national law.

2. Paragraph 1 shall apply at the **pre-trial stage, at the trial stage** itself and at the time of execution of the conviction, in particular with regard to the applicable rules of procedure, including those relating to provisional detention, the definition of the offence, the type and level of the sentence, and the rules governing the execution of the decision.

Prosecution of illegal trafficking in waste requires close cooperation between the national authorities concerned, efficient mutual legal assistance and rapid exchange of information. This is however not always the case and may additionally prove particularly difficult and time-consuming with non-EU Member States due to the lack of regular cooperation and well-established contact points.

► and this requires international cooperation....



Mutual Legal Assistance (MLA) is a method of cooperation between States for obtaining assistance in the investigation or prosecution of criminal offences. MLA is generally used for obtaining material that cannot be obtained on a law enforcement to law enforcement basis (see Part 3 for more details), particularly enquiries that require coercive measures. Requests are made by a formal International Letter of Request (ILOR or LOR), also known as Commissions Rogatoires in civil law jurisdictions. This assistance is usually requested by courts or prosecutors and is therefore also referred to as 'judicial cooperation'.

MLA can also be used to obtain assistance in relation to the freezing and confiscation of the proceeds of crime and associated investigations

Proceeds of crime matters can be on a criminal (conviction) basis or a civil (non-conviction) basis.

Due to the increasingly global nature of waste crime, MLA is a critical tool to support criminal investigations and proceedings

Mutual Legal Assistance (MLA) is a method of cooperation between States for obtaining assistance in the investigation or prosecution of criminal offences. MLA is generally used for obtaining material that cannot be obtained on a law enforcement to law enforcement basis.

Involving the Legal System

- European Investigation Order,
- European Freezing Order,
- Joint Investigation Team (JIT's)



European Investigation Order

The European Investigation Order (EIO) is a legal instrument established by the European Union (EU) to simplify and streamline cross-border criminal investigations within the EU member states. It came into effect on May 22, 2017, as part of the EU's efforts to enhance judicial cooperation in criminal matters and improve the efficiency of law enforcement across borders.

The European Investigation Order (EIO)

The EIO was established by Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters. EIO replaced the 'corresponding provisions' of the Mutual Legal Assistance (MLA) Conventions, pursuant to Article 34(1) EIO DIR (1959 Council of Europe (CoE) Convention and its two additional protocols, as well as the 2000 MLA Convention).

The European Investigation Order

- a) a judicial decision issued by the judicial authority
- b) or validated by the judicial authority
in one EU country to have investigative measures to gather or use evidence
in criminal matters carried out in another EU country

The primary purpose of the European Investigation Order is to facilitate the gathering and exchange of evidence in criminal cases that involve more than one EU member state. It replaces the traditional and often time-consuming methods of mutual legal assistance, which required complex and lengthy procedures for requesting and obtaining evidence from other EU countries.

The most important things about EIO

- ✓ simpler and faster alternative to the traditional instruments for requesting evidence,
- ✓ provides practitioners with a single standard form for obtaining evidence,
- ✓ strict deadlines and limited possibilities for refusal by the executing State,
- ✓ valid throughout the EU, **except - Denmark and Ireland !!**

The EIO simplifies the process of requesting and providing evidence in criminal cases by standardizing forms and procedures. It aims to make cross-border cooperation between law enforcement authorities more efficient.

What cannot be done by EIO

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- setting up of a JIT and collection of evidence within a JIT;
- service and sending of documents,
- spontaneous exchange of information (*use article 7 of the 2000 MLA Convention*),
- transfer of proceedings (*use Article 21 of the 1959 European Convention on Mutual Assistance in Criminal Matters and 1972 CoE Convention*);
- freezing property for the purpose of confiscation (*use Regulation 2018/1805 on the Mutual recognition of freezing orders and confiscation orders*);
- restitution: return of an object to victim (*use Article 8 of the 2000 MLA Convention*);
- collecting of the criminal records from register/ECRIS;
- police-to-police cooperation;

While it covers a wide range of investigative measures and aims to streamline cross-border cooperation in criminal cases, there are certain activities that generally fall outside its scope.

