



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 15 April 2013
(OR. en)**

**17900/2/12
REV 2**

GENVAL 99

DECLASSIFICATION

of document: 17900/1/12 REV 1 RESTREINT UE/EU RESTRICTED

dated: 17 February 2013

new status: Public

Subject: Evaluation report on the sixth round of mutual evaluations:

"The practical implementation and operation of the Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime and of the Council Decision 2008/976/JHA on the European Judicial Network in criminal matters."

Report on the Slovak Republic

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 17 February 2013

**17900/1/12
REV 1**

RESTREINT UE/EU RESTRICTED

GENVAL 99

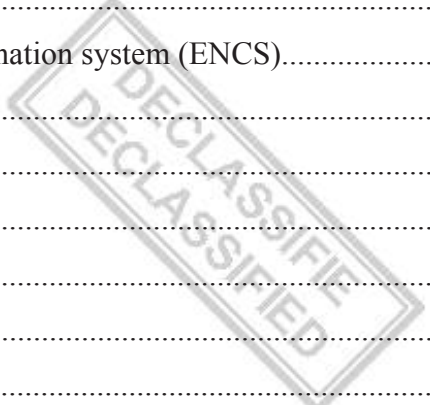
Evaluation report on the sixth round of mutual evaluations:

"The practical implementation and operation of the Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime and of the Council Decision 2008/976/JHA on the European Judicial Network in criminal matters."

Report on the Slovak Republic

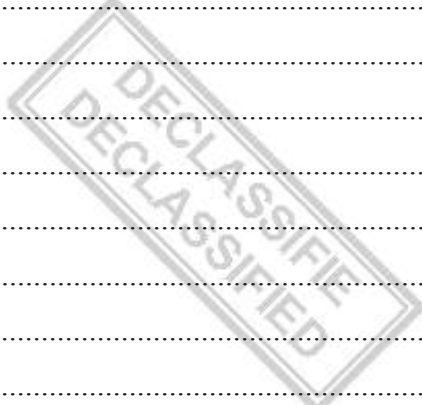
TABLE OF CONTENTS

1.	Executive summary	4
2.	Introduction	7
3.	General matters and Structures.....	9
3.1.	General information	9
3.2.	Implementation of the Eurojust national coordination system (ENCS).....	9
3.3.	National desk at Eurojust	13
3.3.1.	National member	13
3.3.2.	Deputy national member	14
3.3.3.	Assistant.....	15
3.3.4.	Powers of a national member	15
3.4.	EJN contact points	20
3.5.	Conclusions	23
4.	Exchange of information	29
4.1.	Exchange of information from judicial and law enforcement authorities to Eurojust	29
4.2.	Feedback by Eurojust.....	32
4.2.1.	E-POC project.....	33
4.3.	Conclusions	33
5.	Operational aspects.....	37
5.1.	Practical experience in relation to Eurojust	37
5.2.	Allocation of cases to Eurojust or the EJN or others	38
5.3.	Experience of cases in relation to the competences attributed to Eurojust.....	38
5.3.1.	Cases related to the tasks of Eurojust acting through its national members (Article 6)	39
5.3.2.	Cases related to the tasks of Eurojust acting as a college (Article 7).....	40
5.3.3.	Cases related to the powers exercised by the national member.....	40
5.4.	Practical experience related to coordination meetings.....	42
5.5.	Use of the On-call coordination (OCC)	42
5.6.	Experience of cases relating to the cooperation between the ENCS and the Europol national unit.....	43
5.7.	Conclusions	43
6.	Cooperation	47



RESTREINT UE/EU RESTRICTED

6.1.	Relation with law enforcement authorities (Europol national unit, Sirene, ...)	48
6.2.	Participation of national members in joint investigation teams (Article 9f)	48
6.3.	Cooperation with other EU agencies	49
6.4.	Cooperation with third states	50
6.5.	Practical experience of the EJM	51
6.5.1.	The EJM Website	52
6.6.	Conclusions	53
7.	Special investigative techniques	56
7.1.	Controlled deliveries (Article 9d (a))	56
7.2.	Other special investigative techniques (SITs)	56
7.3.	Conclusions	56
8.	Training and awareness raising	57
8.1.	Promotion of the use of Eurojust and the EJM	57
8.2.	Specific training for national members and EJM contact points	58
8.3.	Conclusions	59
9.	General observations and final remarks	60
9.1.	Conclusions	60
10.	Recommendations	62
10.1.	Recommendations to the Slovak Republic	62
10.2.	Recommendations to the European Union, its institutions and agencies, and to other Member States	64
10.3.	Recommendations to Eurojust/the EJM	66



1. EXECUTIVE SUMMARY

1. In line with Article 2 of the Joint Action 97/827/JHA of 5 December 1997, the Working Party on General Matters including Evaluations (GENVAL) decided at the Meeting on 22 June 2011 that the sixth round of mutual evaluations will be devoted to the practical implementation and operation of the Decisions on Eurojust and the European Judicial Network in criminal matters.
2. The Slovak Republic has implemented the Eurojust Decision into national law by a separate act (Act N.383/2011), except for Articles 9c and 9d, which are regulated elsewhere (Code of Criminal Procedure and Acts No. 153/2001 and 154/2001).
3. Direct contacts between the local Slovak judicial authorities and foreign judicial authorities as well as the national member still need to be promoted. The factual role of the General Prosecutor's Office puts it in a central position as regards direct contacts with the national member of Eurojust due to reporting obligations towards the General Prosecutor's Office in international criminal matters.
4. The ENCS is foreseen in Act No.383/2011. However, its formal setting up seems to be awaiting the conclusion of an agreement between the Ministry of Justice, Ministry of Interior and the General Prosecutor's Office.
5. Currently, there are 3 persons appointed to the Slovak national desk (national member, seconded national expert and secretary, however no deputy national member has been appointed yet).
6. The national member has all prosecutorial powers with nationwide competence - in practice the national member has to rely on the cooperation with the territorially competent prosecution authorities. During the evaluation visit no conflicts between these local authorities and the national member were reported.

7. The national member has to report extensively to several authorities and uses this opportunity to make recommendations on how to improve relations and working methods involving Eurojust. This could be considered as a good practice together with the possibility of making such recommendations public.
8. The national member seemed to be widely involved in bilateral and non-priority cases. According to the General Prosecutor's Office, many cases are handled bilaterally through direct contacts established long time ago instead of going via Eurojust. There seems to be a need to raise the awareness in the Slovak Republic at local level on the added value of Eurojust and its national member and to keep it in mind its intervention as a "daily" possibility.
9. The EJM setup in the Slovak Republic is a good example to take after, including its regular meetings and the setup of its sub-network. The fact that the national member himself cooperates with EJM is a good practice. Decisions as regards addressing an issue to the EJM or Eurojust are taken on a case-by-case basis.
10. The use of the EJM seems to be more widely spread than the use of Eurojust in everyday casework, even though the EJM in the Slovak Republic can be characterised as a rather central organisation having only five contact points. However, the domestic sub-network seems to be working efficiently and providing for expertise in the field of international cooperation also on a regional level.
11. A problem identified during the mission in the Slovak Republic is that contact points and national correspondents in other Member States often change frequently which makes it impossible to know who is your counterpart. The Slovak Republic highlights the need for appointing EJM contact points over longer time periods, taking into account during their selection their expertise and linguistic skills.

12. There seems to be a lack of statistical data which would allow an accurate overview of activities in relation to Eurojust, MLA requests, criminal investigations and their follow-up. The file management system set up by the Slovak national member is interesting in this respect.
13. Some 26 reports on international cases have been sent to the General Prosecutor's Office in 2012. There is currently one case as regards Article 13, from 2011. Further cases as regards Article 13 will be sent through the General Prosecutor's Office to the national member, who will then use the Eurojust template.
14. Prosecutors in the Slovak Republic try to prioritise foreign requests with tight time limits, even over domestic cases. As regards time limits, the Slovak Republic normally executes a request within one month, on average four months is the time limit.
15. There is a secure link between Europol and Eurojust. However, the ENU does not communicate with Eurojust directly (messages cannot be sent directly to a specified person at the moment). The Europol desk has no direct access to police registers in the Slovak Republic, only via the ENU.
16. The police does not send information by itself on a regular basis to Eurojust although the Slovak law gives them the possibility to do so. According to them, the responsibility is on the General Prosecutor's Office.
17. A prosecutor is authorised to issue an order for a controlled delivery prior to the commencement of a criminal prosecution and in pre-trial proceedings, a presiding judge of the panel is authorised to do so in court proceedings.
18. As regards training and awareness raising, the General Prosecutor's Office has an Intranet, including information on Eurojust and the EJM. The Intranet is connected with the one at the Ministry of Justice. On the local level the District Prosecution Offices also seem to have a useful system of information tools in place, inter alia in the form of instructions and manuals. In the Slovak Republic, internships are also possible within the hierarchy.

2. INTRODUCTION

Following the adoption of the Joint Action 97/827/JHA of 5 December 1997, a mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organised crime has been established.

In line with Article 2 of the Joint Action, the Working Party on General Matters including Evaluations (GENVAL) decided on 22 June 2011 that the sixth round of mutual evaluations should be devoted to the practical implementation and operation of the Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime, as amended by Decisions 2003/659/JHA and 2009/426/JHA and of the Joint Action 98/428/JHA of 29 June 1998 on the creation of a European Judicial Network repealed and replaced by Council Decision 2008/976/JHA on the European Judicial Network in criminal matters.

The evaluation aims to be broad and interdisciplinary and not focus on Eurojust and EJN only but rather on the operational aspects in the Member States. This is taken into account to encompass, apart from cooperation with prosecution services, also, for instance, how police authorities cooperate with Eurojust national members, how the National Units of Europol will cooperate with the Eurojust National Coordination System and how feedback from Eurojust is channelled to the appropriate police and customs authorities. The evaluation emphasises the operational implementation of all the rules on Eurojust and the EJN. Thus, the evaluation will also cover operational practices in the Member States as regards the first Eurojust Decision, which entered into force in 2002. Experiences from all evaluations show that Member States will be in different positions regarding implementation of relevant legal instruments, and the current process of evaluation could provide useful input also to Member States that may not have implemented all aspects of the new Decision.

The questionnaire¹ for the sixth round of mutual evaluations was adopted by GENVAL on 31 October 2011. As agreed in GENVAL on 17 January 2012, Eurojust was also provided with a questionnaire². The questionnaire to Eurojust was adopted by GENVAL on 12 April 2012. The answers to the questionnaire addressed to Eurojust were provided to the General Secretariat of the Council on 20 July 2012, and have been taken into account in drawing up the present report.

The order of visits to the Member States was adopted by GENVAL on 31 October 2011.³ The Slovak Republic was the fourth Member State to be evaluated during this round of evaluations.

In accordance with Article 3 of the Joint Action, a list of experts in the evaluations to be carried out has been drawn up by the Presidency. Experts with substantial practical knowledge in the field were nominated by Member States pursuant to a written request on 15 July 2011 to delegations made by the Chairman of GENVAL.

The evaluation teams will consist of three national experts, supported by two staff from the General Secretariat to the Council and observers. For the sixth round of mutual evaluations, GENVAL agreed with the proposal from the Presidency that the Commission, Eurojust and Europol should be invited as observers.

The experts charged with undertaking this evaluation were Roelof Jan Manschot (The Netherlands), Johannes Martetschlaeger (Austria) and Laimonas Vasiliauskas (Lithuania). Three observers were also present: Elsa Garcia-Maltras (DG Justice, Commission), María Teresa Gálvez Diez (Eurojust) and Stephanie Bovensiepen (Eurojust), together with Hans Nilsson and Peter Bröms from the General Secretariat of the Council.

This report was prepared by the expert team with the assistance of the General Secretariat of the Council, based on findings arising from the evaluation visit that took place in the Slovak Republic between 23 and 27 July 2012 and on Slovakia's detailed replies to the evaluation questionnaire together with their detailed answers to ensuing follow-up questions.

¹ Doc. 12384/3/11 GENVAL 76 COPEN 176 EUROJUST 106 EJM 87.

² Doc. 5241/2/12 GENVAL 3 COPEN 6 EUROJUST 3 EJM 2.

³ Doc. 13040/2/11 GENVAL 82 COPEN 184 Eurojust 111 EJM 91.

3. GENERAL MATTERS AND STRUCTURES

3.1. General information

For the evaluation, the Member States were requested to indicate all relevant legal or statutory provisions, if any, they had to introduce or amend in order to bring national law into conformity with the Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime as amended by Decisions 2003/659/JHA and 2009/426/JHA (“the Eurojust Decision”), or indicating intentions in this respect, and all relevant legal or statutory provisions, if any, which they had to introduce or amend in order to implement Joint Action 98/428/JHA of 29 June 1998 on the creation of a European Judicial Network as well as Council Decision 2008/976/JHA adopted on 16 December 2008 and repealing the Joint Action (“the EJM Decision”).

As regards the Slovak Republic, Council Framework Decision 2002/187/JHA, after having been amended and supplemented by Council Framework Decision 2009/426/JHA, has been transposed into the national law of the Slovak Republic through Act No 383/2011 Coll. on Representation of the Slovak Republic at Eurojust. This Act became effective as of 1 January 2012, and it replaced the law that had been in force up to then, namely Act No 530/2004 Coll.

Council Decision 2008/976/JHA has been implemented on the basis of the Conception of Functioning of the European Judicial Network in Criminal Matters in the Slovak Republic that is an internal regulation of the Ministry of Justice of the Slovak Republic and of the General Prosecutor's Office of the Slovak Republic.

3.2. Implementation of the Eurojust national coordination system (ENCS)

According to Section 9 of Act No 383/2011 Coll., whereby the Council Decision concerned has been implemented, the Eurojust National Coordination System (ENCS) will be composed of:

- a) national correspondents pursuant to Section 8,
- b) three contact points of the European Judicial Network at most,
- c) members or contact points of the Joint Investigation Teams Experts Network and of the networks set up in accordance with separate regulations.

The ENCS will assist in fulfilling the tasks of Eurojust in the territory of the Slovak Republic, in particular in such a way that it will:

- a) provide Eurojust with the information required for the fulfilment of its tasks, in cooperation with and through a national member; the right of a national member to directly contact the government authorities pursuant to Section 4 par. 1 subpar. c) shall not be thereby prejudiced,
- b) assist in determining whether the given case should be handled within the jurisdiction of Eurojust or the European Judicial Network,
- c) assist a national member to identify the authorities competent to handle the request for judicial cooperation and to execute the decisions on judicial cooperation,
- d) cooperate with the National Bureau of Europol.

The ENCS will assist in fulfilling the tasks of Eurojust in the territory of the Slovak Republic, in particular in such a way that it will:

- a) provide Eurojust with the information required for the fulfilment of its tasks, in cooperation with and through a national member; the right of a national member to directly address the government authorities pursuant to Section 4 par. 1 subpar. c) shall not be thereby prejudiced,
- b) assist in determining whether the given case should be dealt with within the jurisdiction of Eurojust or the European Judicial Network,
- c) assist a national member to identify the authorities competent to deal with a request for judicial cooperation and to render decisions on judicial cooperation,
- d) cooperate with the National Bureau of Europol.

