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COVER NOTE

From: EJN Secretariat
To: EJN Contact Points

Subject:

Explanatory Memorandum on the need for enhancing the collaboration and improving the interconnection between the European Judicial Network (EJN) and similar judicial cooperation Networks and structures in criminal matters; and the regional cooperation with 3rd countries.

The EJN contact points will find hereafter the draft Explanatory Memorandum on the need for enhancing the collaboration and improving the interconnection between the European Judicial Network (EJN) and similar judicial cooperation Networks and structures in criminal matters; and the regional cooperation with 3rd countries, prepared by the EJN Secretariat and discussed among the National Correspondents on the occasion of the 5th NCM, on the 22nd of October in The Hague.



EXPLANATORY MEMORANDUM

ON THE NEED FOR ENHANCING COLLABORATION AND IMPROVING INTERCONNECTION BETWEEN EUROPEAN JUDICIAL NETWORK (EJN) AND SIMILAR JUDICIAL COOPERATION NETWORKS AND STRUCTURES IN CRIMINAL MATTERS AND THE REGIONAL COOPERATION WITH 3RD COUNTRIES

I. STATE OF PLAY OF THE CURRENT SITUATION AND OBJECTIVES TO BE ACHIEVED IN THE NEAR FUTURE

1. 15 years after the creation of the European Judicial Network (EJN) at the European Union (EU) level, as a unique informal and operational structure composed of Contact Points appointed by the EU Member States amongst the practitioners with relevant experience on judicial cooperation in criminal matters, EJN has become a worldwide respected voice in the field of judicial cooperation, and a model for similar Networks and structures established within the EU and in neighbourhood regions of Europe and overseas.
2. The phenomena of globalisation, which in recent decades included a globalisation of crime and a swifter movement of criminal offenders while the “legal borders” imposed to judicial authorities by the legal instruments on international cooperation in criminal matters, have remained mostly the same at the global level; demands stronger action of the established judicial Networks in criminal matters.
3. As EJN has developed and expanded a working methodology based on mutual trust, effective collaboration and eliminating unnecessary bureaucracy through informal and transparent methods of working, supplemented by efficient IT tools, the advantages of such a structure of judicial cooperation to fight transnational crime has been considered as the main argument for establishing similar judicial Networks. The United Nations Offices against Drugs and Crime (UNODC) has also taken actions to support creation of the Networks; this was endorsed by the Twelfth UN Congress on Crime Prevention and Criminal Justice, San Salvador, Brazil, on the 12th – 19th of April 2010.
4. The inherent ties between EJN and other judicial Networks, based on their identity, objectives, structure and mode of function have existed since those Networks were created. Collaboration between the Networks was triggered by operational need and cooperation started by EJN Contact Points who were looking to solve cases with the members of other Networks. Networks and other similar structures share the same principles: a practical structured mechanism of judicial cooperation, a decentralised, flexible and horizontal structure; and informal method of working.
5. The EJN Secretariat, as a body representing EJN in close consultation and coordination with the Contact Points of the Member State holding the Presidency of the Justice and Home Affairs (JHA) of the EU Council, has prioritised its external actions towards activities aimed at



supporting creation of judicial cooperation Networks in criminal matters in different regions across the world and their functioning, and at facilitating interconnection of the Networks, as well as cooperation with 3rd countries in regional context, voicing the operational work and trust that had been established by EJM Contact Points over the years.

6. The EJM Secretariat considers that it is its duty to assume any steps needed in order to strengthen EJM's capacity to tackle crime – and this infers the support to *global networking* as well as informal cooperation with 3rd countries.
7. It is the view of the EJM Secretariat that organised crime networks and transnational crime may be more efficiently tackled by Networks of judges, prosecutors and other practitioners from local judicial authorities and central authorities, specialized on judicial cooperation in criminal matters, working together in a decentralised and informal manner, with a view to facilitating the practical implementation of the binding legal framework, since a Network compliments traditional and formal judicial cooperation allowing for faster procedures.
8. The EJM Secretariat suggests promoting a closer collaboration between Contact Points/ members of judicial cooperation Networks in criminal matters and of 3rd countries.
9. Without prejudice to the flexible structure of the Networks, there is a real need to create an optimal framework for the collaboration between the Networks and for providing support to the creation of new similar operational mechanisms in the future.