The EIO in the form set out in Annex A shall be completed, signed, and its content certified as accurate and correct by the issuing authority.

The EIO shall, in particular, contain the following information:

- (a) data about the issuing authority and, where applicable, the validating authority;
- (b) the object of and reasons for the EIO;
- (c) the necessary information available on the person(s) concerned;
- (d) a description of the criminal act, which is the subject of the investigation or proceedings, and the applicable provisions of the criminal law of the issuing State;
- (e) a description of the investigative measures(s) requested and the evidence to be obtained.

The EIO allows competent authorities in one member state to directly contact their counterparts in another member state, bypassing the need for central authorities or diplomatic channels in most cases.

SECTION A

Issuing State:.....

Executing State:

SECTION B: Urgency

Please indicate if there is any urgency due to

☐ Evidence being concealed or destroyed☐ Imminent trial date☐ Any other reason

Please specify below:

Time limits for execution of the EIO are laid down in Directive .../.../EU². However, if a shorter or specific time limit is necessary, please provide the date and explain the reason for this:

The EIO includes specific content and information that must be provided in the request to ensure effective cooperation between member states. While the exact format and content may vary slightly among member states, the EIO generally includes the following key elements.

SECTION C: Investigative measure(s) to be carried out

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1. Describe the assistance/investigative measure(s) required AND indicate, if applicable, if it is one of the following investigative measures:

- ☐ Obtaining information or evidence which is already in the possession of the executing authority
- ☐ Obtaining information contained in databases held by police or judicial authorities
- ☐ Hearing
 - ☐ witness
 - ☐ expert
 - ☐ suspected or accused person
 - ☐ third party
- ☐ Identification of persons holding a subscription of a specified phone number or IP address
- ☐ Temporary transfer of a person held in custody to the issuing State
- ☐ Temporary transfer of a person held in custody to the executing State
- ☐ Hearing by videoconference or other audiovisual transmission
 - ☐ witness
 - ☐ expert
 - ☐ suspected or accused person

The EIO includes specific content and information that must be provided in the request to ensure effective cooperation between member states. While the exact format and content may vary slightly among member states, the EIO generally includes the following key elements.

- Hearing by telephone conference
 - witness
 - expert
- Information on bank and other financial accounts
- Information on banking and other financial operations
- Investigative measure implying the gathering of evidence in real time, continuously and over a certain period of time
 - monitoring of banking or other financial operations
 - controlled deliveries
 - other
- Covert investigation
- Interception of telecommunications
- Provisional measure(s) to prevent the destruction, transformation, moving, transfer or disposal of an item that may be used as evidence

he requesting member state should provide information about how the requested evidence will be used in the investigation and its relevance to the case.

SECTION D: Relation to an earlier EIO

Indicate whether this EIO supplements an earlier EIO. If applicable, provide information relevant to identify the previous EIO (the date of issue of the EIO, the authority to which it was transmitted and, if available, the date of transmission of the EIO, and reference numbers given by the issuing and executing authorities): If relevant please indicate if an EIO has already been addressed to another Member State in the same case:

SECTION E: Identity of the person concerned

1. State all information, as far as known, regarding the identity of the (i) natural or (ii) legal person(s) concerned by the investigative measure (if more than one person is concerned, please provide the information for each person):

(i) In the case of natural person(s)

Name:

First name(s):

Other relevant name(s), if applicable:

Aliases, if applicable:

Sex:

Nationality:

Identity number or social security number:

Type and number of the identity document(s) (ID card, passport), if available:

Date of birth:

Place of birth:

Residence and/or known address; if address not known, state the last known address:

Language(s) which the person understands:

Information about the suspect(s) or person(s) to be interviewed, as well as any other individuals or entities involved in the case, should be included. This may include names, addresses, dates of birth, and other identifying details.