The ENCS will also include, in addition to other persons, a national correspondent at Eurojust from the General Prosecutor's Office of the Slovak Republic and a national correspondent at Eurojust from the Ministry of Justice of the Slovak Republic. The ENCS will also include a prosecutor from the Office of Special Prosecution of the General Prosecutor's Office of the Slovak Republic, acting as a national correspondent at Eurojust for terrorism matters.

At present, in compliance with the provision under Section 9 of Act No 383/2011 Coll. on Representation of the Slovak Republic at Eurojust that became effective on 1 January 2012, and with Article 12 of the Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime as amended by the Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust and on amending and supplementing the Council Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime, the Ministry of Justice, the Ministry of the Interior and the General Prosecutor's Office are drawing up an inter-agency agreement on setting up the ENCS. The main objective is to set forth in detail the terms and conditions of operation of the Eurojust national coordination system. The national correspondent at Eurojust, appointed by the Minister of Justice after prior consultations with the national member at Eurojust⁴, will be answerable for the activities carried out by the Eurojust national coordination centre. National correspondents are also envisaged to have access to the electronic Eurojust Case Management System, under the conditions referred to in Section 9 par. 3 of Act No 383/2011 Coll. Other documents specifying the tasks of national correspondents at Eurojust have not been drawn up yet.

According to Section 8 of Act No 383/2011 Coll., whereby the Council Decision concerned has been implemented, the Minister of Justice, upon the motion made by a national member and after prior consultation with the Prosecutor General and the Minister of the Interior, shall appoint and remove one or more national correspondents:

- a) at Eurojust - from the Ministry of Justice or the General Prosecutor's Office,
- b) at Eurojust for terrorism matters - out of prosecutors from the Office of Special Prosecution of the General Prosecutor's Office,
- c) for the European Judicial Network - from the Ministry of Justice.

⁴ There is a presumption that these consultations can be either in written form or as a personal consultation between the national member and the Minister of Justice. The national member can propose one person (one national correspondent), however the Minister of Justice is not bound by this proposal and can decide otherwise.

The Minister of Justice, after prior consultation with a national member, shall determine which of national correspondents referred to in paragraph 1 subpar. a) shall be responsible for operation of the ENCS pursuant to Section 9, notifying the Prosecutor General and the Minister of the Interior of this fact.

National correspondents will have an obligation of non-disclosure of facts that have come to their knowledge in the course of the exercise of their function. This obligation of non-disclosure will continue to apply even after the termination of their function. National correspondents may only be released from the obligation to maintain confidentiality by a person or an authority that has imposed such an obligation of non-disclosure on them or towards which they will be liable to maintain confidentiality.

The networks set up in accordance with separate regulations are as follows:

- European network of contact points in respect of persons responsible for genocide and crimes against humanity and war crimes (a representative of the Ministry of Justice of the Slovak Republic),
- Council Decision concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime (a representative of the Financial Police intelligence Unit),
- a contact person for combating corruption (a representative of the Anti-Corruption Bureau of the Presidium of the Police Force).

Authorities other than those referred to under Article 12 of the Decision on Eurojust are not designated within the ENCS.

Pursuant to Section 9 par. 3 of Act No 383/2011 Coll., in order to carry out the tasks arising out of the ENCS, national correspondents shall have an access to the Eurojust Case Management System (CMS) to the extent defined by a national member. The restricted part in the CMS is accessible for all the persons appointed at a national desk who then enter and process necessary information. A decision to grant access is taken by a national member. The authorities of the Slovak Republic do not have access to the CMS yet. However, even if access authorisation is granted, it is envisaged to be "read only" access, a person will not be authorised to edit.

The members of the ENCS do not have part of their working hours exclusively devoted to the operation of the ENCS.

The ENCS has not so far used its authorisation to use the Europol national unit and other law enforcement authorities such as the Sirene bureau in order to assist Eurojust, however, such authorisation has been granted to the ENCS under Act No 383/2011 Coll.

3.3. National desk at Eurojust

Act No 383/2011 Coll., whereby the Council Decision concerned has been implemented, specifies that (section 2) the Slovak Republic shall be represented by a national member at Eurojust. Currently, there are 3 persons appointed to the Slovak national desk (national member, seconded national expert and secretary).

3.3.1. National member

A national member must have worked as a prosecutor in the field of criminal law for a period of at least ten years, and his professional expertise and linguistic skills must provide assurance of the proper exercise of this function.

A national member is appointed and removed by the Minister of Justice after prior consultation with the Prosecutor General of the Slovak Republic. A national member will have one deputy member and one assistant. A national member may have more deputy members or assistants, if the Minister of Justice after prior consultation with the Prosecutor General decides that it is necessary for the fulfilment of the tasks of Eurojust, and after the consent has been given by the College of Eurojust.

The scope of the mandate of a national member (section 3) is defined by the Minister of Justice after prior consultation with the Prosecutor General. Pursuant to special regulations, a national member shall be a competent authority for receiving and exchange of the information between Eurojust and the European Anti-Fraud Office (OLAF).

The term of office of a national member is four years, running from the day of his appointment. A national member may only be appointed for two consecutive terms. If a national member has been appointed a President or Vice-President of Eurojust and the remaining part of his term of office is shorter than the period for which he was appointed a President or Vice-President of Eurojust, his term of office will be extended in such a manner that it terminates simultaneously with the termination of his function of a President or Vice-President of Eurojust. The Minister of Justice may remove a national member before the termination of his term of office only under the condition that such removal would be notified to the EU Council in advance, specifying the grounds for removal.

3.3.2. Deputy national member

A deputy national member must have worked as a prosecutor in the field of criminal law for a period of at least ten years, and his professional expertise and linguistic skills must provide assurance of the proper exercise of this function.

A deputy national member is appointed and removed by the Minister of Justice after prior consultation with the Prosecutor General, upon the motion made by a national member. The term of office of a deputy national member is four years, running from the day of his appointment.

A deputy national member will fulfil the tasks and exercise the powers of a national member in the absence of the latter. In any other case, a deputy national member is authorised to act on behalf of a national member to the extent set out in the written power of attorney granted by the latter.

Where more deputy national members have been appointed, the Minister of Justice after prior consultation with the Prosecutor General determines which of them will act on behalf of a national member pursuant to paragraph 3. The Minister of Justice after prior consultation with the Prosecutor General makes a decision whether a deputy national member will be seconded at Eurojust together with a national member, or whether he will exercise his function remaining in the territory of the Slovak Republic. In the event of secondment of a deputy national member, he will be a member of the diplomatic mission staff during the entire term of office at Eurojust.

3.3.3. *Assistant*

An assistant to a national member must meet a legal education requirement having worked in the field of judicial or police cooperation for a period of at least five years, and his professional expertise and linguistic skills must provide assurance of the proper exercise of this function.

An assistant to a national member is appointed and removed by the Minister of Justice after prior consultation with the Prosecutor General and the Minister of the Interior, upon the motion made by a national member. The term of office of an assistant to a national member is four years, running from the day of his appointment.

The powers and responsibilities of an assistant to a national member related to the fulfilment of the tasks of Eurojust are determined by a national member in the written power of attorney granted by the latter.

The Minister of Justice after prior consultation with the Prosecutor General and the Minister of the Interior makes a decision whether an assistant to a national member will be seconded at the Eurojust Head Office together with a national member, or whether he will exercise his function remaining in the territory of the Slovak Republic. In the event of secondment of an assistant to a national member, he will be a member of the diplomatic mission staff during the entire term of office at Eurojust.

3.3.4. *Powers of a national member*

By virtue of Section 4 of Act No. 383/2011 Coll., a national member shall have the following powers:

- a) exchange without prior authorisation all the information necessary for fulfilment of the tasks of Eurojust with other national members of Eurojust,
- b) submit proposals and make requests to the Minister of Justice, the Minister of the Interior or to the Prosecutor General with the aim to fulfil the tasks of Eurojust,

- c) directly contact the Prosecution Service, courts, Police Force, Military Police, Corps of Prison and Court Guard, customs authorities, tax authorities, Slovak Intelligence Service, Military Intelligence Service, National Security Authority, and other government bodies, and to request them to provide assistance and information necessary for fulfilment of the tasks of Eurojust,
- d) obtain information via the Eurojust national coordination system; his right to directly address the government authorities pursuant to subpar. c) shall not be thereby prejudiced,
- e) inspect the files of the authorities involved in criminal proceedings that contain the information on the criminal offences falling within the jurisdiction of Eurojust,
- f) obtain information and data from the Register of Previous Convictions, Register of Detained Persons, Register of Prosecutions, DNA Database and from other databases and registers within the scope of powers granted to the authorities involved in criminal proceedings or to the courts in order to ensure fulfilment of the tasks of Eurojust
- g) demand that the request of a national member concerning the concrete case be handled by that competent authority to which the given request has been submitted, and if the request has been simultaneously submitted to several competent authorities, each of them shall take individual action with respect to the request ,
- h) participate after approval of the General Prosecutor's Office of the Slovak Republic in joint investigation teams.

In case of partial or inappropriate handling of the request for judicial cooperation or request to provide assistance, a national member shall be authorised to request the relevant authority for taking additional measures in order to thoroughly complete the request.

Otherwise, a national member has the status of a prosecutor of the General Prosecutor's Office of the Slovak Republic. In order to fulfil the tasks of Eurojust in compliance with relevant national legal regulations, he shall furthermore be empowered to:

- receive the requests for legal assistance and decisions on judicial cooperation issued by competent authorities of the Slovak Republic, and forward them to competent authorities of a requested state,
- facilitate the process of handling the requests for legal assistance and the execution of decisions, the legal effects whereof shall be recognised in accordance with a principle of mutual recognition,
- check upon the stage of handling the request for legal assistance, and forward the ascertained information to a national member of the requesting state,
- monitor processing of the requests for legal assistance and of the decisions on judicial cooperation by competent judicial authorities of the Slovak Republic, and where he finds out any inadequacies of proceedings or backlog, he shall notify the General Prosecutor or the Minister of Justice of the Slovak Republic of them,
- inspect the file of the given criminal case that is being handled by Eurojust, take notes of it, or request a copy or copies of its certain selected parts,
- acquire data from databases and registers kept by the Police Force of the Slovak Republic,
- acquire data from databases and registers kept by the courts and the Ministry of Justice of the Slovak Republic
- conclude on behalf of the General Prosecutor's Office an agreement on creation of a joint investigation team in accordance with the national law, based upon an authorization granted by the Prosecutor General and to the extent defined therein,
- become a member of a joint investigation team.

Moreover, under conditions set out in relevant national legal regulations, a national member has delegated powers empowering him to:

- issue and supplement the requests for judicial cooperation and decisions on judicial cooperation, including the requests and decisions concerning the instruments, the legal effects whereof shall be recognised in accordance with a principle of mutual recognition,
- handle the requests for judicial cooperation and execute the decision on judicial cooperation,
- grant authorization to carry out controlled deliveries and coordinate them.

As regards powers related to the Member States and to the states with which Eurojust has concluded a cooperation agreement, when fulfilling the tasks of Eurojust, a national member shall be empowered to:

- receive the requests for legal assistance and decisions on judicial cooperation and forward them to competent judicial authorities of the Slovak Republic,
- facilitate the process of handling the requests for legal assistance and the execution of decisions, the legal effects whereof shall be recognised in accordance with a principle of mutual recognition, in particular by sending additional information, making translations, or by sending other information that facilitates handling the requests for legal assistance and the execution of decisions on judicial cooperation,
- check upon the stage of handling the request for legal assistance, and forward the ascertained information to competent national authorities,
- request, via a national member of the other Member State, the competent authorities of the state concerned to consider the commencement of criminal prosecution of specific acts, undertake prosecution, or accept that the Slovak Republic is in a better position to undertake an investigation or prosecute specific acts, and transfer prosecution, if requested so by the Prosecutor General of the Slovak Republic.

The national member has powers under the Article 9c) and 9d). The fact that those subsidiary powers have not been exercised is linked with the existence in Slovakia of the efficient system of being on stand-by (prosecutor/judge on duty service) operating within a 24/7 regime, meaning that any competent judge/prosecutor, empowered to act, should be available and reachable.

RESTREINT UE/EU RESTRICTED

According to Section 12 of Act No 383/2011 Coll., whereby the Council Decision concerned has been implemented, a prosecutor or judge may, within the criminal proceedings undertaken in the territory of the Slovak Republic, directly request a national member to deliver and handle the request, or any other application addressed to Eurojust or to an authority of the Member State of the European Union. A police officer may only proceed in such a way via a competent prosecutor. In urgent cases, a prosecutor or judge may contact a national member through the on-call coordination system of Eurojust.

A national member has not an online access to the aforementioned databases, a national member may acquire the information through liaison officers at the national desk at Europol, or via the national authorities.

3.4. EJM contact points⁵

⁵ The contact points in the Slovak republic shall be:

1. national correspondent (“national correspondent”),
2. tool correspondent (“tool correspondent”),
3. designated staff at the Department of International and European Public Law of the Ministry of Justice,
4. representative from the General Prosecutor’s Office,
5. 8 contact points at the Regional or District court,
6. 8 contact points at the Regional or District Prosecutor’s Office.

The national correspondent from the Slovak republic and the tool correspondent shall be a public servant from the Department of International and European public law appointed by the Minister of Justice.

a) The tasks of contact points shall be:

aa) The tasks of the national correspondent:

- he shall be responsible for operation of the network and coordination at national level,
- he shall be responsible for the contact with the EJM Secretariat in criminal matters in general,
- he shall participate in the meetings of the national correspondents, plenary meetings or the meetings which require presence of national correspondent and he forwards the information received at these meetings to other contact points,
- he shall prepare for the Minister of Justice proposals for appointing contact points of EJM in criminal matters at national level as well as contact points in criminal matters which shall be the part of the Eurojust National coordination system in accordance with article 12 par. 2 of the Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust. The part of the Eurojust National coordination system is as a contact point of EJM in criminal matters also the representative appointed by the prosecution service. If necessary, other contact points of EJM in criminal matters may be appointed as a part of Eurojust National coordination system, not more than three contact points,
- he shall distribute up-to-date and relevant information to other contact points as well as to relevant judicial authorities,
- in accordance with article 12 par. 2 of the Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust is the part of the National coordination system in the scope of which he shall assist to determine whether the case falls within the jurisdiction of EJM in criminal matters or Eurojust,
- he shall be responsible for the tasks resulting from the Decision on EJM, from implementation of this Decision on EJM or other tasks relating with the EJM in criminal matters,
- he shall designate the third person which shall participate in the plenary meeting,
- he shall provide and arrange necessary legal and practical information to competent judicial authorities, as well as to contact points in other Member States.

bb) The tasks of the tool correspondent:

- he shall facilitate so that the information regarding judicial cooperation in criminal matters in the Slovak republic are constantly up-dated on the web page of EJM in criminal matters, in case of necessity of their change or addendum he shall inform the Secretariat of EJM in criminal matters without any delay,
- he shall handle all the matters related with the electronic means of EJM in criminal matters ,
- he shall facilitate updating of the list of contact points on the web page of EJM in criminal matters

cc) The tasks of the designated staff at the Department of International and European Public Law:

- they shall facilitate and arrange necessary legal and practical information to competent judicial authorities, as well as to contact points in other Member States,
- they may participate, apart from meetings at national level, in the meetings of the contact points of EJM in criminal matters also on European level. The national correspondent shall submit the proposal for participation of the staff of the Department of International and European Public Law in line with discussed topic at the concrete meeting of the contact points of EJM in criminal matters on European level. Authorization of participation shall fall within the internal regulations of the Ministry of Justice.

dd) The tasks of contact points at the Regional or District courts:

- they may participate, apart from meetings at national level, in the meetings of contact points of EJM in criminal matters also on European level. National correspondent shall decide which contact point shall take part in the concrete meeting of contact points of EJM in criminal matters on European level after consent of the president of the court where the contact point works, has been granted,
- they participate in filling the questionnaires.

b) The requirements to be met for appointment contact point at the Regional or District court:

- judge or higher court clerk,
- knowledge of the matters and practice in the area of judicial cooperation in criminal matters,
- command of English language,
- willingness to cooperate as it concerns informal and voluntary system,
- active, flexible and swift approach in relation to handling the agenda related to EJM in criminal matters (e.g. requests from other Member States for judicial cooperation or for information from the field of judicial cooperation in criminal matters or concrete cases, cooperation with national correspondent from the Slovak republic).

c) Meetings of contact points at the national level

The contact points shall meet ad hoc, at least once a year at the common meetings.