II. BACKGROUND ELEMENTS

A. COOPERATION BETWEEN THE NETWORKS UNTIL "MADEIRA MEETING" (2008)

10. Cooperation between judicial Networks in criminal matters is essential and has existed in a formal and informal way since their creation. Since 2000 EJM Contact Points and the EJM Secretariat have established contacts with other judicial Networks, once a new Network has been created. Moreover, EJM Contact Points themselves also belong to other judicial Networks.
11. Over the past 10 years of the existence of EJM the importance of networking has increased, in particular in the light of the development of personal contacts during the meetings, which consistently contributed to the strengthening of the mutual trust. EJM was becoming a powerful instrument in fight against trans-border crime due to its transparent structure, its informality and direct communication.
12. As a result of the increasing importance of networking between the structures involved in judicial co-operation, on the occasion of the 10th anniversary of EJM, in **Madeira, Portugal, on the 13th of October 2008**, the existing Networks gathered together for the first time. Apart from EJM, Networks represented in Madeira were i.e. the Ibero-American Network of International Legal Cooperation (IberRed), Network of Judicial international cooperation of the Portuguese speaking countries (RJCLP), Commonwealth Network of Contact Persons (CNCP), South East European Prosecutors Advisory Group (SEEPAG) (*see: Annex*).



13. It was commonly agreed in the discussions that practitioners in the field should be made aware of the existence of EJM. EJM was said to be a joint solution to practical problems in judicial cooperation matters and that it was essential to know who to turn to in other Member States in this field. What is more, based on this common recognition, a political document “**The Madeira Declaration**”, endorsed by the Ministers of Justice of France, Belgium, Austria and Portugal, was adopted, stating “*that continuing the work done by EJM in partnership with other Networks, not just at the European level (...) but also within an international framework involving the other existing judicial Networks, will promote European and international judicial culture founded on the shared values affirmed by the Treaty on the European Union.*”
14. At the 32nd Plenary meeting of the EJM under the Czech Presidency, 25-26 June 2009, the first organisation guidelines for the EJM Regional meetings were adopted to strengthen cooperation with neighbouring states as well as 3rd countries, and to help to focus on problems which have a particular regional character. The EJM regional meetings may be organized by the Member States, regardless of their geographic proximity or distance. Also 3rd countries may be involved in the meetings.

B. COOPERATION WITH THE UNITED NATIONS OFFICES AGAINST DRUGS AND CRIME (UNODC)

15. Important steps have been taken in order to achieve the objective of a better communication and partnership of judicial operational Networks. In this respect in 2009 the EJM Secretariat took the initiative of informing and approaching the United Nations Offices against Drugs and Crime (UNODC) about the existence and importance of all judicial Networks. Thus, the **Informal Working group meeting in Vienna, on the 9th – 10th of November 2009** was an important step forward to set out the factual reality of the coexistence of several regional Networks in fighting crime, to further develop similar Networks in other regions and to set up a global platform for the collaboration between the Networks, in the common interest of providing safety to the citizens.
16. The EJM Secretariat defended that within the mandate given by the States Parties to United Nations Convention against Transnational Organised Crime, the UNODC may play an important role in bringing Networks together and supporting the development of new Networks on judicial cooperation in other regions across the world. In this regard, the EJM Secretariat firmly supported the idea of *global networking* in fighting transnational crime but considered, nevertheless, that a global Network of cooperation was not feasible. The EJM Secretariat expressed its view that as opposed to creating a *global Network*, the UNODC, in close cooperation with EJM and other Networks, could promote the creation of a *global platform of judicial Networks*
17. **At the Twelfth United Nations Congress on Crime Prevention and Criminal Justice in San Salvador, Brazil, on the 12th to the 19th of April 2010**, the objective of supporting development of judicial Networks of international cooperation in criminal matters was for the first time



discussed at high level, based on negotiations between the EJM Secretariat, the Ministry of Justice of Federative Republic of Brazil and UNODC. *The Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Systems and Their Development in a Changing World*¹ paid particular attention to the international cooperation in fighting crime and expressly included in its text the importance of judicial cooperation Networks. In addition, the participants of an ancillary meeting to the Congress dedicated to the international legal cooperation Networks adopted five recommendations with the aim of facilitating the development of synergies between the Networks.