(ii) In the case of legal person(s)

Name:

Form of legal person:

Shortened name, commonly used name or trading name, if applicable:

Registered seat:

Registration number:

Address of the legal person:

Name of the legal person's representative:

Please describe the position the concerned person currently holds in the proceedings:

- ☐ suspected or accused person
- ☐ victim
- ☐ witness
- ☐ expert
- ☐ third party
- ☐ other (please specify)

2. If different from the address above, please give the location where investigative measure is to be carried out:

3. Provide any other information that will assist with the execution of the EIO:

SECTION F: Type of proceedings for which the EIO is issued:

- ☐ (a) with respect to criminal proceedings brought by, or that may be brought before, a judicial authority in respect of a criminal offence under the national law of the issuing State; or
- ☐ (b) proceedings brought by administrative authorities in respect of acts which are punishable under the national law of the issuing State by virtue of being infringements of the rules of law, and where the decision may give rise to proceedings before a court having jurisdiction in particular in criminal matters; or
- ☐ (c) proceedings brought by judicial authorities in respect of acts which are punishable under the national law of the issuing State by virtue of being infringements of the rules of law, and where the decision may give rise to proceedings before a court having jurisdiction in particular in criminal matters;
- ☐ (d) in connection with proceedings referred to in points (a), (b), and (c) which relate to offences or infringements for which a legal person may be held liable or punished in the issuing State.

The request should include information about the protection of personal data in accordance with EU data protection regulations. It should address how personal data will be handled, processed, and protected during the investigation.

SECTION G: Grounds for issuing the EIO

1. Summary of the facts

Set out the reasons why the EIO is issued, including a summary of the underlying facts, a description of offences charged or under investigation, the stage the investigation has reached, the reasons for any risk factors and any other relevant information.

2. Nature and legal classification of the offence(s) for which the EIO is issued and the applicable statutory provision/code:

3. Is the offence for which the EIO is issued punishable in the issuing State by a custodial sentence or detention order of a maximum of at least three years as defined by the law of the issuing State and included in the list of offences set out below? (please tick the relevant box)

- ☐ participation in a criminal organisation
- ☐ terrorism
- ☐ trafficking in human beings
- ☐ sexual exploitation of children and child pornography
- ☐ illicit trafficking in narcotic drugs and psychotropic substances
- ☐ illicit trafficking in weapons, munitions and explosives
- ☐ corruption
- ☐ fraud, including that affecting the financial interests of the European Union within the meaning of the Convention of 26 July 1995 on the protection of the European Communities' financial interests
- ☐ laundering of the proceeds of crime
- ☐ counterfeiting currency, including of the euro
- ☐ computer-related crime

The EIO should provide a clear and detailed description of the criminal offense being investigated. This includes information about the nature of the offense, its legal classification, and any relevant legal provisions.

- facilitation of unauthorised entry and residence
- murder, grievous bodily injury
- illicit trade in human organs and tissue
- kidnapping, illegal restraint and hostage-taking
- racism and xenophobia
- organised or armed robbery
- **environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties**
- illicit trafficking in cultural goods, including antiques and works of art
- swindling
- racketeering and extortion
- counterfeiting and piracy of products
- forgery of administrative documents and trafficking therein
- forgery of means of payment
- illicit trafficking in hormonal substances and other growth promoters
- trafficking in stolen vehicles
- rape

Information about the suspect(s) or person(s) to be interviewed, as well as any other individuals or entities involved in the case, should be included. This may include names, addresses, dates of birth, and other identifying details.

SECTION I: Formalities and procedures requested for the execution

1. Tick and complete, if applicable

- ☐ It is requested that the executing authority comply with the following formalities and procedures (...):

2. Tick and complete, if applicable

- ☐ It is requested that one or several officials of the issuing State assist in the execution of the EIO in support of the competent authorities of the executing State.

Contact details of the officials:

Languages that may be used for communication:

The EIO should identify the judicial or law enforcement authorities in both the requesting and executing member states. This includes the name and contact details of the authorities responsible for issuing and executing the request.