The aim of the meetings will be informing the contact points about the current matters EJM is dealing with at the moment, consulting practical matters of the questions of cooperation or other questions and problems resulting from its activities and allowing personal contact of contact points. Also other experts may be called in to participate in the meeting if necessary.

To make the EJM network structure within the Prosecution Service effective, it consists of two so-called main contact points – a prosecutor of the International Department of the General Prosecutor's Office (dealing with the agenda of legal relations with foreign countries) and a prosecutor of the Regional Prosecutor's Office located outside of the capital city of the Slovak Republic (dealing with the agenda of legal relations with foreign countries), and the so-called sub-network of contact points, which includes heads of international departments at all the Regional Prosecutors' Offices of the Slovak Republic. The so-called main contact points are made public at the website of the EJM.

Requirements to be met for appointment of the so-called main contact points are as follows:

- language skills – very good command of English,
- at least 5 years of experience in legal relations with foreign countries within the Prosecution Service,
- flexibility, speaking and routinely making public appearances at international events in order to present legal positions of the Slovak Republic, suitable socially acceptable behaviour.

The so-called sub-network of contact points includes:

- heads of departments of the Regional Prosecutors' Offices dealing with the agenda of legal relations with foreign countries within the Prosecution Service who are required to have at least 3 years of experience in legal relations with foreign countries within the Prosecution Service.
- The contact points of the Prosecution Service are nominated by the Prosecutor General of the Slovak Republic and appointed by the Minister Justice of the Slovak Republic.

The tasks and powers of the main contact points and the contact points of a sub-network set out in the above mentioned Conception. The main contact points:

- fulfil the tasks arising out of the Decision on the EJM,
- provide contact points in other Member States with requested legal and practical information in cooperation with a national correspondent,

RESTREINT UE/EU RESTRICTED

- deal with requests sent by contact points in other Member States in concrete criminal cases falling within the jurisdiction of the Prosecution Service,
- upon request of the EJM Secretariat or of other EU agencies, they carry out analyses, fill in questionnaires in cooperation with a national correspondent,
- are authorised to request practical information and the information concerning legal regulations from contact points in other Member States, and relevant information in concrete criminal cases,
- are authorised to request legal and practical information from the EJM Secretariat, or from other agencies in cooperation with a national correspondent,
- submit to a national correspondent, on an annual basis, the statistical data necessary to draw up an evaluation of the EJM activities,
- participate in plenary meetings to the extent defined by a national correspondent, 2-3 times a year, and in meetings of the EJM contact points both at national and international level,
- submit to a national correspondent the nominations of new contact points representing the Prosecution Service to be appointed (if prior consent was given by the Prosecutor General),
- forward topical and relevant information concerning legal relations with foreign countries to other contact points of the EJM at the Regional Prosecutors' Offices, and further to all the District Prosecutors' Offices in the Slovak Republic at regular meetings (3 times a year) convened by a director of the International Department of the General Prosecutor's Office of the Slovak Republic,
- through lecturing at the Judicial Academy of the Slovak Republic, they deliver to prosecutors the information concerning the activities of the EJM at the national and international level.

Contact points of a sub-network provide necessary cooperation to the main contact points when:

- dealing with requests sent by contact points of other Member States in concrete criminal cases,
- carrying out analyses, and filling in questionnaires,
- they are authorised, via main contact points, to request practical information and information concerning legal regulations from contact points in other Member States,
- they may participate in the EJM meetings both at national and international level.

The contact points of the Prosecution Service meet each other 3 times a year at the working sessions convened by a Director of the International Department of the General Prosecutor's Office, having on the agenda the legal relations with foreign countries.

The contact points of the Prosecution Service had the first meeting of the EJM contact points for criminal matters in the Slovak Republic on 30 May 2012. Joint meetings of the contact points of the Prosecution Service, Courts, and the Ministry of Justice have not been organised yet. The first joint meeting is anticipated in December 2012.

3.5. Conclusions

- In the Slovak Republic, the Eurojust Decision has been implemented into national law by a separate act (Act No. 383/2011) which entered into force on 1 January 2012), except for Articles 9c and 9d, which are regulated elsewhere (Code of Criminal Procedure and Acts No. 153/2001 and 154/2001). This choice is prudent because the rules are not only binding to the Prosecution Service but also the courts and other relevant law enforcement institutions such as the police. The new legislation in the Slovak Republic is quite impressive. This is a best practice for all Member States, including the fundamental fact that legislation is used to implement the Eurojust Decision and its proper format and timing. The reporting obligations are directed both to courts and prosecutors whereas in practice it is the prosecutors that will fulfil the obligation.

- According to legislation, the national member has all prosecutorial powers with nationwide competence - in practice the national member has to rely on the cooperation with the territorially competent prosecution authorities. The evaluation team noted, however, that the scope of his mandate, as defined by the Minister of Justice partially differs from the "rights of a national member" as described in Section 4 of the Act.

As a reason for not transposing Articles 9c and 9d in a specific act, the Slovak authorities indicated that such powers have been regulated elsewhere and referred to the application of the 24/7 duty system. The national member basically does not exercise investigative powers. Instead, his role is to help and facilitate domestic authorities. The national member indicated that so far this has not been an obstacle for him to fulfil his tasks at Eurojust, inter alia since the national member is authorised, on the basis of a request for legal assistance, to perform legal assistance work under the terms established by international agreements and by domestic legislation. In the [hypothetical] situation that the 24/7 duty system fails, it is the power of the national member to act. However, this requires that he is confident that he will have the necessary back-up from his national authorities.

- During the discussions it was said from the Slovak side that these powers are not really requested for a national member who is working from The Hague, and that it will be very difficult for him to monitor the execution or the investigation from there. Theoretically, according to the national member he could initiate an investigation, but in practice there is no reason to do so. Similarly, in theory, the national member could start a controlled delivery, but he cannot do this without the relevant documentation, so he would not in fact do it.

- There seems to be a misunderstanding in the new legislation as regards the Eurojust Decision. Article 13 is not limited to 13(5) (6) and (7), but it is much wider, covering any information but at least paragraphs 5, 6 and 7. Third, Act No. 383/2011 Coll. on the representation of the Slovak Republic at Eurojust, drafted and adopted for the purpose of implementing Council Decision 2009/426/JHA, did not propose any changes to Article 19(2) and, therefore, the content of the Article was omitted in the legislative work.⁶
- During the visit it became clear that not everyone concerned was aware of the fact that the law is replacing the former instructions of the General Prosecutor's Office on the flow of information towards Eurojust and the possibilities of direct contacts to the national member. According to the Slovak authorities, all heads of the Regional Prosecutor's Offices have been provided with the necessary information as regards the new Act and its relationship with the 2008 instruction from the Prosecutor General. Still, more information and training seem to be needed.
- Apart from Act.383/2011, the legislative framework seems somewhat disperse, including a number of instruments of different nature and in different states of elaboration, such as the mandate of the national member, the 2008 General Prosecutor's Instruction on submission of information or the Conception of operation of the EJM. Clarification is needed about their legal status and articulation with the main Act, especially in relation to some apparent inconsistencies between the texts. In addition, the district prosecutors also work in compliance with regional instructions which may be different between regions.

⁶ Nevertheless, according to the Slovak Republic, the Council Decision itself should create a solid basis for the proper execution of the right by the individual concerned. Although the authority for the referral of such a request to Eurojust was not explicitly stipulated in Act No. 383/2011 Coll., if such a request were submitted to the Ministry of Justice of the Slovak Republic, the National Member would be notified and asked to forward it to Eurojust, since in that case the Article 14(1) of the Act may apply: "Authorities of the Slovak Republic shall direct all information addressed to Eurojust through the national member."

- As regards the quality and legal status of a "conception", the Slovak authorities explained that they did not want to prepare a law but a regulation stating who does what. Accordingly, a conception is a concept, a document rather than a conception. Following the Slovak authorities, it provides for easy changes not requiring a legislative process. It is basically binding. As noted above, clarification is also needed as regards the legal status of a conception as well as regards the terminology used.
- The structure of the Prosecution Service is hierarchical. The General Prosecutor and his office are at the highest level. Part of the General Prosecutor's Office is the Special Prosecution Office in Pezinok. The General Prosecutor's Office also has a department for MLA, a prosecutor of which is also a the main contact point for the EJM. Each of the eight regional prosecution offices has a department for MLA, whereas the 54 district offices each have a MLA specialist. (There is also a department for MLA in the Ministry of Justice.) Direct contacts abroad or with the Slovak national member by district prosecutors will be reported to the regional MLA department. In fact, most of the contacts go through the regional offices and, in case a regional department has contacts, it will notify the General Prosecutor's Office. Again, in practice, many contacts in the end will go through the General Prosecutor's Office, following the internal instruction from the General Prosecutor's Office. The experts noted that there has been no General Prosecutor during the last one year and a half.
- The specialised court in Pezinok is competent for murder cases (premeditated murders), misuse of powers by public officials, corruption, public procurement fraud, acts against the financial interests of the state, participation in a criminal organisation, terrorism, serious economic or property crimes (over 6.680.000 Euros) and fraud against the financial interests of EU. The court has about 250 cases a year (these vary considerably in size, complexity and number of defendants). Cases up to eight years of imprisonment can be handled by a single judge. The president of the court said that so far he has not seen any case in which Eurojust has assisted during the criminal investigation..

- The specialised court is a competent authority to issue a foreign EAW. It is done directly to the issuing judge or via the Central Authority of the Ministry of Justice. They do not go via the national member. However, according to the national member, the Ministry of Justice would inform him about this exchange. Strangely, the specialised court is not competent to deal with incoming MLA requests. It could be involved indirectly if asked by the International Department of the General Prosecutor's Office. This suggests that the specialised court is not completely competent within its own exclusive competence.
- The ENCS is foreseen in Act N.383/2011. Its formal setting up seems to be awaiting the conclusion of an agreement between the Ministry of Justice, the Ministry of Interior and the General Prosecutor's Office. It is unclear why such an agreement should be necessary, unless it is meant to designate the concrete members or develop the composition to members of the police, something not foreseen in the Act itself. The provided draft agreement seems to present other inconsistencies in relation to the corresponding act, for instance Section 9 of Act.383/2011 as regards access to the CMS granted to contact points for the EJM and the role of the national member. For instance, as the Ministry of Justice and the General Prosecutor's Office are organisationally separated, the question remains how access to the judicial data recorded in the CMS is made available to the Ministry of Justice, but also which is the role of the Ministry of Justice as an ENCS contact point. The evaluation team received a list of ENCS members but it is not clear if they have already been appointed formally even if the agreement is not concluded. The EJM contact points are excluded from the agreement but not from the law. The Slovak authorities are aware of the discrepancy and will resolve it.
- As for the composition of the ENCS, and the role of the assistant appointed by the Ministry of Interior, the experts were informed that at present this post is not filled. However, the Ministry of the Interior is keen to fill the assistant post. They are currently looking for the right candidate. Only when that person has been appointed will the post holder's role, relations with other departments, and the information flow involved be defined.

- The composition of the national desk does not yet fully correspond to the requirements of Article 2 of the Eurojust Decision. Currently, there are 3 persons appointed to the Slovak national desk (national member, seconded national expert and secretary, however no deputy national member has been appointed yet). Act.383/2011 establishes basic criteria (years of experience, and reference to linguistic and professional expertise) required to become a national member ensuring that the national member is a highly qualified expert in international criminal cooperation. In addition, a competitive selection procedure has been set up for candidates. The procedure reportedly includes several rounds of tests on knowledge about mutual legal assistance, language skills etc. Points are given for each round. It is stated beforehand how many points must be reached to advance to the next round of the selection procedure. This could be considered as a best practice for the appointment of the national member as well as for the rest of the desk members (though it probably should not be required for the renewal of a contract).
- The national member is appointed by the Minister of Justice, who may also withdraw him from office (which in fact happened with the former national member) under the condition that such removal is notified to the Council in advance, specifying the grounds for removal..
- The EJM setup in the Slovak Republic is a good example to take after, including its regular meetings and the setup of its sub-network. The use of the EJM is more widely spread than the use of Eurojust in everyday casework even though the EJM in the Slovak Republic can be characterised as a rather central organisation having only three external and internationally acting contact points. However, the domestic sub-network seems to be working efficiently and providing for expertise in the field of international cooperation also on a regional level.

4. EXCHANGE OF INFORMATION

In June 2011, Eurojust developed an electronic form to assist the national authorities with the obligation to transmit information to Eurojust pursuant to Article 13(5) to (7) of the Eurojust Decision in a structured manner, and which has recently been released as version 2.0. In the period May 2011 to April 2012 inclusive, a total of 72 notifications under Article 13 have been registered in the CMS. A majority of notifications (25) are registered under “Article 13(6)(a) (serious crimes)”, followed by “Article 13(5) (JIT)” and “Article 13(6)(b) (involvement of criminal organisation)”.

4.1. Exchange of information from judicial and law enforcement authorities to Eurojust

In the Slovak Republic, all three government bodies involved in criminal proceedings (the police, the prosecution service and the courts) maintain their own information databases of both closed and pending cases. The Institute of Forensic Science of the Police Force keeps the records on DNA profiles, fingerprints, etc. The Register of Previous Convictions is a unit attached to the General Prosecutor's Office. Also available are data from the Central Register of Inhabitants, the Central Register of Prisoners in Bratislava, the Archives of the Corps of Prison and Court Guard in Leopoldov, the Police Force records named PATROS, as well as the records in the Schengen Information System and databases of Interpol. All these databases may be used for the exchange of information with Eurojust and for coordination meetings.

The exchange of information with Eurojust concerning criminal offences falling within the jurisdiction of Eurojust was carried out, as a rule, in a centralised manner, based on the Instruction of the Prosecutor General of the Slovak Republic No 4/2008. However, pursuant to the previous Act on Representation of the Slovak Republic at Eurojust (No 530/2004 Coll.) effective as to 31 December 2011, prosecutors were authorised to contact a national member directly. These issues were also dealt with in the Guidelines issued by a Director of the International Department of the General Prosecutor's Office, ref. No V/1 Spr 8/08, dated 26 May 2008, whereby an obligation has been set forth to send out reminders of the pending requests for legal assistance in the Member States after four months have elapsed. If no answer is received in response to the reminder within two months from the day of its sending out, a prosecutor is obliged to submit the case to Eurojust. Prosecutors from the Regional Prosecutors' Offices may do it directly, simultaneously notifying the International Department of the General Prosecutor's Office of the submission of the case to Eurojust.