18. As a consequence, at the **Nineteenth session of the United Nations Commission on Crime Prevention and Criminal Justice, in Vienna, on the 17th – 21st of May 2010**, a **Resolution on Strengthening of regional networks for international cooperation in criminal matters**² had been adopted. It “urges the Member States participating in networks for legal cooperation to strengthen international cooperation in criminal matters and the coordination amongst such networks” and “encourages Member States to facilitate the establishment of similar regional networks”.
19. In line with the principles approved and documents referred to above, UNODC has created new judicial Networks based on the matrix of the EJM. The EJM Secretariat has established cooperation with these Networks, namely with the Judicial Regional Platform of the Indian Ocean Commission (IOC) and the Judicial Regional Platform of Sahel countries (SAHEL) (see: Annex).

C. EJM COOPERATION WITH REGIONAL STRUCTURES, INCL. EU FUNDED PROJECTS RELATED TO CRIMINAL JUSTICE AND TO 3RD COUNTRIES

20. Consecutively and bearing in mind the reasons and principles referred to above, the EJM Secretariat has been requested to cooperate with European Commission in respects to projects in the field of criminal justice funded by the EU.
21. Currently the cooperation has been established with the EuroMed Justice III project funded by the EU and with the EU funded Pre-Accession Assistance (IPA) 2010 project “Fight against organised crime and corruption: Strengthening the Prosecutors’ Network”.
22. EJM Secretariat has established cooperation with National Contact Points of the Prosecutors’ Network of the region National Council of the Prosecutors-General (*Conselho Nacional dos*

¹Twelfth United Nations Congress on Crime Prevention and Criminal Justice (Salvador, Brazil, 12-19 April 2010). Adopted at the Crime Congress by Member States as Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World, and endorsed by the General Assembly in its resolution 65/230.

² Nineteenth session of Commission on Crime Prevention and Criminal Justice (Vienna, Austria, 17-21 May 2010). Agenda item 4 (d), Integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice: other crime prevention and criminal justice matters; E/CN.15/2010/L.17/Rev.1



Procuradores-Gerais, CNPG) as well with the *Réseau Marocain de Coopération Judiciaire Internationale* (RMCJI, created in 2009) (*see: Annex*).

23. In order to respond to the new challenges of transnational crime, and in line with the documents referred to above, the EJM Secretariat has launched meetings – the Hague Meetings – for the judicial Networks across the world. The initial goal to organise such a meeting was to provide the other Networks with an opportunity to get to know each other, **considering that all criminal judicial Networks have the active involvement of EJM Contact Points from several EU Member States**. The purpose of these meetings was evolved over the time to create a platform for the judicial Networks enabling the Contact Points/ members of the Networks to exchange views of best practices and to create synergy in cooperation. The possibility to meet and therefore to strengthen mutual trust between Contact Points/ members of the Networks *within each Network* was the reason behind the success of the operational Networks; the same principle has now been applied to the cooperation *between the Networks*.

Thus, bearing in mind the latter, the EJM Secretariat offered the possibility to meet, forming the basis for the interconnection of the Networks. The 1st Hague Meeting took place in March 2010, the 2nd Hague Meeting took place in September 2010 and the 3rd Hague Meeting took place in November 2011. The representatives of the Networks welcomed the initiative due to its aim to achieve cooperation between the Networks in the form of meetings.

24. In January 2012, by invitation of the UNODC, the EJM Secretariat organised for the first time an operational meeting between Contact Points of three judicial Networks based in 2 continents. Apart from Contact Points from EJM, members of IOC and SAHEL Networks were represented, as well as representatives from UNODC. Presentations were held on all three regional judicial Networks and on tools developed by EJM and those of the UNODC in order to introduce the possibilities offered to practitioners across the world. Furthermore, the challenges in the criminal judicial cooperation in practice between the participating countries were discussed and the links between the Contact Points of the three judicial cooperation Networks were established, as well as informal direct contacts. It was acknowledged that the new Networks being created embraced the importance of human relations as the key factor to reach mutual trust. As a direct and immediate consequence of this operational meeting, several criminal cases and problems with rogatory letters between the countries involved were solved in a period of days.