SECTION K: Details of the authority which issued the EIO

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Tick the type of authority which issued the EIO:

- ☐ judicial authority
- ☐ *any other competent authority as defined by the law of the issuing State

Please also complete section (L)

Name of authority:

Name of representative/contact point:

File No:

Address:

Tel. No: (country code) (area/city code)

If different from above, the contact details of the person(s) to contact for additional information or to make practical arrangements for the transfer of evidence:

Name/Title/Organisation:

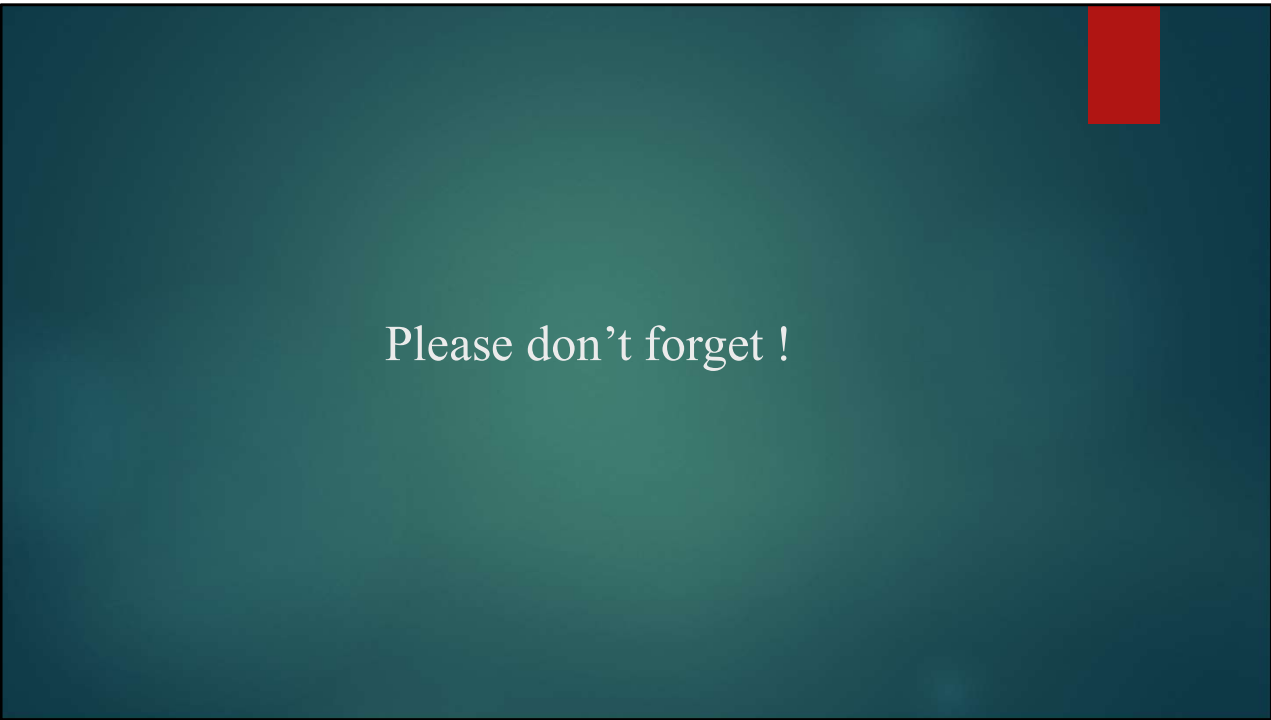
Address:

Post held (title/grade):

Date:

Official stamp (if available):

The EIO should identify the judicial or law enforcement authorities in both the requesting and executing member states. This includes the name and contact details of the authorities responsible for issuing and executing the request.



Please don't forget !

ANNEX B

CONFIRMATION OF THE RECEIPT OF AN EIO

This form has to be completed by the authority of the executing State which received the EIO referred to below.

(A) THE EIO CONCERNED
Authority which issued the EIO:

File reference:

Date of issuing:

Date of receipt:

(B) THE AUTHORITY WHICH RECEIVED THE EIO ()
Official name of the competent authority:

Name of its representative:

Post held (title/grade):

Address:

Tel. No: (country code) (area/city code)

Fax No: (country code) (area/city code)

E-mail:

File reference:

Languages in which it is possible to communicate with the authority:

How to determine where to send EIO ?