For sending out reminders, a principle used in practice consists in giving priority to the EJN over Eurojust.

As regards the obligation to exchange information under Article 2 of Council Decision 2005/671/JHA on the implementation of specific measures for police and judicial cooperation to combat terrorism applied in the Slovak Republic, by virtue of Section 8 par. 1 subpar. b/ of Act No 383/2011 Coll., a Eurojust national correspondent for terrorism matters has been designated, namely one of the prosecutors from the Office of Special Prosecution of the General Prosecutor's Office who ensures the collecting and sending the information within the intention of Article 5 of Council Decision 2005/671/JHA. When a national member requests the information from the police, in the majority of cases, he does so via a national correspondent for terrorism matters, but sometimes also directly. No agreement in this area has been concluded between the Prosecution Service and the Ministry of the Interior. The police provide a national correspondent with data in compliance with the general rules to be followed because of the status of the prosecution service.

When it comes to internal regulations of the Ministry of the Interior, a legal instrument governing the cooperation with Europol is the Ordinance of the Minister of the Interior of the Slovak Republic of 16 January 2012 on International Cooperation via the National Bureau of Europol.

In connection with entering into force of Act No 383/2011 Coll., the way of sending information to Eurojust is currently being changed. The national member at Eurojust for the Slovak Republic has put forward a proposal that the information specifying all the facts referred to in the Annex to the above Act should be send by a respective prosecutor to the national desk at Eurojust, by fax or e-mail. A carbon copy of the information submitted in such a way should be subsequently sent for the attention of the International Department of the General Prosecutor's Office.

Following Act No 383/2011 and its annex where the structure of information to be sent to Eurojust is given in detail depending on the type, by virtue of Section 14 of the Act, the relevant data looks as follows.

For the cases referred to under Section 14 paragraph 3:

- a) data concerning a person, group or an object that is subject to investigation of the criminal offence or to prosecution,

- b) the Member States concerned,
- c) information on the relevant criminal offence and related circumstances,
- d) data concerning the issued requests for judicial cooperation or decisions on judicial cooperation that include:

1. date of sending the request,
2. requesting authority or the authority of origin,
3. requested or executing authority,
4. type of the request (requested measures),
5. information on whether the request has been handled, and if not, what is the reason.

For cases referred to under Section 14 par. 4 subpar. a):

- a) involved Member States,
- b) designation of the relevant criminal offence,
- c) date of the creation of a joint investigation team,
- d) envisaged period of the joint investigation team's activities, including any changes made to the length of this period,
- e) contact data of a head of the joint investigation team in each Member State of the EU,
- f) brief summary of the results achieved by joint investigation teams.

For the cases referred to under Section 14 par. 4 subpar. b):

- a) involved Member States and competent authorities,
- b) data concerning a person, group or an object that is subject to investigation of the criminal offence or to prosecution,
- c) information on the relevant criminal offence and related circumstances.

For the cases referred to under Section 14 par. 4 subpar. c):

- a) involved Member States,
- b) data concerning a person, group or an object that is subject to investigation of the criminal offence or to prosecution,

- c) type of delivery,
- d) designation of the criminal offence in connection wherewith the controlled delivery is being carried out.

For the cases referred to under Section 14 par. 4 subpar. d):

- a) requesting state or the state of origin,
- b) requested or executing state,
- c) description of difficulties.

Eurojust in cooperation with the Slovak national desk at Eurojust have provided the translation of the so-called intelligent pdf-form into the Slovak language. This form is available at the national desk where, upon the proposal put forward by the national member, the form should be filled in and translated into English. The national desk should be in charge of its timely submission to the analytical department at Eurojust, and it should also be responsible for correctness and completeness of the forwarded information. At the time of the evaluation mission to the Slovak republic, 14 reports on criminal cases had been forwarded to the national member at Eurojust. Cases pursuant to Article 13 of the Eurojust Decision have not been identified yet. That is the reason why the Slovak national desk has not yet forwarded any information to the analytical department.

The exception within the intention of Article 13(8) of the Eurojust Decision has not been applied yet in the Slovak Republic.

4.2. Feedback by Eurojust

Since the Slovak Republic has not sent a report pursuant to Article 13 of the Eurojust Decision, no feedback has been sent to the Slovak authorities. Generally speaking, there are no practical or legal difficulties when exchanging information with Eurojust. However, there are concrete cases in which the Slovak Republic has not succeeded in getting required pieces of information within the framework of the provision of legal assistance to the Slovak Republic from certain states, even when assisted by Eurojust.

The Slovak Republic does not have suggestions regarding how to improve this information exchange in the future.

According to Eurojust's answers to the questionnaire submitted to them, Eurojust does not hold a statistical overview of the information sent to competent national authorities under Article 13a of the Eurojust Decision. Eurojust routinely provides operational and strategic information and feedback to these authorities. Information and feedback are provided mostly informally via direct contact between the national member, deputy national member and assistants, and the authorities of his/her Member State. Eurojust expects to expand the extent and nature of its feedback as a result of an increase in case-related information received from national authorities pursuant to Article 13, in particular paragraphs 1, and 5 to 7. The extent and nature of this feedback greatly depends upon the amount, timing and contents of the information sent to Eurojust. Additionally, new types of operational and strategic feedback can be provided in connection with the new powers granted to Eurojust and to its obligation under Article 13a.

4.2.1. E-POC project

The Slovak Republic does not participate in the E-POC IV project.

4.3. Conclusions

- Prosecutors in the Slovak Republic try to prioritise foreign requests with tight time limits, even over domestic cases. As regards time limits, the Slovak Republic normally executes a request within one month. According to the Slovak Republic, the Czech Republic, Austria, Hungary and Poland normally execute within a four-month time limit. If a letter of request sent from the District Prosecutor's Office is not executed, then they turn to the Regional General Prosecutor's Office to send a reminder, via Eurojust or the EJN.
- The factual role of the General Prosecutor's Office puts it in a central position as regards direct contacts with the national member of Eurojust due to reporting obligations towards the General Prosecutor's Office in international criminal matters. The monitoring role of the General Prosecutor's Office should be carried out with prudence not hindering the flow of information.

- MLA requests from the Slovak Republic normally are handled through the General Prosecutor's Office, although there is a possibility for a direct approach from individual prosecutors. It was said during the meetings that both ways are in use, but the experts got the impression that individual prosecutors are somewhat hesitant towards a direct approach. The official point of view is that in daily practice there are no obstacles to either approach, but it appears that a rather significant amount of requests have never made it further than the General Prosecutor's Office. Neither the national member knew that there were requests pending, nor were the individual prosecutors informed that their requests had not been forwarded to the national member.
- Consequently, it is rather unclear how many cases there are in the Slovak Republic which should have been provided to either Eurojust or the EJC, but did not get there. The "dark number" is unknown and not possible to estimate: this goes for all Member States. The operational practice seems to be more hierarchical than is foreseen by the Eurojust Decision and, as noted above, although the possibility of direct contacts is widely known within the prosecution service, individual prosecutors still seem hesitant to act independently. There are examples contrary to this. The District Prosecutor's Offices have direct contacts with the national member, especially in urgent matters. In their understanding, they should inform the General Prosecutor's Office about such contacts, but it was clear that this is not always the case.
- According to the General Prosecutor's Office, it cannot happen that the originating prosecutor would not be informed if his request was stopped, which in their view could happen. For instance, if the answer can be found at the General Prosecutor's Office or when a prosecutor submits a request which is not within the jurisdiction of Eurojust. This aside, it suffices to say that feedback is a cornerstone of a functioning information exchange system and it should be promoted at all levels.
- The problem with the limited number of direct contacts from the district or regional levels, as far as the experts are concerned, is not that the General Prosecutor's Office is kept informed and copied into foreign exchanges. On the contrary. Moreover, following the setting up of the ENCS, the national correspondent (and thus the General Prosecutor's Office) should be

informed of all direct contacts. (As it is today, only the Slovak Eurojust National Member has an overview of all contacts of the Eurojust National Member, and the relevant bodies are informed about specific crimes.) This creates an overview which is valuable for the system to run smoothly. The national member has received two notifications about terrorism offences so far. He gets reports directly from the national correspondent on terrorism through email or fax. If the notification is sent via email then it is forwarded to the analysis unit of Eurojust. The evaluation team presumes that such correspondence is done via secure link.

- As regards Article 13, in 2011, one case was forwarded to Eurojust itself fulfilling the Article 13 criteria. In 2012, 14 reports have been forwarded to the national member, but no Article 13 cases have yet been identified. The national member evaluated each of them and judged that none of them falls under Article 13. In the view of the General Prosecutor's Office, they do not have crimes that fall within the reporting obligation. Nevertheless, it seemed during the evaluation visit that there were more cases that should have been reported to Eurojust in accordance with Article 13 of the Eurojust Decision than what actually arrived at the national desk. Some 26 reports on international cases have been sent this year to the General Prosecutor's Office, but as already mentioned, only 14 were forwarded to the national member.
- Since the Slovak Republic has not sent a report pursuant to Article 13 of the Eurojust Decision in 2012, no feedback has been sent to the Slovak authorities. The Slovak authorities note that in general, there are no practical or legal difficulties when exchanging information with Eurojust. The experts were not in a position to verify this opinion.

- Further cases as regards Article 13 will be sent through the General Prosecutor's Office to the national member. On 6 February 2010, the national member sent a letter proposing a certain way of information transmission to Eurojust as regards Article 13. The proposal was that the Article 13 template should not be used, partly due to the fact that there is no Slovakian speaking analyst at Eurojust and not all Slovak prosecutors can be expected to fill in a form in English. Instead, the national member will translate everything into English and fill in the template. At the time of the evaluation, it was not clear if the proposal has been accepted or not. However, as it stands, the Article 13 template has not been introduced by the national member to national prosecutors. It remains to be seen how this proposed system will work in practice, especially if the amount of Article 13 notifications were to grow considerably in the future.

5. Operational aspects

The main objectives of Eurojust under Article 3 of the Eurojust Decision are to stimulate and improve the coordination of investigations and prosecutions in the Member States, to improve cooperation between the competent authorities of the Member States as well as to otherwise support the competent authorities of the Member States in order to render investigations and prosecutions more effective.

5.1. Practical experience in relation to Eurojust

The Slovak desk at Eurojust keeps statistics over cases where the Slovak Republic requests assistance from other Member States as well as when other Member States requests assistance from the Slovak Republic. Statistical data are evaluated at regular intervals, and the national desk draws up detailed report that comprises statistical data.

The statistical data are as follows:

2008

- Number of cases where the Slovak Republic was a requesting party: 39
- Number of cases where the Slovak Republic was a requested party: 42
- Number of unregistered cases: 48

2009

- Number of cases where the Slovak Republic was a requesting party: 44
- Number of cases where the Slovak Republic was a requested party: 51
- Number of unregistered cases: 25

2010

- Number of cases where the Slovak Republic was a requesting party: 29
- Number of cases where the Slovak Republic was a requested party: 52
- Number of unregistered cases: 17

2011

- Number of cases where the Slovak Republic was a requesting party: 23
- Number of cases where the Slovak Republic was a requested party: 71
- Number of unregistered cases: 32

In the majority of cases, a case is referred to Eurojust at the stage of investigation in pre-trial proceedings, in particular in complicated and urgent cases (especially involving custodial remand) or in the cases that have been pending over a long period of time. It is done so especially in the cases where communications with the competent judicial authorities of the requested state have been stagnating. There is a special category of cases where the study of the foreign country's legislation is necessary, mainly in the cases of dual criminality, requiring a committed act to be punishable in both countries, and in the transfer of prosecution to the foreign jurisdiction. There also occurred proceedings on the European Arrest Warrant, where a person was apprehended on the territory of the Slovak Republic. However, the state that had issued the European Arrest Warrant did not provide its translation, and therefore Eurojust was contacted to eliminate this inconsistency.

5.2. Allocation of cases to Eurojust or the EJM or others

As regards choosing Eurojust or the EJM contact points or any other actors over the other when requesting assistance in a case, in the majority of cases, priority is given to the EJM, especially due to greater flexibility and the possibility for contact points to address directly and informally the contact points of a requested Member State. The criteria to be met when making the decision on a platform that would be used by the national authorities also include urgency, criminal cases involving custody remand, criminal cases receiving media coverage, comprehensive nature of a case, as well as the fact whether or not Eurojust or the EJM were used in a certain criminal case in the past. When sending out reminders of the pending requests for legal assistance, the EJM contact points are always preferred. The cooperation with Hungary, the Czech Republic, Poland and Austria was highlighted as the best.

5.3. Experience of cases in relation to the competences attributed to Eurojust

The powers and responsibilities of a national member are set out under his mandate. When it comes to sorting out and registering the cases, the national member has introduced a registry service that covers all the cases at the national desk.

In practice, a national member is being contacted either via a central authority, which is the International Department of the General Prosecutor's Office, upon a request by the competent prosecutor, or directly by the competent prosecutor himself. In case of a request from abroad to the Slovak Republic, the national member contacts the relevant Slovak authorities directly notifying the International Department of the General Prosecutor's Office of this procedure.

A note about each contact with Eurojust is recorded in the file kept by the competent prosecutor supervising the case. There are no generally binding regulation or any other internal ones which set out the formal requirements to be met, or the special procedures to be followed when communicating with a national member. Based on existing practice, a national member draws up a formal report upon request by a prosecutor. Otherwise the communication is done in a less formal manner through e-mail.

5.3.1. Cases related to the tasks of Eurojust acting through its national members (Article 6)

According to Eurojust's answers to the questionnaire submitted to them, informal requests are an essential part of the daily business conducted by the national desks at Eurojust. The vast majority of requests are made informally, for instance by phone or e-mail. In practice, informal operational guidance and recommendations are generally the result of early informal discussions between national members and their respective national authorities and they are favoured over the use of formal requests under Article 6 of the Eurojust Decision. These have nevertheless been used, for instance when specifically required by the national law of a Member State concerned that formal requests are used. Also, the formal recording of these requests tends to occur when audit trails of decisions are a requirement of procedural arrangements in particular Member States. In general, it is Eurojust's experience that the respective judicial authorities provide sufficient information.

As regards the Slovak Republic, a national member at Eurojust addresses the national authorities requesting them, in particular, to query the registers of the Ministry of the Interior or of the police, to provide the information on pending criminal proceedings in the Slovak Republic, to provide information from the registers of the Prosecution Service, as well as to examine witnesses. The national authorities cooperate with a national member in a prescribed manner and the adequate level of cooperation is ensured.

A national member also checks upon the stage of handling the request, ascertains the potential obstacles that could prevent the timely and thorough handling of the request, is responsible for keeping the authorities of a requesting and requested state informed and facilitates the handling of the request.

5.3.2. Cases related to the tasks of Eurojust acting as a college (Article 7)

Article 7 of the Eurojust Decision has not been applied yet in the Slovak Republic. The Slovak Republic has not solved an issue concerning the conflicts of jurisdiction with the College of Eurojust, nor has the Slovak Republic asked or received a written non-binding opinion of the College of Eurojust in relation to recurrent refusals or difficulties concerning the execution of requests for, and decisions on, judicial cooperation, including regarding instruments giving effect to the principle of mutual recognition.