III. LEGAL FRAMEWORK

25. The legal framework and organisation of the existing judicial cooperation Networks and structures varies. For instance, EJM was established by the Joint Action 98/428/JHA of the 29th of June 1998, repealed by the Council Decision 2008/976 JHA of the 16th of December 2008 on the European Judicial Network (EJM), which represents the current legal basis for EJM at EU secondary legislation level, together with the new Eurojust Decision (2009/426/JHA). EJM is also



mentioned in primary EU law, Article 85 of the Treaty on the functioning of the European Union.

26. Irrespective of the type of the legal instrument governing each Network or a structure, all of them have similar ways of functioning, even if the organisation of their administrative departments/secretariats differs, because all of them have been established based on the EJM matrix. In this respect, there is no legal impediment for a closer cooperation between these networks.
27. Moreover, the Resolutions and Recommendations adopted under the UN aegis, mentioned above, urge the UN Member States to participate in judicial cooperation Networks to support their collaboration and interconnection.
28. With regard to cooperation with 3rd countries, Joint Declaration on Eastern Partnership on Justice and Home Affairs Cooperation was concluded under the Lithuanian Presidency in Luxembourg 7 and 8 October 2013 by the Ministers responsible for Justice and Home Affairs³.

IV. ENHANCING COLLABORATION AND COORDINATION BETWEEN EJM AND OTHER JUDICIAL NETWORKS AND SIMILAR STRUCTURES IN CRIMINAL MATTERS AND 3RD COUNTRIES

29. Signing of a Memorandum of Understanding between EJM and other Networks, as it was the case with the IberRed, was an important landmark in its time. Such a bi-lateral approach was not extended to other Networks that EJM has been cooperating with, due to the common recognition of the need for a multilateral approach, i.e. for interconnection of the Networks that allows the exchange and multiplied synergies and the promotion of the creation of new Networks.
30. Furthermore, increasing regional cooperation with 3rd countries within bilateral and multilateral framework is needed by neighbourhood policy inspired by shared values and common interests.
31. As regards collaboration with the Networks, the EJM Secretariat suggests that EJM approves a driving methodology to enhance collaboration with the existing judicial cooperation Networks in criminal matters, determining concrete ways of cooperation, such as:
 - i. Sharing contacts;
 - ii. Participating in operational training activities for local judicial authorities;
 - iii. Promoting of joint operational meetings;

³ EU Member States, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Belarus, Georgia, the Republic of Moldova and Ukraine and representatives of the European Commission met in Luxembourg on 7 and 8 October 2013 to discuss current cooperation and future prospects in the area of justice and home affairs.



- iv. Continuing using the operational IT tools created by EJM and other Networks, when possible, in the common interest of strengthening international judicial cooperation in criminal matters worldwide; working together in setting up new tools to facilitate judicial cooperation;
 - v. Maintaining a permanent contact between the representatives of the Networks in accordance with their internal statutes.
32. The manner of sharing of contacts **(i)** in order to provide other Networks access to the list of EJM Contact Points, on a reciprocity basis, would be decided by the EJM Contact Points. A step by step approach is favoured. As a first step, access to the contact details of the EJM National Correspondents or equivalent would be shared.
- At a later stage direct contact between all Contact Points/ members of other Networks could be facilitated.
33. Participating in training activities **(ii)** and joint meetings **(iii)** would be promoted where considered relevant. Inviting regularly members of the judicial Networks to the Plenary meetings of the EJM is considered a good practice. The Contact Points/ members of the judicial Networks in criminal matters could support each other in operational training activities with the aim of disseminating information and contributing with the expertise on international judicial cooperation in criminal matters.
34. Appropriate measures would be taken by the EJM Secretariat related to the continuous use of the operational IT tools created by EJM and other Networks **(iv)**.
35. In maintaining a permanent contact between representatives **(v)** of the Networks, the EJM Secretariat takes appropriate measures to develop a close partnership with the Secretariats or representatives of other existing judicial Networks in criminal matters, in accordance with their internal organisation, in order to provide assistance to the Contact Points/ members of the Networks.
36. As regards collaboration with the 3rd countries, aside from interconnection of the Networks, EJM is to promote a closer cooperation **with 3rd countries**. **Lithuanian Presidency** recalls that EU neighbourhood policy is inspired by shared values and common interests and that EU and 3rd countries are dealing with similar challenges to find appropriate solutions for effective mutual legal assistance, such as practical forms and tools, whereas this progress should be reviewed to pinpoint weaknesses and further challenges. In *Joint Declaration on Eastern Partnership on Justice and Home Affairs Cooperation* it was stressed the importance of “increasing judicial cooperation in civil and criminal matters, /---/ by increasing regional cooperation”, of “continuing work to ensure that all judicial systems meet /---/ standards to achieve an independent, efficient, impartial, accountable and effective judiciary”, and of “continuing cooperation on implementing all necessary measures, including increased capacity-building measures, exchanging information, training and sharing best practice within the bilateral and multilateral frameworks”. In line with the approved policy, these principles would be implemented by EJM and extended to the cooperation with all 3rd countries.