European Judicial Network (EJN)

Réseau Judiciaire Européen (RJE)

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Judicial Atlas


[Watch our Atlas video for more information on this tool](#)

[Please, click on the link to access to the New Decision Tree Platform:](#) [Platform for the new list of Measures](#)

The Atlas allows the identification of the locally competent authority that can receive your request for judicial cooperation and provides a fast and efficient channel for the direct transmission of requests according with the selected measure.

Select country to where your request is to be sent to, clicking on the map:



Member states

Candidate countries

Associated Countries

--	--	--	--

Third Countries

--	--	--

Or select from the list of countries:

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European Judicial Network (EJN)
Réseau Judiciaire Européen (RJE)

[Home](#)
[Atlas](#)

Judicial Atlas

The Atlas allows the identification of the locally competent authority that can receive your request for judicial cooperation and provides a fast and efficient channel for the direct transmission of requests according with the selected measure.

Search Competent Authorities:

Country: Poland (PL) [\(Select another country\)](#)

Choose measure: ALL

- ☐ 101. Interception, recording and transcription of telecommunications [@](#)
- ☐ 102. Tracing of telecommunications [@](#)
- ☐ 103. Interception and recording of other forms of communication [@](#)
- ☐ 104. Interception of mail [@](#)
- ☐ 105. Observation [@](#)
- ☐ 106. Interception of telecommunication - Art. 18 (2) (b) of the MLA Convention [@](#)
- ☐ 107. Interception of telecommunication without the technical assistance of another Member State [@](#)
- ☐ 201. Infiltration by undercover agents of the requested State [@](#)
- ☐ 202. Infiltration by agents of the requesting State in the territory of the requested State [@](#)
- ☐ 203. Infiltration by an informer of the requested State [@](#)
- ☐ 204. Handling of informers [@](#)
- ☐ 301. Superficial body search [@](#)
- ☐ 302. Invasive body search [@](#)
- ☐ 303. Psychiatric medical examination [@](#)
- ☐ 304. *Control of health measures for initial identification* [@](#)

For information on whether the measure is available in the Member State from which you are seeking assistance or for information regarding its execution in the Member State, you may consult the Fiches Belges. For your convenience, a direct link [\[@\]](#) to the relevant Fiches Belges is located next to each of the above measures.

Last reviewed on 24 June 2021 by Tools Correspondent

Search Competent Authorities:

Country: Poland (PL) [\(Select another country\)](#)

Measure: **Documents - Obtaining** [\(Select another measure\)](#)
Spontaneous exchange of information (401)

Select stage of the proceedings: Pre-trial stage [\(Select another option\)](#)

Unknown place or many places?: Known [\(Select another option\)](#)

Legal instrument: [Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union](#) [\(Refraction article\)](#)

Authority Type: CPQ - Poland (Regional)

Search Authorities:

Search by locality involved in the measure

City/PC:

Search by:

Name:

Address:

P. Code:

City:

Area:



Judicial Atlas



The Atlas allows the identification of the locally competent authority that can receive your request for judicial cooperation and provides a fast and efficient channel for the direct transmission of requests according with the selected measure.

Search Competent Authorities:

Country: Poland (PL) [\(Select another country\)](#)
Measure: **Documents - Obtaining** [\(Select another measure\)](#)
Spontaneous exchange of information (401)
Select stage of the proceedings: Pre-trial stage [\(Select another option\)](#)
Unknown place or many places?: Known [\(Select another option\)](#)
Legal instrument: [Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union](#) [\(Ratification details\)](#)
Authority Type: CPO - Poland (Regional)

Resultant Competent Authority: Prokuratura Okręgowa w Szczecinie

[General data](#) [Videoconference](#) [Areas](#) [Properties](#) [Associated CPs](#)

Name: Prokuratura Okręgowa w Szczecinie
Address: ul. Stołowa 6
Department (Division):
City: Szczecin
Postal code: 70 - 952
Phone number: +48 (0) 91 4849600 Mobile phone:
Fax number: +48 (0) 91 4849602 Email Address: prokuratura@szczecin.p.o.gov.pl

[Click to view the map](#) [Import authority details into Compendium](#)

European Freezing Order



The EU imposes sanctions on individuals, entities, and countries for various reasons, including human rights violations, breaches of international law, and threats to international peace and security. These sanctions may involve freezing the assets of designated individuals and entities.