According to Eurojust's answers to the questionnaire issued to the agency, Eurojust's continuous dialogue with judicial authorities and law enforcement agencies on operational matters normally takes place through direct contact by way of both informal and formal exchanges between the national desks involved. As a result of this fruitful dialogue, formal requests under Article 7 of the Eurojust Decision have normally not been considered necessary. (From Eurojust's casework, it appears that only a number of Member States, due to specific rules concerning the conduct of investigations, require formal written requests.)

With respect to Articles 7(2) and 7(3) of the Eurojust Decision, it should be noted that they only entered into force in June 2009 and that there has been no practical experience with these provisions. As a result of the absence thus far of deadlock situations where neither the national authorities nor the national members concerned have been unable to reach an agreement on how to resolve a case of conflict of jurisdiction, Eurojust acting as a College has not yet been asked to issue a written non-binding opinion on this matter according to Article 7(2) the Eurojust Decision.

5.3.3. Cases related to the powers exercised by the national member

The powers of a national member are set out under Section 4 of Act No 383/2011 Coll. on Representation of the Slovak Republic at Eurojust. The Slovak authorities have experience

especially with respect to the powers granted to a national member pursuant to Section 4 par. 1 subpar. c/ of the Act, namely with the exercise of the power of a national member to address the Prosecution Service when requesting the cooperation and information necessary for the fulfilment of the tasks of Eurojust. In such cases, a national member addresses directly the competent Prosecutor's Offices and the communication is performed by phone or e-mail, and the information is submitted in a prescribed manner (e-mail, mail, fax).

As a general rule, the Slovak authorities positively evaluate the cooperation provided by a national member in speeding up the handling of requests for legal assistance, or in obtaining preliminary information on foreign law.

Asked to describe the experience with respect to the use of the specific powers granted to the national member in agreement with a competent authority of the Slovak Republic, such as issuing and completing requests for, and decisions on, judicial cooperation, executing such a request, or ordering investigative measures in your Member State, the Slovak Republic replies that a national member has not been granted such specific powers by virtue of Act No 383/2011 Coll., and the Slovak authorities do not have experience with them, as Article 9c of the Decision on strengthening of Eurojust has not been transposed into the national law of the Slovak Republic.

Separate transposition of Article 9c and 9d in the Eurojust Decision was not deemed as necessary because the said powers are available to the Slovak national member in Eurojust since he has status of a prosecutor of the International Department of the Slovak Prosecutor General's Office, although it is likely that practical exercise of these subsidiary powers will not come in question.

As regards powers exercised in urgent cases (Article 9d (b)), a national member has not been granted such specific powers by virtue of Act No 383/2011 Coll., and the Slovak authorities do not have experience with them.

As noted before, a national member, in addition to the powers of a prosecutor pursuant to separate regulations, has the right to directly address the Prosecution Service, courts, the Police Force, the Military Police, the Corps of Prison and Court Guard, customs authorities, tax authorities, the Slovak Intelligence Service, the Military Intelligence Service, the National Security Authority and other government bodies, requesting them to provide cooperation and the information necessary for fulfilment of the tasks of Eurojust.

According to the Slovak authorities, the above provision makes a national member competent to submit proposals of the competent authority, also for the purposes of exercising the powers pursuant to Articles 9c and 9d of the new Decision on Eurojust.

5.4. Practical experience related to coordination meetings

The Slovak Republic perceives coordination meetings very positively. In their view, coordination meetings contribute towards determining a joint procedure to be followed by different states involved in more complicated cases, where it is necessary to harmonise numerous measures taken by the Member States so that the chosen procedure leads to a successful completion of an operation. In the majority of cases, a reason for convening a coordination meeting is the exchange of information, determination of the form, content, manner and conditions in respect of a concrete legal assistance related to the criminal case concerned. Coordination meetings provide a good platform for taking subsequent measures in order to properly follow all the necessary procedures.

Under the provision of Section 9 of Act No 383/2011 Coll. on Representation of the Slovak Republic at Eurojust, there are not envisaged special tasks of the ENCS in respect with organising and implementing coordination meetings. Since the ENCS is not yet operational, the Slovak authorities do not have any experience with the role of the ENCS in respect with coordination meetings.

5.5. Use of the On-call coordination (OCC)

According to Eurojust's answers to the questionnaire submitted to them, several requests have been processed through the On-call coordination (OCC). The OCC has proven to be useful because it gives Eurojust the opportunity to act immediately. Most national desks can also be contacted directly via their mobile phones outside of normal office hours, without the involvement of the technical infrastructure of the OCC System. This is a long-established practice, prior to the launch of the OCC. Eurojust is planning to conduct an evaluation on the functioning of the OCC system in 2012.

As regards the Slovak Republic, by virtue of Section 5 par. 1 subpar. h/, Section 12 par. 2 of Act No 383/2011 Coll. on Representation of the Slovak Republic at Eurojust, a national member is obliged to participate in the OCC system, and in urgent cases, prosecutors and judges may address a national member within the system.

Based on the information provided by the national desk at Eurojust, there is a telephone number available. In the event that it is not accessible, there is another telephone number at disposal where a calling party should be automatically re-directed to the phone number of the national member.

The Slovak Republic has not so far dealt with other practical issues related to the use of the OCC system.

5.6. Experience of cases relating to the cooperation between the ENCS and the Europol national unit

Since the ENCS is not yet operational, the Slovak Republic does not yet have experience of cooperation in a concrete case between the ENCS and the Europol national unit.

5.7. Conclusions

- The national member seemed to be widely involved in bilateral and non-priority cases. According to the General Prosecutor's Office, many cases are handled bilaterally through direct contacts established long time ago instead of going via Eurojust. There seems to be a need to raise the awareness in the Slovak Republic at local level on the added value of Eurojust and its national member and to keep it in mind its intervention as a "daily" possibility.
- According to the Slovak national member, the national member does more than what becomes visible in College meetings. The national member established an administrative system (a register) at the Slovak desk at Eurojust for all matters addressed to it.⁷ According to the national member, the system brings transparency and order and provides a source of information.

⁷ Established on 1 January 2008, the register is divided into nine separate parts: documents containing organisational and personal questions; working groups; activity reports; legislation; cases in which Slovakia is the requesting state; cases in which Slovakia is the requested state; cases not registered at Eurojust; general subjects (questionnaires); and reports pursuant to Instruction No 4/2008 of the Prosecutor General. The purpose of the register is to provide an overview of the ideas and work objectives, strengthen contacts established with the national representation and make it possible continuously to monitor the status of case handling. The register is available to all members of the Slovak representation at Eurojust.

It is clear that better statistics as regards unregistered cases at Eurojust are needed as national members do more than what is registered at Eurojust. From a practical point of view, the file management system set up by the national member is interesting, however the feasibility of registering received information would also seem to be linked to appropriate support to national desks by staff at Eurojust. It seems clear that some parts should actually be registered by Eurojust as an organisation and not by individual national members. One example is questionnaires.

- The Slovak national member spends some 40 per cent of his time on case work and 60 per cent on other issues. This workload balance could be changed leaving considerably more room for operational work to allow Eurojust to achieve its goals as foreseen in the Eurojust Decision. The experts suspect that this situation is not only limited to the Slovak Republic but that it may hold true for other Member States as well, suggesting that changes could be introduced at different organisational levels. Future evaluations will have to shed more light on this issue.
- The national member has to report extensively to several authorities and uses this opportunity to make recommendations on how to improve relations and working methods involving Eurojust. This is an interesting practice together with the possibility of making such recommendations more widely known, for instance by incorporating them into activity reports by the national institutions involved or by circulating them between relevant practitioners.
- In the Slovak Republic, there is no memorandum of understanding or binding regulation differentiating between cases to be handled via the EJM and those where Eurojust must be used. According to the Slovak authorities, it is important that judicial authorities be able to decide on an ad hoc basis which of the existing possibilities they will make use of, since they are responsible for its implementation. Practical experience indicates that judicial authorities' decisions are influenced primarily by the nature and seriousness of a criminal case, its urgency, past experience of dealing with requests vis-à-vis the country concerned, informal contacts,

experience with the activity of the EJM in Slovakia and of the national member of Eurojust, and by any information submitted to Eurojust, on the basis of which Eurojust provides additional particulars of the existence of any cases relating to the criminal case in the Slovak Republic, etc.⁸ Awaiting the setting up of the ENCS, the distribution of cases between Eurojust and EJM seems to be made at the level of the General Prosecutor's Office on a case-by-case basis. According to the General Prosecutor's Office, many cases are handled bilaterally through direct contacts established long time ago instead of going via Eurojust.

- The Slovak Republic has a very positive view on coordination meetings. According to the Slovak authorities, coordination meetings contribute towards determining a joint procedure for different states involved in more complicated cases, where it is necessary to harmonise numerous measures taken by the Member States leading to the successful completion of an operation.
- A delegate in a coordination meeting must get prior approval from the General Prosecutor's Office. It is a formal process when the Special Prosecutor's Office initiates a procedure, then it moves through the General Prosecutor's Office. The experts remain uncertain why such a degree of centralisation is needed, especially in circumstances where cases are already up and running.

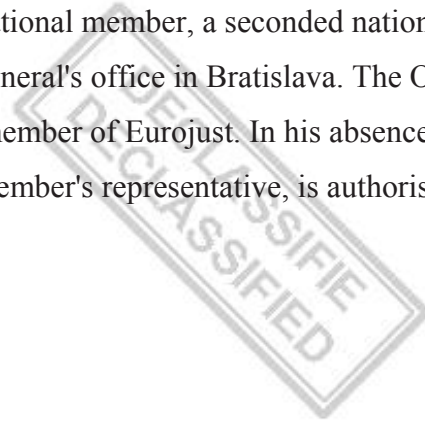
⁸ Except in cases where there is a statutory obligation to supply information to Eurojust, there are no criteria laid down in writing for assigning cases to the EJM or Eurojust. Judicial authorities have discretion as to which procedure to opt for. Responsibility for criminal cases lies, in pre-trial procedures, primarily with the public prosecutor in charge, who decides on how to handle a criminal case with a foreign element.

Criteria currently used in practice when assigning a case to Eurojust: 1. where a request has been forwarded in a case which falls within the competence of Eurojust (cases in which there is an information obligation), 2. where a request needs to be dealt with as quickly as possible (urgency - e.g., inter alia, where there is a binding obligation), 3. if the request involves coordination in two or more Member States, 4. if a parallel investigation is being conducted in two or more Member States and this is justified by other circumstances, 5. if the request involves carrying out extensive actions (complex request in serious cases, or cases with a large number of actions and actors), 6. if the request has not been dealt with within a reasonable time and the requested state does not respond (even via the EJM), 7. if consideration is being given to setting up a Joint Investigation Team with the participation of Eurojust.

Criteria currently used in practice when assigning a case to the EJM: 1. when obtaining information on legal provisions, 2. when ascertaining the jurisdiction and addresses of authorities in another Member State, 3. in cases relating to two Member States, 4. when there is no especial urgency in dealing with the request.

RESTREINT UE/EU RESTRICTED

- As regards the OCC, a national member is obliged to participate in the OCC system, and in urgent cases, prosecutors and judges may address a national member within the system. Most national desks can also be contacted directly via their mobile phones outside of normal office hours, without the involvement of the technical infrastructure of the OCC System. The Slovak national representation at Eurojust is made up of the national member, a seconded national expert and an assistant who works at the Prosecutor General's office in Bratislava. The OCC's tasks are therefore carried out by the Slovak national member of Eurojust. In his absence, the national member's assistant, who is also the national member's representative, is authorised to carry them out.



6. Cooperation

According to Section 13 of Act No 383/2011 Coll., whereby the Council Decision concerned has been implemented, the authorities involved in criminal proceedings and the courts, or any other government authorities, shall handle the requests for cooperation made by a national member and by Eurojust without delay.

The authorities involved in criminal proceedings and the courts may, via a national member, notify Eurojust of repeated refusals or difficulties experienced in handling the requests for judicial cooperation or in execution of a decision on judicial cooperation with respect to the authority of the Member State, and they may request the College of Eurojust to issue a written statement, unless the matter may not be resolved by mutual agreement with the authority concerned, or by cooperation of the national members concerned.

If the authorities involved in criminal proceedings and the courts or any other government authorities do not satisfy the request of a national member at Eurojust to provide an assistance, or they refuse to obey the written statement issued by Eurojust, they shall forthwith notify Eurojust of their decision via a national member, specifying the grounds thereof. No grounds shall be given if set forth so under the separate regulation.

Apart from the procedures described above and elsewhere in this report, there are no specific procedures to be followed when exchanging information with and involving Eurojust. The practical functioning of the national desk at Eurojust is fully conditional upon the cooperation with the national authorities. In this field, both sides have positive experience, and have not encountered any significant problems. The major part of criminal cases registered by a national member pursuant to Article 4 paragraph 2 of the Eurojust Decision does not fall within the primary jurisdiction of Eurojust. These include the criminal offences of neglect of compulsory maintenance, bodily harm, or the criminal offences of property nature. A national member of the Slovak Republic prefers to deal with such cases without registering them with the College of Eurojust.

6.1. Relation with law enforcement authorities (Europol national unit, Sirene, ...)

As already noted, a national member, apart from the powers of a prosecutor pursuant to special regulations, has the right to directly contact the Prosecution Service, courts, Police Force, Military Police, Corps of Prison and Court Guard, customs authorities, tax authorities, Slovak Intelligence Service, Military Intelligence Service, National Security Authority, and other government bodies, and to request them to provide assistance and information necessary for fulfilment of the tasks of Eurojust.

6.2. Participation of national members in joint investigation teams (Article 9f)

According to Eurojust's answers to the questionnaire submitted to them, Eurojust assists practitioners in the area of joint investigation teams (JITs) in the drafting, amending and extending JIT agreements. From its frequent dealings in JITs, Eurojust has also developed expertise that allows it to advise on potential legal obstacles and help prevent other difficulties. Eurojust national members, deputies and assistants have participated either as competent national authorities or on behalf of Eurojust in 29 JITs during 2011, 20 JITs during 2010, and 7 JITs during 2009.

The role of Eurojust in assisting Member States has also been recognised in Article 13(5) of the Eurojust Decision which provides that Member States have to inform Eurojust of the setting up of JITs, established either under the 2000 MLA Convention or the Framework Decision 2002/465/JHA, and of the results of the work of such teams. Eight notifications were received at Eurojust under this provision in 2011, 11 in 2010, and 10 in 2009.

In addition to its practitioner advice, Eurojust has financially and logistically supported JITs via its JIT Funding Project, so that financial limitations are not an obstacle to the use of JITs in fighting organised crime groups. Eurojust has been able to support 34 JITs in 2011, 22 in 2010, and 5 in 2009.

As regards the Slovak Republic, at the end of 2011, there were created 4 joint investigation teams, and the authorities of the Slovak Republic have not requested funding from the EU resources. Within the JIT provisionally designated GRAFIT with the Czech Republic, funding was requested, however, by the Czech authorities.

The Slovak Republic considers the JITs to be a generally useful tool, but point to the fact that the request itself and subsequent financing of the JIT activities from the EU funds is administratively demanding. They further believe that national members at Eurojust contribute towards the functioning of the JIT by their expertise and through the network of contacts in other Member States or in third countries, what undoubtedly facilitates cooperation within the framework of the JIT and makes it more effective. The Slovak Republic has not experienced such participation in a JIT carried out partly on its territory.