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37. Where possible, approach similar to that of the Networks and other similar structures, would be applied to cooperation with 3rd countries in order to find appropriate solutions for effective mutual legal assistance. Solutions for efficient mutual legal assistance with 3rd countries would include practical forms and tools, increasing informal and practical cooperation, sharing of information and operational training.
38. The collaboration between EJM and other judicial Networks in criminal matters is open to all existing Networks and any future Networks created e.g. with the support of UN or EU, that share the main values and principles, in particular the principle of informality and that of being operational.
39. The EJM Secretariat (in close cooperation with the Presidency) may take any action requested by EJM Contact Points within its mission and tasks, with the aim at promoting networking in the field of judicial cooperation in criminal matters as well as at continuation of promoting a close regional cooperation with 3rd countries.



ANNEX to the Explanatory Memorandum

Description of the judicial Networks and similar structures

- a) **The Ibero-American Network of International Legal Cooperation (*IberRed*, created in 2004)⁴** is a cooperation tool in civil and criminal matters, made available for all legal agents from the 22 Ibero-American countries and the Supreme Court of Puerto Rico⁵. *IberRed* is a Network comprised of Contact Points of judges and prosecutors, along with representatives of Central Authorities i.e. liaison officers, as well as any other appropriate judicial or administrative authority with responsibilities for judicial cooperation in criminal and civil matters whose membership in *IberRed* is considered desirable by its members.

In June 2010 the EJM and *IberRed* concluded a Memorandum of Understanding⁶, which, at the time, appeared as a natural step forward to strengthen the already existing good cooperation at operational level between Contact Points of the two Networks, especially with those who had close links resulting from common cases.

Members: *IberRed* is gathering together Contact Points from **Spain, Portugal and Andorra** from Europe and from the following Latin American countries: **Argentina, Bolivia, Brazil, Chile, Columbia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Puerto Rico, Uruguay, and Venezuela.**

Management: It is managed through the General Secretariat, a permanent Secretariat, provided by the General Secretariat of the Conference of Ministers of Justice of Ibero-American Countries, with its headquarters in Madrid.

- b) **The Network of judicial international cooperation of the Portuguese speaking countries (*Rede Judiciária da CPLP, RJCPLP*, created in 2005)⁷** was established by the Conference of Ministers of Justice of the Portuguese speaking Countries. The Network develops its activities in coordination and in complement with the competence of executive powers and central authorities in the field of international judicial cooperation of the CPLP Member States with a view to facilitate cooperation between the Member States by updating and sharing information regarding the different legal systems, establishing contacts with domestic and international organisations, collaborating on training activities carried out by Member States or by international organisation etc. *RJCPLP* is composed of Contact Points in each country both in criminal and civil matters.