What is a freeze order ?

It is order preventing the disposal property by the respondent, freezing injunction is sought to preserve the defendant's assets until judgment can be obtained or satisfied.

The specific legal basis and procedures for asset freezing can vary depending on the type of sanctions and the legal framework used by the EU.

Legal background

REGULATION (EU) 2018/1805 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders,

The regulation entered into force on December 22, 2019, and its primary aims and mechanisms can be described as follows: **Streamlining Cross-Border Cooperation, Efficiency, Protection of Individual Rights**

Article 288 (reminder)

(CONSOLIDATED VERSION OF THE TREATY ON THE FUNCTIONING OF THE
EUROPEAN UNION, THE LEGAL ACTS OF THE UNION)

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To exercise the Union's competences, the institutions shall adopt regulations, directives, decisions, recommendations and opinions.

- ✓ A regulation- shall have general application. It shall be binding in its entirety and directly applicable in all Member States.
- ✓ A directive shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods.
- ✓ A decision shall be binding in its entirety. A decision which specifies those to whom it is addressed shall be binding only on them.
- ✓ Recommendations and opinions shall have no binding force.

ANNEX I
FREEZING CERTIFICATE

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SECTION A:

Issuing State:

Issuing authority:

Validating authority (if applicable):

Executing State:

Executing authority (if known):

SECTION B: Urgency and/or requested date for execution

1. Please indicate the particular grounds for urgency:

- ☐ There are legitimate grounds to believe that the property in question will imminently be removed or destroyed, namely:
- ☐ Investigative or procedural needs in the issuing State, namely:

2. Date for execution:

- ☐ A specific date is requested, namely:.....
- ☐ Coordination needed between the Member States involved

Grounds for this request:

SECTION C: Affected person(s)

Identity of the person(s) against whom the freezing order is issued, or of the person(s) that owns/own the property that is covered by the freezing order (if more than one person is affected, please provide the information for each person):

1. Identification data

(i) In the case of natural person(s)

Name:

First name(s): ...

Other relevant name(s), if applicable: Aliases, if applicable: Sex:

Joint Investigation Teams (JIT)



What JIT is ?

A joint investigation team is an international cooperation tool based on an agreement between competent authorities– both judicial (judges, prosecutors) and law enforcement – of two or more States, established for a limited duration and for a specific purpose, to carry out criminal investigations in one or more of the involved States

Legal background

Now primary - Council Framework Decision
2002/465/JHA of 13 June 2002 on Joint Investigation
Teams (JIT)

Council Framework Decision 2002/465/JHA of 13 June 2002 on Joint Investigation Teams (JIT) is a European Union (EU) legal instrument that aims to facilitate and enhance cross-border cooperation between EU member states in criminal investigations.

MODEL AGREEMENT ON THE ESTABLISHMENT OF A JOINT INVESTIGATION TEAM

In accordance with:

For example:

- Article 13 of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000
- Council Framework Decision of 13 June 2002 on joint investigation team
- Article 1 of the Agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on the application of certain provisions of the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union
- Article 5 of the Agreement on Mutual Legal Assistance between the European Union and the United States of America

The primary objective of this Framework Decision is to enable more effective and efficient cooperation among EU member states in investigating and prosecuting cross-border criminal activities that require concerted efforts. It provides a flexible framework for the establishment and operation of JITs, allowing member states to create tailored teams to address specific criminal cases.

1. Parties to the Agreement

The following parties have made an agreement on the setting up of a joint investigation team, hereafter referred to as 'JIT':

IMPORTANT !!!! The parties to this agreement may decide, by common consent, to invite other States' agencies or administrations to become parties to this agreement.