Eurojust is being kept informed on all the established JITs with the involvement of the Prosecution Service of the Slovak Republic.

6.3. Cooperation with other EU agencies

According to Eurojust's answers to the questionnaire submitted to them, OLAF carries out administrative investigations of crimes affecting the financial interests of the EU and transmits relevant information to Eurojust when it appears that a case directly involves judicial cooperation between the competent national authorities of two or more Member States, or where the case concerns a Member State and the European Union. Close cooperation between Eurojust and OLAF is essential to help ensure that the taxpayers of the EU are protected from cross-border fraud. OLAF and Eurojust cooperate on an institutional and operational level.

Europol is an important partner in Eurojust's work. Alongside continuous strategic cooperation, Eurojust has also developed intensive operational cooperation with Europol. Casework cooperation with Europol is increasing steadily. In 2011, Europol was represented at 89 of Eurojust's coordination meetings (1/3 of the total number of Eurojust coordination meetings), compared with 41 in 2010. Moreover, the exchange of operational information between Europol and Eurojust has improved throughout the years. Messages sent through the secure communication link between Eurojust and Europol increased by 35 per cent in 2011.

In addition, Eurojust is associated with 17 out of 23 Analysis Work Files (AWFs) at Europol. Eurojust representatives are appointed to each AWF and participate in the respective meetings and support the work of the AWF by contributing with feedback on cases or trends from a judicial viewpoint. However, some Member States are opposed to offering Eurojust associate status in certain important AWFs, such as Islamic terrorism and domestic extremism. The negotiations on this are still ongoing.

Negotiations between Eurojust and Frontex with a view to concluding a Memorandum of Understanding in accordance with Article 26(1) of the Eurojust Decision are ongoing. In 2011, Eurojust participated in the Frontex project “Trafficking in Human Beings Training for Border Guards” to develop specialised training for border guards within the European Union and the Schengen Associated Countries. Prosecutorial and judicial aspects were taken into account with a view to the development of common curricula.

As regards cooperation with other EU agencies, the Member States were asked to describe their policy, if any, with respect to the involvement of Eurojust in cases involving OLAF or other EU agencies such as Europol and Frontex.

Following the answers to the questionnaire, Europol is being used by the national desk of the Slovak Republic at Eurojust for analytical support when handling the cases. The requests for cooperation, as well as the contributions of the national desk into the Europol's Analytical Work Files are being sent through a liaison officer at the Slovak national desk at Europol. In this area, the Slovak authorities do not have other practical experience, and the procedure followed when involving other EU agencies has not been specifically set out.

6.4. Cooperation with third states

The Slovak Republic has experienced that the involvement of Eurojust has given an added value to cases related to third states. For instance, the national desk of the Slovak Republic at Europol has exceptionally good experience in cooperation with a Croatian liaison prosecutor, and what they consider being a strong advantage, is a permanent representation of liaison prosecutors from Norway and the USA.

6.5. Practical experience of the EJM

The Slovak desk at Eurojust has repeatedly contacted the EJM. The cooperation was evaluated as good, since contact points responded adequately to the requests raised by the national desk. On a regular basis, the national member at Eurojust communicates with the main contact points of the EJM in the Slovak Republic.

From the budget of the General Prosecutor's Office of the Slovak Republic, resources are allocated on an annual basis to cover both the training of the contact points and their routine activities carried out to fulfil their tasks and participate in the EJM activities within the EU.

Generally speaking, the EJM is given priority when sending out reminders of the pending requests for legal assistance. The cooperation with Hungary, the Czech Republic and Poland is considered excellent. The contact points established in these countries respond, in the majority of cases, immediately after receiving a request for information. The major advantage is the fact that the EJM contact point have met other contact points in person at the EJM plenary meetings, which has an effect on the effectiveness and speedy handling of the requests.

Another part of the EJM agenda is the provision of general information that is not related to concrete criminal cases to the EJM Secretariat and to other agencies of the EU, upon their request. On average, there are 10 such requests a year.

The largest number of requests was sent abroad regarding legal assistance in concrete cases (mostly reminders to speed up the legal assistance provision, additional information, etc.) The information concerning foreign law and the determination of competent judicial authorities ranks among other rather frequently occurring issues. Totally, the contact points accomplished 25 requests from abroad, 42 requests were sent abroad.

Contact points are allowed to contact all relevant authorities and exchange information within their country to be able to perform their tasks. In the course of handling requests in concrete criminal matters, the EJN contact points from the Prosecution Service contact a relevant Prosecutor's Office directly, or through it, when need arises, they are empowered to contact the police units and to obtain information from them. Further, they are empowered to cooperate with Interpol, SIRENE, or with the police cooperation centres established pursuant to the bilateral agreements with the neighbouring countries. The contact points of the Prosecution Service may also contact the courts directly. The above powers result from the status of the contact points within the Prosecution Service who simultaneously hold the positions of prosecutors, and pursuant to Section 3 par. 1 of the Code of Criminal Procedure, the government bodies, self-governing territorial units, municipalities, legal entities and natural persons have the duty to provide assistance to the bodies involved in criminal proceedings and to the courts.

6.5.1. The EJN Website

Reporting on the EJN Website and its tools (such as the Atlas, EAW Wizard, Library...), the Slovak Republic believes that the website and its tools meet all the expectations of the EJN contact points as well as of other persons that make use of them. The most frequently used tool is the Atlas – a tool of mutual legal assistance that allows for the identification of the competent judicial authority responsible for implementing requests for judicial cooperation. Likewise, the website is used to identify concrete EJN contact points in different countries.

According to the Slovak Republic, the maintaining and updating of the information contained in the EJN website in relation to the Slovak Republic is carried out by the EJN Secretariat upon a motion by a Member State or by the Council of the European Union. They note that, in spite of timely and repeated notifications addressed to the Council of the European Union from the Slovak Republic, the data at website has not been updated. Certain updates (for instance in the Atlas) are carried out solely by Member States via the so-called back-office, which is accessible for the Slovak Republic through a national correspondent and an assistant to a national correspondent.

The *Fiches Belges* are used to find out a definition and the conditions under which certain means of evidence are used prior to potential submitting of the request for legal assistance. The compendium as a tool of the mutual legal assistance is not used. The Slovak Republic is kept informed of the changes or new applications at the EJM website at the EJM plenary meetings, or via e-mail.

A negative assessment is given to repeated technical failures at the website, the result of which is a lack of round-the-clock availability, as well as information that is not updated.

6.6. Conclusions

- During the visit to the Bureau of International Police Cooperation it became clear that so far there are no direct contacts between this office and the national member, not even in EAW cases.
- The Organised Crime Unit of the Slovak police has direct, informal and good contacts with the national member. This slightly contradicts the view presented by the Europol desk representative arguing that all contacts should go via the ENU. It appears that this in fact does not happen.
- There is a secure link between Europol and Eurojust. However, the ENU does not communicate with Eurojust directly (since messages cannot at the moment be sent directly to a specified person). As the Europol desk has no direct access to police registers in the Slovak Republic, only via the ENU, a direct contact between the national member and the ENU should be set up without delay, as has been done already by other Member States.
- Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the EU has been implemented in the Slovak Republic. However, it is the main responsibility of the Ministry of Interior, and it is not used for information transferred to Eurojust. In addition, the police does not send information on a regular basis to Eurojust, as provided for by Slovak law where it states that authorities involved in criminal proceedings should do so. According to them, the responsibility is on the General Prosecutor's Office, and it would not in their view make sense to duplicate the information obligation but rather put it only on one authority. The evaluation team believes that

Framework Decision 2006/960/JHA should be used also for forwarding information to Eurojust, and also that the police should and could send information to Eurojust whilst avoiding duplication. Generally speaking, the exchange of operational information is the task of police and other law enforcement authorities, and there could be cases where the police has information which the General Prosecutor's Office does not.

- At the police, no formal criteria seem to be in place to measure effectiveness. Instead, international police cooperation is deemed effective when they get the information they need or arrests, to an extent placing effectiveness and its measurement in the hands of external partners. The Slovak Republic should ensure that efficiency measurement mechanisms, along with common EU priorities, are incorporated within the national planning systems of law enforcement agencies as well as the prosecution service, including the use of Eurojust.
- In the Slovak Republic, there was some positive experience with JITs (the Slovak authorities have participated in 4 JITs so far), for which EU financing had not been required. Generally, all persons interviewed have considered that the fact that Eurojust is involved in a JIT brings a substantial added value because it enhances the quality of the JIT. The evaluation team was not made aware of any attempts to apply for JIT/funding. Nevertheless, the Slovak Republic finds JIT requests and subsequent financing of the JIT activities from the EU funds administratively demanding. In the opinion of the Slovak authorities, , it would simplify the system if applications were accepted in several languages and not only English. Furthermore, they suggest that a good solution for the future would be to reduce the amount of documentation required for JIT funding. and that the financial aspects of the JIT should as far as possible be treated separately from the actual contents of the investigation since there is always a risk of information being revealed which should not be made public.
- In the Slovak Republic, a JIT must always be led by a prosecutor The team is normally set up by the General Prosecutor's Office (so authorisation is needed from there).

- Cooperative relations have been established between Eurojust and Europol, OLAF and Frontex. The Slovak republic emphasises that Eurojust's main strategic partner is Europol. Cooperation with OLAF is in their view adequate given the possibilities offered by OLAF in the scope of its work. Cooperation with OLAF is carried out between the Special Prosecutor's Office and OLAF, either directly or via a unit in the Government Office of the Slovak Republic known as AFCOS.⁹
- Eurojust has official contact points (prosecutors on high level or representatives in Ministries of Justice) in around 30 third countries. The Slovak Republic believes that the involvement of Eurojust has given an added value to cases related to third states. The secondment of liaison magistrates by Eurojust to third states, as foreseen in the new Eurojust Decision, is deemed as useful. If the Slovak Republic could choose, Eurojust should post a liaison magistrate in Ukraine.
- The Slovak desk has repeatedly contacted the EJM. On a regular basis, the national member at Eurojust communicates with the main contact points of the EJM in the Slovak Republic but also in other Member States. The fact that the national member himself cooperates with the EJM is a good practice.
- All recognise the importance of the EJM tools. However, the list of contact points at the EJM website is not updated. According to the Slovak authorities, there are two problems with the lack of updates in the Atlas. First, information is simply missing. The EJM Secretariat has said that they would communicate the information themselves to the Council. Second, there is a technical problem. In the list of countries the Slovak Republic is not listed. The Slovak authorities have contacted the EJM Secretariat but no solution has yet been found. The Council Secretariat confirms that all information received is communicated, also to the EJM.

⁹ A cooperation agreement has been signed between the Prosecutor General's Office of the Slovak Republic and AFCOS, under which, at regular (3-month) intervals, information on all criminal offences related to possible prejudice to the EU's financial interests is provided to AFCOS and subsequently to OLAF.

7. Special investigative techniques

7.1. Controlled deliveries (Article 9d (a))

A prosecutor is authorised to issue an order for a controlled delivery prior to the commencement of a criminal prosecution and in pre-trial proceedings, a presiding judge of the panel is authorised to do so in court proceedings (Section 111 par. 2 of the Code of Criminal Procedure). The police may commence a controlled delivery operation even without a prior order by a prosecutor, but only in exigent circumstances, when a prior approval given by a prosecutor could not have been obtained. If a prosecutor does not issue an order within 48 hours, the controlled delivery must be terminated, and the information acquired may not be used in further proceedings, and it must be destroyed in a prescribed manner.

The national member has not coordinated a controlled delivery in the Slovak Republic, however, the judicial authorities of the Slovak Republic have contacted him in connection with the request for a controlled delivery in other Member States. Cooperation and coordination was carried out through the participation of representatives of the countries concerned in a coordination meeting. Then two contact points were determined for each state (one for police cooperation, one for judicial cooperation) with whom a national member communicated. When the controlled delivery was under way, the national member kept in contact with the commanding officers in individual states, and in this way, he coordinated its performance.

7.2. Other special investigative techniques (SITs)

The Slovak authorities have not had experience relating to other special investigative techniques.

7.3. Conclusions

- The Slovak authorities believe that the ability of the national member to forward necessary information in a swift manner within during a controlled delivery is a benefit, with a view of making cooperation among the states more effective and faster. However, there have been few controlled deliveries so far. It is not clear why this is so.

- A prosecutor is authorised to issue an order for a controlled delivery prior to the commencement of a criminal prosecution and in pre-trial proceedings, a presiding judge of the panel is authorised to do so in court proceedings, Furthermore, the police may commence a controlled delivery operation even without a prior order by a prosecutor, but only in exigent circumstances, when a prior approval given by a prosecutor could not have been obtained. In these (theoretical) circumstances, Slovak legislation does not rule out the possibility of the national member giving the authorisation.

8. Training and awareness raising

8.1. Promotion of the use of Eurojust and the EJM

Training in relation to Eurojust and the EJM is provided to those persons who have a role in international cooperation. Professional training is provided at the Judicial Academy of the Slovak Republic, which regularly includes in its training curricula seminars on legal relations with foreign countries, during which participants are provided with information concerning the activities of Eurojust and the EJM and legal regulations governing their operation. These seminars are attended by prosecutors, judicial trainees of the Prosecution Service, judges and by senior judicial officers.

Apart from training, there are prosecutors specialised in legal relations with foreign countries in International Departments of the Regional Prosecutors' Offices and in the International Department of the General Prosecutor's Office.

An assistant to a national correspondent provides website-related professional information to the contact points in courts. General seminars for judges or senior judicial officers specifically dealing with the EJM website are not provided.

Prosecutors and judicial trainees of the Prosecution Service are made aware of the existence and role of Eurojust and the EJM also during the lectures organised by the International Department of the General Prosecutor's Office. Prosecutors dealing with issues of legal relations with foreign countries are kept informed during the working meetings convened by a Director of the International Department of the General Prosecutor's Office, by deputy directors of the regional prosecutors guided by the heads of International Departments of the Regional Prosecutors' Offices (sub-network of the EJM), that are designed for the prosecutors responsible for the legal relations with foreign countries.

The prosecutors specialised in legal relations with foreign countries are kept informed about all the topical issues related to Eurojust at regular meetings convened by a director of the International Department of the General Prosecutor's Office of the Slovak Republic. They subsequently forward the information to prosecutors falling within their competence, as well as to those at lower subordinated levels.

The main contact points of the EJM within the Prosecution Service forward the information to the EJM sub-network during regular meetings convened by a Director of the International Department of the General Prosecutor's Office. The contact points at the Ministry of Justice forward the information on the existence of the EJM via the contact points in courts.

National authorities in the Slovak Republic are informed of the projects on which Eurojust or the EJM are working, such as the documents disseminated by Eurojust or the EJM. For instance, Eurojust annual reports in different years, reports of the EJM activities, and the EJM Handbook are available at the General Prosecutor's Office, as well as at the Regional Prosecutors' Offices. Prosecutors are informed of the existence of the documents.

8.2. Specific training for national members and EJM contact points

A national member is invited to all the training activities organised by the International Department of the General Prosecutor's Office having on the agenda mutual exchange of information concerning the Eurojust activities, topical problems of the Prosecution Service, and information on newly adopted legislation both at national and European level.

As noted above, training in relation to Eurojust and the EJM is provided to those persons who have a role in the process of international cooperation, to deliver to prosecutors the knowledge and information related to Eurojust and the EJM, to support and step up the use of the above platforms within the framework of legal relations with foreign countries in the Prosecution Service.