Members: Its Member States are: **Angola, Brazil, Cape Verde, Guinea-Bissau, Mozambique, Portugal, Sao Tome and Principe, and Timor-Lest.**

⁴ <https://www.iberred.org/>

⁵ Regulation setting up the Ibero-American Network for Judicial Cooperation on Civil and Criminal Matters (*IberRed*) announced by the Ibero-American Conference of the Ministers of Justice, the Ibero-American Summit and the Ibero-American Association of Public Prosecutors, in Cartagena de Indias (Colombia) on 27-29 October 2004

⁶ EJM/2010/4

⁷ <http://www.rjcplp.org/>



Management: The RJCPLP is assisted by a permanent secretariat and a Secretary-General appointed by the Conference of Ministers of Justice of the CPLP countries.

- c) **The Commonwealth Network of Contact Persons (CNCP, created in 2007)**⁸ was established to improve and enhance international assistance and cooperation in criminal cases through facilitating international co-operation in criminal cases between the Commonwealth Member States, including mutual legal assistance and extradition and through providing the legal and practical information necessary to the authorities in their own country and in the Commonwealth Member States wishing to invoke international cooperation. CNCP comprises of at least one Contact Person from each of the jurisdictions of the Commonwealth. The Contact Person of CNCP does not act as the Central Authority of a member State unless the Central Authority also acts as Contact Person.

Members: The Member States of CNCP are: **Antigua and Barbuda, Australia, the Bahamas, Bangladesh, Barbados, Belize, Botswana, Brunei Darussalam, Cameroon, Canada, Cyprus, Dominica, Fiji, Gambia, Ghana, Grenada, Guyana, India, Jamaica, Kenya, Kiribati, Lesotho, Malawi, Malaysia, the Maldives, Malta, Mauritius, Mozambique, Namibia, Nauru, New Zealand, Nigeria, Pakistan, Papua New Guinea, Samoa, the Seychelles, Sierra Leone, Singapore, the Solomon Islands, South Africa, Sri Lanka, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Swaziland, Tonga, Trinidad and Tobago, Tuvalu, Uganda, the United Kingdom, the United Republic of Tanzania, Vanuatu and Zambia.**

Management: The activities of the Network are coordinated by the Commonwealth Secretariat. The Commonwealth Secretariat designates one of its officials to co-ordinate the activities of the CNCP.

- d) **The South Eastern European Prosecutors Advisory Group (SEEPAG, created in 2003)**⁹, constituted by the Declaration during the first meeting, is composed of prosecutors from countries of the Southeastern European (SEE) region¹⁰. The objective of SEEPAG is to reinforce fight against serious and organised crime in the SEE region, and also to assist the SEE Law Enforcement Center (SELEC) by facilitating the rapid exchange of information and evidence in trans-border investigations.

The SEEPAG Members' primary function is to ensure the necessary coordination at national level. SEEPAG's Mission is promoting cooperation and better relations among the prosecution offices in the region, and between the prosecution offices and Police, Customs and other law enforcement entities; enhancing the efficiency and effectiveness of existing criminal justice measures; providing operational support and assistance to SELEC's related cases to facilitate more efficient exchanges of information and evidence; exchanging views and best practices in areas of common interest regarding international cooperation; studying areas where reform is necessary and making recommendations to the appropriate government entities based upon the operational experience of the states participating in SEEPAG; issuing recommendations,

⁸ <http://secretariat.thecommonwealth.org/CNCP>

⁹ <http://www.seepag.info/>

¹⁰ Declaration of the SEEPAG adopted on December 12, 2003.



legal opinions and guidance; providing consultation and assistance concerning relevant law enforcement legal issues. The requests for assistance are exchanged directly between the Prosecution Offices, through the SEEPAG Members. The communication is also supported by SELEC's secure channels and the forum of the SEEPAG website. SEEPAG offers increased quality and speed in addressing trans-border criminal cases.

SEEPAG organises its meetings twice per year, during which the Members receive specialised trainings, are provided with insights regarding other legal systems, share problems and best practices. Since 2003 SEEPAG had more than 20 regional meetings and workshops.