JITs can be established to investigate serious forms of organized crime, including drug trafficking, terrorism, corruption, human trafficking, and more. The decision allows for a broad scope of cooperation.

2. Purpose of the JIT

This description should indicate the crime(s) being investigated in the States involved (date, place and nature) and, reference to the ongoing domestic procedures.

- References to case-related personal data should be a minimum. This section should also briefly describe the objectives of the JIT (including e.g. collection of evidence, coordinated arrest of suspects, asset freezing),
- Parties should consider including the initiation and completion of a financial investigation as one of the JIT objective.

The Framework Decision outlines procedures for the operational aspects of JITs, including the exchange of information, evidence, and intelligence between member states, as well as the collection of evidence and the conduct of investigative activities.

3. Period covered by agreement

The parties agree that the JIT will operate for starting from the entry into force of this agreement. This period may be extended by mutual consent.

4. States in which the JIT will operate

The JIT will operate in the States of the parties to this agreement. The team will carry out its operations in accordance with the law of the States in which it operates at any particular time.

JITs have the authority to operate in the territory of the participating member states as agreed upon in the terms of reference. They may also be authorized to operate in third countries with the consent of those countries. JITs are established for a specific duration, which can be extended if necessary. Their lifespan is determined by the complexity and duration of the criminal investigation.

5. Members of the JIT and leader

A list of JIT members must be provided by the parties - it's better to do it in a dedicated annex to this agreement (if JIT members be unable to carry out their duties, a replacement will be easier)

6. Access to information and evidence

Specify the processes and procedures to be followed regarding the sharing between them of information and evidence obtained pursuant to the JIT in each Member State.

Each JIT is required to have a designated leader, who is responsible for coordinating the team's activities. The leader is usually a law enforcement officer from one of the participating member states.

7. Participants in the JIT

Parties to the JIT agree to involve e.g., Eurojust, Europol, OLAF
without money JIT will no exist !!!

The Framework Decision defines JITs as temporary teams composed of law enforcement officers, judges, prosecutors, and other competent authorities from two or more member states. These teams are formed to carry out joint investigations into specific criminal offenses.

8. Access to information and evidence

Specify the processes and procedures to be followed regarding the sharing between them of information and evidence obtained pursuant to the JIT in each Member State.

9. Consultation and coordination

The parties will ensure they consult with each other whenever needed for the coordination

10. Communication with the media

Timing and content of communication with the media shall be agreed upon by the parties and followed by the participants.

The Framework Decision ensures that evidence gathered by JITs is admissible in the legal proceedings of the participating member states.

11. Exchange of information and evidence obtained prior to the JIT

Information or evidence already available at the time of the entry into force of this agreement, and which pertains to the investigation described in this agreement, may be shared between the parties in the framework of this agreement.

JIT members are bound by rules of confidentiality to protect sensitive information related to the investigation. It emphasizes the importance of protecting personal data and ensuring that data processing complies with EU data protection regulations.

12. Communication with the media

Timing and content of communication with the media shall be agreed upon by the parties and followed by the participants.

13. Evaluation

The parties may consider evaluating the performance of the JIT, the best practice used and lessons learned. A dedicated meeting may be arranged to carry out the evaluation.

The decision allows for monitoring and evaluation of JITs to assess their effectiveness and compliance with established rules.

14. Optional arrangements

if applicable. The following sub-chapters are intended to highlight possible areas

15. Facilities (*office accommodation, vehicles, other technical equipment*)

16. Costs/insurance

17. Language of communication

Council Framework Decision 2002/465/JHA represents a significant step toward strengthening law enforcement cooperation across the EU and improving the capacity to combat transnational crime effectively. It facilitates the formation of JITs, enabling member states to work together seamlessly to investigate and prosecute criminal activities that cross national borders.

And finally !

Done at- place of signature, date

Signatures -

Thank you for your attention

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sources: Council of Europe, EJM, Eurojust, ENPE, Europol, OLAF, IMPEL