8.3. Conclusions

- Since 2006, several seminars on Eurojust have been held in the Slovak Republic. The national member at Eurojust has toured the country and spoken to officials in all relevant institutions in order to familiarise all law-enforcement agencies with the possibilities of assistance provided by Eurojust. Furthermore, training on mutual legal assistance issues as well as language training is offered to professionals on a regular basis at the Judicial Academy in Pezinok.
- The Judicial Academy in Pezinok also provides MLA-training. Although there are frequent MLA trainings, the district prosecutors indicated that they have not been fully briefed about the new Act No 383-2011, which in practice means that reporting within the prosecution service is quite often done on the base of the 2008 instruction from the General Prosecutor's Office.
- There are regular working meetings 3 times per year between the General Prosecutor's Office and the regional offices to exchange best practices and distribute knowledge and information on all levels. There are also internships for district prosecutors at the international department of the regional office (2 months). In general, in the Slovak Republic, internships "of suitable length" are possible from lower to higher levels in the hierarchy which in combination with the regular meetings are a good way of disseminating knowledge and forging good working links between all levels in the overall prosecutorial system.
- At the court level, the use of Eurojust does not seem as common as on the level of the prosecution services, but the national member constantly makes efforts to improve the knowledge about his possibilities also among the judiciary. As it is today, courts represented in the EJM network have not received training, but information.
- The General Prosecutor's Office has an Intranet, including information on Eurojust and the EJM. The Intranet is connected with the one at the Ministry of Justice. This provides for easy access to necessary information as regards Eurojust, the EJM and international judicial cooperation in general. On a local level the District Prosecution Offices seem to have a useful system of information tools in place, inter alia in the form of instructions and manuals. It would be highly recommended to use these tools nationwide.

9. General observations and final remarks

The creation of Eurojust and the EJM answers the need to address fundamental challenges in the fight against serious crime and terrorism across the European Union, as well as to build on the judicial dimension of the European area for freedom, security and justice after the creation of Europol.

The Slovak Republic perceives the activities of Eurojust and of the EJM to have a definite added value in view of facilitation of and support to international cooperation in criminal matters. Another added value brought by Eurojust and the EJM, according to the Slovak Republic, is the possibility to swiftly and effectively obtain required information, or send out reminders of pending requests.

An advantage is also the possibility of financial support from Eurojust within the framework of organising coordination meetings, material support provided to JIT, and the provision of training sessions for specialised networks of contact points. Furthermore, the possibility for contact points to take part in EJM plenary meetings, which are instrumental to the establishing of personal contacts with contact points of partner countries for the sake of more effective cooperation, is a definite advantage.

As for further suggestions (practical measures or legislative steps) in view to assist Eurojust and the EJM to meet the expectations placed on them, the Slovak Republic suggests that, in individual Member States, consideration should be given to the more enduring membership of contact points in the EJM, for instance for the period of two, three or four years. Very frequent replacements of persons acting as contact points hinder the cooperation from becoming swifter and more effective.

According to the Slovak Republic, the selection of contact points should be based on the representative's possession of expertise and linguistic skills, taking into account "the time reserved", but also the human qualities necessary for this activity.

9.1. Conclusions

- The general assessment by the Slovak Republic of the activities of Eurojust and of the EJM is very positive. They believe that both have a definite added value in view of facilitation of and support to international cooperation in criminal matters, providing speedy information exchange, financial support (from Eurojust) for coordination meetings, material support to JITs, training and the possibility for contact points to take part in EJM plenary meetings.

- The usefulness of face-to-face meetings was emphasised many times during the evaluation mission. EJM plenary meetings are deemed to be very useful and instrumental to establish personal contacts with contact points in partner countries for the sake of more effective cooperation, as well as national meetings (the EJM contact points in the Slovak Republic meet once or twice a year), for instance by allowing people to bring cases there, enabling practical cooperation. In the past, such meetings have provided solutions to issues which could not have been dealt with otherwise. In general, the EJM as an informal network is highly appreciated by the Slovak authorities. Judging from their high operational value, but also for many other good reasons (awareness, transparency), EJM plenary meetings and other person-to-person meetings at all levels should be further promoted, both in the Slovak Republic and elsewhere.
- A problem identified during the mission in the Slovak Republic is that contact points and national correspondents often change frequently which makes it impossible to know who is your counterpart. The Slovak Republic highlights the need for appointing EJM contact points over longer time periods, during their selection taking into account their expertise and linguistic skills. In line with this, the experts suggest that the EJM contact points in the Member States should meet the requirements suggested in the non-binding Guidelines for the Selection of contact points of the European Judicial Network (PLEN2 2007/2).
- As noted during the evaluation mission, the language issue is an urgent problem which should be addressed. Here, the EJM could continue to play a role by providing language training to EJM contact points. Perhaps it would also be worth considering the hiring of a Slovak speaking analyst at Eurojust.

10. Recommendations

As regards the practical implementation and operation of the Decisions on Eurojust and the European Judicial Network in criminal matters, the expert team involved in the evaluation of the Slovak Republic has been able to satisfactorily review the system in the Slovak Republic, expertly supported by the helpfulness of their national hosts. Overall, the working principles and legal framework of the system are robust and functional and the various actors know their roles and responsibilities.

Nevertheless, certain recommendations can still be made, to contribute to the further development of the system in the Slovak Republic. Furthermore, based on the various good and, without doubt, even best practices of the Slovak Republic, related recommendations to the EU, its institutions and agencies are also put forward.

The Slovak Republic should conduct a follow-up on the recommendations given in this report 18 months after the evaluation and report on the progress to the Working Party on General Affairs, including Evaluations (GENVAL). The results of this evaluation should also, at some point, be examined by the Working Party on Cooperation in Criminal Matters (COPEN).

10.1. Recommendations to the Slovak Republic

1. The Slovak Republic should be encouraged to promote more direct contacts towards Eurojust to improve the flow of information in order to make Eurojust's work more efficient and easier to reach for the practitioners.
2. In order to ensure the flow of information, the monitoring role of the General Prosecutor's Office should be carried out with prudence. On the level of the Prosecution Services throughout the country it should be further clarified, through for instance written instructions, training and awareness-raising, who is obliged to send the relevant information and whether the police should be obliged to report cases to Eurojust as well.

3. The 2008 instruction from the Prosecutor General imposes an obligation to forward information to the national member via General Prosecutor's Office, in effect introducing an obstacle to direct contacts. With regard taken to effectiveness of the Act no. 383/2001, Coll., which regulates direct transmission of information from law enforcement bodies and courts to the national member, the instruction should be redrafted to reflect both Slovak legislation and the Eurojust Decision.
4. The use of Eurojust and EJM by the courts should be promoted and enhanced. There should be a focus on the spread of information towards judges to allow them to make the most use of both Eurojust and EJM when international cooperation is needed during the trial stage.
5. The Slovak authorities should further promote the use of Eurojust and Europol more efficiently when setting up a JIT.
6. In the Slovak Republic, there is an inspection once per year which also looks at how the obligation to inform Eurojust and the EJM is observed. Based on this, as suggested by the national member, an inspection should be carried out to specifically address whether the obligation is fulfilled as regards Article 13 notifications and, if not, why this is so.
7. The Slovak Republic is recommended to ensure that the information related to the Slovak Republic on the EJM website is regularly updated.
8. The Slovak Republic is recommended to ensure that common EU priorities as well as efficiency measurement mechanisms are incorporated within the national planning systems of prosecutors and law enforcement agencies, including the use of Eurojust.

10.2. Recommendations to the European Union, its institutions and agencies, and to other Member States

1. All Member States should consider introducing centralised databases on both investigations and prosecutions (national case management systems), in order to avoid the risk of overlapping criminal cases and failure to match cases that often have a large geographical and even international scope. Such a system should ideally cover all facets of the investigation and prosecution chain.
2. Furthermore, the EU should facilitate the linking of such national case management systems, at least on a "hit/no hit" basis, whilst safeguarding an adequate level of data protection and privacy. This could ideally be done in a de-centralised way similar to the European Criminal Records Information System (ECRIS).
3. The Member States are recommended to establish a system for providing a comprehensive statistical overview of activities in relation to Eurojust, MLA requests, criminal investigations and their follow-up.
4. Member States are recommended to ensure that common EU priorities as well as efficiency measurement mechanisms are incorporated within the national planning systems of prosecutors and law enforcement agencies, including the use of Eurojust.
5. The Slovak model of appointing the national member to Eurojust and the scrutinising procedure seems to be very clear and transparent ensuring a high quality profile for the national member of Eurojust. This could serve as a model for all Member States.
6. The national member of the Slovak Republic reports extensively to several authorities and use this opportunity to make recommendations on how to improve relations and working methods involving Eurojust. This could be considered as a good practice and should be studied by other Member States with a view to setting up similar mechanisms for follow-up of identified problems.

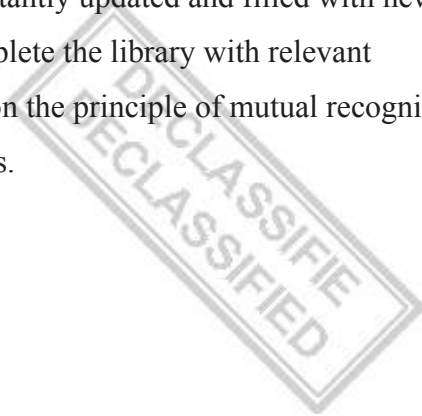
7. Similar to the Slovak Republic, other Member States should provide the opportunity of internships within the hierarchy to increase the understanding of work as regards international judicial cooperation. Preferably, the internships should follow set curricula and become integrated into the necessary qualification for prosecutors aiming at work with international judicial cooperation.
8. In light of the positive value attached to meetings of practitioners (such as EJM plenary meetings and meetings on a national level), steps should be taken to safeguard and possibly increase the frequency of face-to-face meetings with a view to increasing the overall efficiency of the system.
9. When the Commission, in accordance with Article 13(12) of the Eurojust Decision assesses the provision of information to be shared at the EU level, it could also make proposals with a view to specifying unambiguously the requirements in the Eurojust Decision as regards Article 13.
10. The Union should consider simplifying procedures as regards applications for funding of JIJs, inter alia the amount of documentation required for JIJ funding and the language requirements therein.
11. Future evaluations should attempt to shed more light on the balance between operational work and other tasks performed by the national desks at Eurojust. The operational focus should ideally be strengthened to allow Eurojust to achieve its goals as foreseen in the Eurojust Decision. If this cannot be achieved in the near future, changes might have to be introduced at different organisational levels at Eurojust.
12. Member States should ensure the accuracy of the national data available on the EJM website.
13. The EJM should continue to provide language training to EJM contact points.
14. In order to ensure a proper functioning of the EJM, a longer time of service for EJM contact points would be highly desired. Longer serving contact points would guarantee more experience and usually more readiness to cooperate. Accordingly, the Member States should avoid too many changes in the list of EJM contact points.

15. The Member States should ensure the proper financial and human resources to the EJM contact points so that they can fulfil the extra work coming from the EJM. When choosing contact points, language skills and readiness to cooperate internationally should be in focus, in line with the requirements suggested in the non-binding Guidelines for the Selection of contact points of the European Judicial Network (PLEN2 2007/2).
16. The possibility of seconding national experts to Eurojust for a limited period of time should be used more frequently by the Member States, enabling in this way national officials to learn more about the work and practice of Eurojust.
17. The Presidency (aided by the EJM Secretariat at Eurojust) should monitor the fulfilment of requirements by the Member States when designating contact points, and monitor the regular and proper update of the list of contact points.
18. The Presidency (aided by the EJM Secretariat at Eurojust) should clarify roles and responsibilities of the Member States in the updating of the data available through the EJM tools and closely monitor the update by Member States, in particular as regards the Atlas.

10.3. Recommendations to Eurojust/the EJM

1. In order to form a common approach and to ensure reliable figures about the work of Eurojust, criteria should be set out guiding the registration of cases in the CMS. If possible, more precise definitions of types of crimes should be developed. The feasibility of registering received information is linked to appropriate support to national desks by staff at Eurojust. Eurojust is recommended to facilitate the registering of incoming information in a homogenous way.
2. Eurojust should organise annual meetings of the Eurojust National Correspondents in view of exchanging best practices.
3. Eurojust should provide clear information as to the range of products, services and feedback that can be expected from Eurojust on the basis of Article 13a, as a result of the exchange of information based on Article 13.

4. Eurojust and the EJM should collect and disseminate guidelines or other material issued at national level on the reference of cases to Eurojust or the EJM, and support and encourage the adoption and issuing of such guidelines and other material at national level.
5. The EJM tools, especially the webpage, need to be constantly updated and filled with new information. The EJM Secretariat should therefore complete the library with relevant information on the status of the EU instruments based on the principle of mutual recognition in the field of international cooperation in criminal matters.



Annex A: Programme for visit

Evaluation team:

Mr. Peter Bröms
Mr. Hans Nilsson

Mr. Roelof Jan Manschot
Mr. Laimonas Vasiliauskas
Mr. Johannes Martetschläger

Ms. Elsa García-Maltrás
Ms. María Teresa Gálvez Díez

Accommodation:

- RADISSON BLU CARLTON HOTEL, Hviezdoslavovo nám. 3, 811 02 Bratislava

10.3.1. Meeting venue:

- **Ministry of Justice of the Slovak Republic**, Župné námestie 13, 813 11, Bratislava, conference room – 4th floor, room Z4, 24 July 2012
- **General Prosecutor's Office**, Špitálska 22, Bratislava,
- **Regional Prosecutor's Office Banská Bystrica, District Prosecutor's Office Banská Bystrica**, Partizánska cesta 1, 975 63 Banská Bystrica
- **Presidium of Police Force**, Vajnorská 25, 812 72 Bratislava
- **Specialized Criminal Court**, Suvorovova 5/A, 902 01 Pezinok
- **Special Prosecutor's Office**, Suvorovova 5/A, 902 01 Pezinok

MONDAY, 23 July 2012

	During the day	Arrival of the evaluation team	<i>Mr. Peter Bröms, Mr. Hans Nilsson, Mr. Roelof Jan Manschot, Mr. Laimonas Vasiliauskas, Mr. Johannes Martetschläger, Ms. Elsa García-Maltrás, Ms. María Teresa Gálvez Díez,</i>
RADISSON BLU CARLTON HOTEL	17,00 – 19,00	Pre-meeting	