Members: SEEPAG is comprised by one representative per country, a well-known prosecutor or judge, the SEEPAG Members' primary function being to ensure the necessary coordination at the national level. The 12 SEEPAG Member States are: **the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the Former Yugoslav Republic of Macedonia, the Hellenic Republic, Hungary, the Republic of Moldova, Montenegro, Romania, the Republic of Serbia and the Republic of Turkey.**

Management: The Chairmanship of SEEPAG rotates among the SEEPAG Members, alphabetically, for a one-year term, hence giving the opportunity for representatives of all Member States to give their input and further refine and develop the SEEPAG network. SEEPAG has an established Secretariat, provided by SELEC, which assists and supports the activities of the network.

- e) The **Judicial Regional Platform of the Indian Ocean Commission (IOC)**, created in **2009** was established by UNODC's Terrorism Prevention Branch and Organised Crime and Illicit Trafficking Branch in order to strengthen international cooperation in criminal matters in the regions of the Indian Ocean. Its main objective is to prevent and combat forms of serious crime, such as organised crime, corruption, drug trafficking or terrorism. It is a Network of focal points, who facilitate extradition and mutual legal assistance in criminal matters and procedures with the Member States.

Members: The Member States of IOC are: **Comoros, France (Réunion), Madagascar, Mauritius and the Seychelles.**

- f) The **Judicial Regional Platform of Sahel countries (SAHEL)**, created in **2010** was created jointly by UNODC's Terrorism Prevention Branch and Organised Crime and Illicit Trafficking Branch and COI. Its main objective is to prevent and combat forms of serious crime, such as organised crime, corruption, drug trafficking or terrorism. It is a Network of focal points, who facilitate extradition and mutual legal assistance in criminal matters procedures with the Member States.

Members: It is composed of focal points from four French-speaking countries in Western Africa: **Mauritania, Niger, Mali and Burkina Faso.**

- g) The EJM Secretariat has established cooperation with the **EuroMed Justice III** project funded by the EU, following the EuroMed Justice I and II projects¹¹. The projects were launched with one of

¹¹ <http://www.euromed-justice.eu/>



the aims of reinforcing justice in the participating countries, namely as the development of a Euro-Mediterranean area of cooperation in the field of justice by supporting the development of the partners' capacity and backing the modernisation of justice, including an improved access to justice.

The project activities consist in carrying out Working Groups and Training sessions and in organising Study visits covering the 3 components of the project: Access to Justice and Legal Aid, Resolution of Cross-Border Family Conflicts along with Criminal and Prison Law. Research Reports, Handbooks and Training Modules will also be produced during the project lifecycle.

Members: The beneficiaries of the EuroMed Justice III project are: **the People's Democratic Republic of Algeria, the Arab Republic of Egypt, Israel, the Hashemite Kingdom of Jordan, Lebanon, the Kingdom of Morocco, the Palestinian Authority, the Syrian Arab Republic** (formally part of the project even if there is a partial and temporary suspension of the EuroMed Justice III project in terms of Syrian participation), **the Republic of Tunisia and Libya.**

Management: This project is being implemented by a consortium led by the European Institute of Public Administration (EIPA) and composed of FIIAPP (*Fundación Internacional y para Iberoamérica de Administración y Políticas Públicas*), IRZ (*Deutsche Stiftung für Internationale Rechtliche Zusammenarbeit*) and SOFRECO (*Société Française de Réalisation d'Etudes et de Conseil*). EIPA Barcelona is the Programme Management Unit for the EuroMed Justice III Project. The EuroMed Justice II project was implemented by a consortium led by EIPA and composed of FIIAPP and of the Spanish General Council of the Judiciary (CGPJ).

- h) The EJM Secretariat has established cooperation with the **EU funded Pre-Accession Assistance (IPA) 2010 project "Fight against organised crime and corruption: Strengthening the Prosecutors' Network"**.¹² The purpose of the instrument is to assist beneficiary countries in facing the challenges of European integration to implement the reforms needed to progress in the Stabilisation and Association Process, and to lay down the foundations for fulfilling the requirements for achieving EU membership (the Copenhagen criteria). The project targets Public/State Prosecutors' Offices of the beneficiaries and National Contact Points of the Prosecutors' Network of the Western Balkans, as well as Kosovo¹³. Long term experts resident within the region (seconded public prosecutors from the EU Member States) closely cooperate with the Offices of the General/State Prosecutors in the Western Balkans responsible for international cooperation in dealing with prosecutions and investigations of organised crime, linked cases of economic and financial crime and corruption. The secondment of the long term experts is governed by the practical requirements of the needs of the beneficiaries. The EU seconded public prosecutors provide advisory support, knowledge and expertise in the daily activities of the General/State Prosecutor in the beneficiaries, thus contributing to the strengthening of international cooperation capacities (set up of joint investigation teams, mutual legal assistance, transfer of proceedings, request of extradition) and to the improvement

¹² IPA stands for Pre-Accession Assistance and is a financial instrument through which the European Union provides support to candidate and potential candidate countries.