TUESDAY, 24 July 2012

Ministry of Justice of the Slovak Republic	9,00 – 10,00	Welcome speech of the State Secretary: <i>Ms. Monika Jankovská</i> Meeting of the evaluation team with all members	State Secretary: <i>Ms. Monika Jankovská</i> 8 Members of the Evaluation team Representatives of the Ministry of Justice of the Slovak Republic: <i>Mr. Karol Jokl</i> <i>Ms. Stanislava Juríčeková</i> <i>Ms. Dagmar Fillová</i> <i>Ms. Michaela Kontríková</i>
	10,00 – 10,20	Presentation of legislative implementation of the Framework Decision on Eurojust in the legal system of the Slovak Republic: <i>Mr. Rastislav Ďurove</i>	<i>Mr. Rastislav Ďurove</i> Representative of the Presidium of the Police Office Representative of the General Prosecutor's Office of the Slovak Republic: <i>Ms. Anna Ondrejová</i> Representative of the Specialised Criminal Court: <i>Mr. Oldřich Kozlík</i> Representative of the Special Prosecutor's Office: <i>Mr. Juraj Novocký</i> National Member of Eurojust: <i>Mr. Ladislav Hamran</i> Translator: <i>Mr. Viliam Behran</i>
	10,20 – 10,35	Coffee break	
	10,35 – 12,30	Presentation of Eurojust national coordination system: <i>Ms. Dagmar Fillová</i> Presentation of European Judicial Network In Criminal Matters: <i>Ms. Stanislava Juríčeková</i> Presentation of activity of the National Member in Eurojust (report, activity): <i>Mr. Ladislav Hamran</i> Presentation of International Cooperation in Criminal Matters: <i>Ms. Michaela Kontríková</i>	
	12,30 – 14,30	Working lunch	8 Members of the Evaluation team Representatives of the Ministry of Justice of the Slovak Republic: <i>Mr. Karol Jokl</i> <i>Ms. Stanislava Juríčeková</i> Representative of the General Prosecutor's Office of the Slovak Republic: <i>Ms. Anna Ondrejová</i> National Member of Eurojust: <i>Mr. Ladislav Hamran</i> Translator: <i>Mr. Viliam Behran</i>
		Transfer to the General Prosecutor's Office of the Slovak Republic	

RESTREINT UE/EU RESTRICTED

General Prosecutor's Office of the Slovak Republic	15,00 – 15,15	Welcome speech of the International Cooperation Department of the General Prosecutor's Office of the Slovak Republic Director: <i>Mr. Jozef Szabó</i>	8 Members of the Evaluation team Representatives of the Ministry of Justice of the Slovak Republic: <i>Mr. Karol Jokl</i> <i>Ms. Stanislava Juríčeková</i>
	15,15 – 17,00	Presentation of the Prosecutor's Office Position within the International Cooperation of Judicial Authorities in Criminal Matters; Cooperation with Eurojust: <i>Ms. Alica Kováčová</i> Case Study: <i>Mr. Ladislav Hamran/Ms. Alica Kováčová</i>	Representatives of the General Prosecutor's Office of the Slovak Republic: <i>Ms. Anna Ondrejová</i> <i>Ms. Alica Kováčová</i> <i>Mr. Miroslav Tiža</i> National Member of Eurojust: <i>Mr. Ladislav Hamran</i>

WEDNESDAY, 25 July 2012

	8,30	Transfer from the Hotel to Pezinok	8 Members of the Evaluation team Representatives of the Ministry of Justice of the Slovak Republic: <i>Mr. Karol Jokl</i> <i>Ms. Stanislava Juríčeková</i> Representative of the General Prosecutor's Office of the Slovak Republic: <i>Ms. Anna Ondrejová</i> National Member of Eurojust: <i>Mr. Ladislav Hamran</i> Translator: <i>Mr. Viliam Behran</i>
--	------	------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

RESTREINT UE/EU RESTRICTED

<p>Specialized Criminal Court + Special Prosecution Bureau - Pezinok</p>	<p>9,00 – 10,30</p>	<p>Establishment, Competence and Role of the Specialised Criminal Court</p> <p>Visit of the ongoing trial: <i>Mr. Oldřich Kozlík</i> <i>Mr. Michal Truban</i> <i>Mr. Roman Púchovský</i></p>	<p>8 Members of the Evaluation team Representatives of the Ministry of Justice of the Slovak Republic: <i>Mr. Karol Jokl</i> <i>Ms. Stanislava Juríčeková</i> Representative of the General Prosecutor´s Office of the Slovak Republic: <i>Ms. Anna Ondrejová</i> National Member of Eurojust: <i>Mr. Ladislav Hamran</i> Representatives of the Specialized Criminal Court: <i>Mr. Oldřich Kozlík</i> <i>Mr. Michal Truban</i> <i>Mr. Roman Púchovský</i> Translator: <i>Mr. Viliam Behran</i></p>
	<p>10,30 – 10,45</p>	<p>Coffee break</p>	
	<p>10,45 – 12,15</p>	<p>Presentation of the Special Prosecutor´s Office Position in the Legal System of the Slovak Republic, International Cooperation, Cooperation with Eurojust: <i>Mr. Dušan Kováčik</i> <i>Mr. Vladimír Turan</i> <i>Mr. Juraj Novocký</i> <i>Ms. Renáta Ontkovičová</i></p>	<p>8 Members of the Evaluation team Representatives of the Ministry of Justice of the Slovak Republic: <i>Mr. Karol Jokl</i> <i>Ms. Stanislava Juríčeková</i> Representative of the General Prosecutor´s Office of the Slovak Republic: <i>Ms. Anna Ondrejová</i> National Member of Eurojust: <i>Mr. Ladislav Hamran</i> Representatives of the Special Prosecutor´s Office: <i>Mr. Dušan Kováčik</i> <i>Mr. Vladimír Turan</i> <i>Mr. Juraj Novocký</i> <i>Ms. Renáta Ontkovičová</i> Translator: <i>Mr. Viliam Behran</i></p>

RESTREINT UE/EU RESTRICTED

	12,15 – 14,00	Working lunch	
	14,00 – 14,30	Transfer to the Presidium of the Police Office	
Presidium of the Police Office	14,30 – 16,00	Competence and Role of the International Police Cooperation Bureau: <i>Mr. Igor Vozáry</i> National Unit SIRENE and SIS: <i>Ms. Veronika Turáková</i> National Unit INTERPOL: <i>Ms Monika Gorylová</i> Cooperation between the EUROPOL National Unit and Eurojust:: <i>Mr Pavol Vladár</i> Position, Competence and Role of the Organised Crime Bureau, International Cooperation with Eurojust: <i>Mr. Andrej Štefánik</i>	8 Members of the Evaluation team Representatives of the Ministry of Justice of the Slovak Republic: <i>Mr. Karol Jokl</i> <i>Ms. Stanislava Juríčeková</i> Representative of the General Prosecutor´s Office of the Slovak Republic: <i>Ms. Anna Ondrejová</i> National Member of Eurojust: <i>Mr. Ladislav Hamran</i> Representatives of the Presidium of the Police Office: <i>Mr. Igor Vozáry</i> <i>Ms. Veronika Turáková</i> <i>Mr. Miloš Hrvol</i> <i>Ms. Klaudia Krčíková</i> <i>Mr. Andrej Štefánik</i>

THURSDAY, 26 July 2012

	8,30 - 10,30	Transfer from the Hotel to Banská Bystrica	8 Members of the Evaluation team Representatives of the Ministry of Justice of the Slovak Republic: <i>Mr. Karol Jokl</i> <i>Ms. Stanislava Juríčeková</i> Representative of the General Prosecutor´s Office of the Slovak Republic: <i>Ms. Anna Ondrejová</i> National Member of Eurojust: <i>Mr. Ladislav Hamran</i>
--	-----------------	-----------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

RESTREINT UE/EU RESTRICTED

Regional Prosecutor's Office Banská Bystrica	10,30 – 11,45	<p>Presentation of International Judicial Cooperation Use of EJM and Eurojust in the practice of the Regional Prosecutor's Office Information on International Cooperation, Educational Activities and Coordination Meetings: <i>Mr. Peter Odaloš</i> <i>Ms. Jana Kopernická</i> <i>Ms. Lenka Hazáková</i> <i>Mr. Kamil Baran</i> <i>Mr. Marek Kostor</i></p>	<p>8 Members of the Evaluation team Representatives of the Ministry of Justice of the Slovak Republic: <i>Mr. Karol Jokl</i> <i>Ms. Stanislava Juríčeková</i> Representative of the General Prosecutor's Office of the Slovak Republic: <i>Ms. Anna Ondrejová</i> National Member of Eurojust: <i>Mr. Ladislav Hamran</i> Representatives of the Regional Prosecutor's Office Banská Bystrica: <i>Mr. Peter Odaloš</i> <i>Ms. Jana Kopernická</i> <i>Ms. Lenka Hazáková</i> <i>Mr. Kamil Baran</i> <i>Mr. Marek Kostor</i> Translator: <i>Ms. Šikrová</i></p>
	11,45 – 12,30	Refreshment	
District Prosecutor's Office Banská Bystrica	12,30 – 14,00	<p>Use of EJM and Eurojust in the practice of the District Prosecutor's Office Case Study – Presentation of cases dealt with in cooperation with Eurojust/EJM: <i>Ms. Zuzana Šupinová</i> <i>Mr. Martin Džavoronok</i> <i>Ms. Zuzana Gengelová</i> <i>Mr. Slavomír Šamin</i> <i>Ms. Katarína Medveďová</i></p>	<p>8 Members of the Evaluation team Representatives of the Ministry of Justice of the Slovak Republic: <i>Mr. Karol Jokl</i> <i>Ms. Stanislava Juríčeková</i> Representative of the General Prosecutor's Office of the Slovak Republic: <i>Ms. Anna Ondrejová</i> National Member of Eurojust: <i>Mr. Ladislav Hamran</i> Representatives of the District Prosecutor's Offices in the Banská Bystrica region : <i>Ms. Zuzana Šupinová - DP Zvolen</i> <i>Mr. Martin Džavoronok - DP Veľký Krtíš</i> <i>Ms. Zuzana Gengelová - DP Banská Bystrica</i></p>

RESTREINT UE/EU RESTRICTED

			<p><i>Mr. Slavomír Šamin - DP Rimavská Sobota</i> <i>Ms. Katarína Gondová - Medveďová - DP Brezno</i> Translator: <i>Ms. Šikrová</i></p>
	14,30 – 16,00	Working lunch	<p>8 Members of the Evaluation team Representatives of the Ministry of Justice of the Slovak Republic: <i>Mr. Karol Jokl</i> <i>Ms. Stanislava Juríčeková</i> Representative of the General Prosecutor's Office of the Slovak Republic: <i>Ms. Anna Ondrejová</i> National Member of Eurojust: <i>Mr. Ladislav Hamran</i> Regional Prosecutor: <i>Mr. Peter Bedlovič</i> Deputy of the Regional Prosecutor: <i>Mr. Peter Odaloš</i> Representative of the Regional Prosecutor's Office Banská Bystrica: <i>Ms. Jana Kopernická</i> Tlmočníčka: <i>Mgr. Šikrová</i></p>
	16,00	Transfer to Banská Štiavnica – sightseeing and then back to Bratislava	<p>8 Members of the Evaluation team Representatives of the Ministry of Justice of the Slovak Republic: <i>Mr. Karol Jokl</i> <i>Ms. Stanislava Juríčeková</i> Representative of the General Prosecutor's Office of the Slovak Republic: <i>Ms. Anna Ondrejová</i> National Member of Eurojust: <i>Mr. Ladislav Hamran</i></p>

FRIDAY, 27 July 2012

Ministry of Justice of the Slovak Republic	9,00 – 11,00	Summary discussion	
	As needed	Transfer to the airport	

DECLASSIFIE
DECLASSIFIED

Annex B: List of persons interviewed/met

1	Monika Jankovská	State Secretary of the Ministry of Justice of the Slovak Republic
2	Stanislava Juríčková	International and European Public Law Division, Ministry of Justice of the Slovak Republic – contact and responsible person since 28 July 2012
3	Dagmar Fillová	Director of International and European Public Law Division, Ministry of Justice of the Slovak Republic
4	Rastislav Đurove	Division of Legislative of the Criminal Law, Ministry of Justice of the Slovak Republic
5	Karol Jokl	contact and responsible person until 27 July 2012
6	Ladislav Hamran	National Member of Eurojust
7	Anna Ondrejová	Head of International Public Law and European Matters Division, General Prosecutor´s Office of the Slovak Republic
8	Alica Kováčová	Deputy of the International Department of the General Prosecutor´s Office of the Slovak Republic
9	Miroslav Tiža	Prosecutor, International Department of the General Prosecutor´s Office
10	Jozef Szabó	Director of the International Department of the General Prosecutor´s Office of the Slovak Republic
11	Jolana Madejová	Head of Legal Relations with Abroad and Extradition Division, General Prosecutor´s Office of the Slovak Republic
12	Igor Vozáry	Deputy of Bureau of International Police Cooperation, Presidium of the Police Force
14	Branislav Lorenc	Organized Crime Bureau, Presidium of the Police Force
15	Veronika Turáková	National Bureau of Interpol Bratislava, Presidium of the Police Force
16	Monika Gorylová	National Bureau of Sirene Bratislava, Presidium of the Police Force
17	Pavol Vladár	National Bureau of Europol, Presidium of the Police Force
18	Andrej Štefánik	Deputy of the Operational Division, Organized Crime Bureau, Presidium of the Police Force
19	Oldřich Kozlík	President of the Specialized Criminal Court
20	Roman Púchovský	Judge, President of the Senate of the Specialized Criminal Court
23	Katarína Kudjaková	Spokeswoman of the Specialized Criminal Court
24	Juraj Novocký	Prosecutor, Division of General Crime, Special Prosecutor´s Office
25	Vladimír Turan	Prosecutor, Division of the fight against organized crime, terrorism and international criminality, Special Prosecutor´s Office

26	Renáta Ontkovičová	Prosecutor, Division of Economic Criminality, Special Prosecutor's Office
27	Peter Odaloš	Deputy of the Regional Prosecutor's Office Banská Bystrica
28	Jana Kopernická	Prosecutor, International Division, Regional Prosecutor's Office Banská Bystrica
29	Lenka Hazáková	Prosecutor, International Division, Regional Prosecutor's Office Banská Bystrica
30	Kamil Baran	Prosecutor, Division of the Fight Against Organized Crime, Regional Prosecutor's Office Banská Bystrica
31	Marek Kostor	Prosecutor, Division of the Fight Against Organized Crime, Regional Prosecutor's Office Banská Bystrica
32	Zuzana Šupinová	Prosecutor, District Prosecutor's Office Zvolen
33	Martin Džavoronok	Prosecutor, District Prosecutor's Office Veľký Krtíš
34	Zuzana Gengelová	Prosecutor, District Prosecutor's Office Banská Bystrica
35	Slavomír Šamin	Prosecutor, District Prosecutor's Office Rimavská Sobota
36	Katarína Gondová Medved'ová	- Prosecutor, District Prosecutor's Office Brezno

Annex C: List of abbreviations/glossary of terms

ACRONYM ABBREVIATION TERM	ACRONYM IN THE ORIGINAL LANGUAGE	ENGLISH TRANSLATION/EXPLANATION
AFCOS	-/-	Anti-fraud coordination service
AWF	-/-	Europol's Analysis Work Files
CMS	-/-	Eurojust Case Management System
COPEN	-/-	Working Party on Cooperation in Criminal Matters
EAW	-/-	European Arrest Warrant
ECRIS	-/-	European Criminal Records Information System
EJN	-/-	European Judicial Network
ENCS	-/-	Eurojust National Coordination System
ENU	-/-	
E-POC	-/-	European Pool against Organised Crime
EU	-/-	European Union
GENVAL	-/-	Working Party on General Affairs, including Evaluations
JHA	-/-	Justice and Home Affairs
JIT	-/-	Joint Investigation Teams
MLA	-/-	Mutual Legal Assistance
OCC	-/-	On call coordination system
OLAF	Office européen de lutte anti-fraude	European Anti-Fraud Office
PATROS	-/-	Police Force records
SITs	-/-	Special Investigative techniques