¹³ This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.



of professional standards of the General/State Prosecutor's Offices. To fit the needs of the beneficiaries, the long term expert establishes in close coordination regional expert working groups on specific topics and can request expertise by a pool of short term expert supporting the identification needs and implementation of solutions.

Members: The beneficiaries of the project involve countries of the Western Balkan region: **Albania, Bosnia Herzegovina, Kosovo¹⁴, the Former Yugoslav Republic of Macedonia, Montenegro and Serbia**. Republic of Croatia is also participating in the project, but has now officially joined the EU and therefore EJM. The Former Yugoslav Republic of Macedonia, Montenegro and Serbia are official candidates for membership of the EU.

Management: The project is steered by a Management Team, chaired by a Senior Project Leader and supported by the management and administrative structures of GIZ within the region and CILC in The Hague. Close cooperation is secured with the South East European Prosecutors Advisory Group (SEEPAG), the International Law Enforcement Coordination Units (ILECUs), the Witness Protection in the Fight against Serious Crime and Terrorism (WINPRO) and other projects and structures in the region and on the international level, in particular with the European Judicial Network (EJM) and EUROJUST. Both the EJM and EUROJUST are associated partners to the project and also represented in the Steering Committee.

The project is currently executed by Deutsche *Gesellschaft für Internationale Zusammenarbeit* (GIZ) GmbH in the region and Center for International Legal Cooperation (CILC) in The Hague.

- i) The EJM Secretariat has established cooperation with the ***Réseau Marocain de Coopération Judiciaire Internationale (RMCJI)***, created in **2009**. The Network was established as a group of experts for international legal cooperation with judges for the facilitation, improvement and promotion of international judicial cooperation requested or granted by the Kingdom of Morocco, in strict compliance with the legal framework and conventions. The RMCJI consists of around 50 judges, Contact Points of RMCJI, who are specialised in civil or criminal matters. The essential function of the Contact Points of the RMCJI is to facilitate, improve and promote international legal cooperation requested or granted by the Kingdom of Morocco.

Management: The RMCJI is an integrated structure, which is flexible, with non-judicial functions within the organisation of the Ministry of Justice, and without legal character but with its budgetary autonomy.

- j) The EJM Secretariat has established cooperation with, **National Council of the Prosecutors-General (*Conselho Nacional dos Procuradores-Gerais, CNPG*)¹⁵**. The CNPG is the Council representing public prosecutors from the states of Brazil. The states of Brazil are autonomous but all of the states are subject to the same criminal code and civil code. The CNPG gathers all 27 states (27 *Procurador-Geral de Justiça*), the Prosecutor-General (*Procurador-Geral da República*), the Ministry of Labour (*Ministério Público do Trabalho*), the Ministry of Defence

¹⁴ This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

¹⁵ <http://www.cnpq.org.br/>



Lithuanian Presidency
of the Council of the
European Union 2013



(*Ministério Público Militar*) (since the latter two are separated according to Brazilian law). The importance of the Council, amongst other things, is that it offers the possibility to cooperate in an informal way by exchanging experiences. CNPG is considered as the 4th power of the Brazil.

In order to efficiently cooperate with EJM, CNPG designated its President as the main contact point, acting according to the powers as a President of the CNPG and in the functions based on this authority, to be in charge of the direct communication with the EJM Secretariat. The formal meetings of CNPG contain an item in the agenda related to the discussed cooperation with the EJM.

Management: The President of the CNPG is assisted by a Prosecutor who deals with different information that might be necessary for the judicial cooperation and will support the President of the CNPG in the functions mentioned above. The president of the Council is elected for 1 year.