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2008/976/JHA on the European Judicial Network in criminal matters."  
Report on Greece

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

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Evaluation report on the sixth round of mutual evaluations:

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Report on Greece

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## **1 EXECUTIVE SUMMARY**

The on-site visit to Greece was generally positive. The evaluation team enjoyed good general cooperation with the Ministry of Justice, Transparency and Human Rights and the Ministry of Public Order and Citizens' Protection. Discussions with the Greek hosts were frank and open.

All meetings took place in Athens for practical and financial reasons. However, a visit to a local court or public prosecutor's office outside of Athens could have added value to the evaluation.

Although the on-site visit to Greece was scheduled at the end of the sixth round of mutual evaluations, it was too early to assess full cooperation with Eurojust and the EJM since Greece had not yet implemented the Eurojust Decision of 2009 into its national legislation. The draft legislation implementing the Eurojust Decision was submitted to the Minister of Justice for approval and will be passed on to the Parliament for further discussion and final adoption. Another complicating factor was that the new National Member of Greece had just been appointed few days prior to the evaluation and his predecessor was not available.

Even though the evaluation team was not provided with a copy of the new draft legislation, the Greek authorities expressed goodwill by giving an overview of the most important articles thereof (such as the powers of the National Member and exchange of information).

Eurojust is currently not used much (only two coordination meetings convened), unlike the EJM which is regularly used. The practitioners decide on a case-by-case basis whether the case should be referred to Eurojust or to the EJM, taking into account the gravity of the crime and the number of Member States involved. The EJM is more commonly used if only two states are involved and the crime is less complex. This is owing to the practitioners' perception that the EJM is faster and more flexible.

The evaluation team was informed that all public prosecutors in Greece were aware of the existence and tasks of Eurojust. All public prosecutors and judges have been given an information session and training about Eurojust at the National School for Judges. The evaluation team was also informed that regular seminars on Eurojust were organised.

All public prosecutors have access to the EJN website in order to find contact points in other Member States. Eurojust is used for more complex cases. Public prosecutors charged with mutual legal assistance (MLA) and the European Arrest Warrant (EAW) appear to have developed bilateral networks of their own and often prefer to use the EJN rather than Eurojust.

At the time of the visit, Greek legislation provided for a possibility to set up a JIT only in relation to drugs offences, organised crime and terrorism. However, after the visit the evaluation team was informed that the legislation was changed in 2014 in order to create the possibility to set up a JIT in relation to the various types of serious crimes (e.g. terrorism acts, arson, forgery, rape, child abduction, extortion, human and slavery trafficking, etc.).

Although Article 13 has not yet been transposed into Greek law, Greece participates in exchange of information. Transmission of information to Eurojust based on Article 13 of the Eurojust Decision is carried out via ordinary e-mails rather than using the Eurojust template.

## 2 INTRODUCTION

Following the adoption of the Joint Action 97/827/JHA of 5 December 1997<sup>1</sup>, a mechanism was established for evaluating the application and implementation at national level of international undertakings in the fight against organised crime.

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<sup>2</sup>, as amended by Decisions 2003/659/JHA<sup>3</sup> and 2009/426/JHA<sup>4</sup> and of the Joint Action 98/428/JHA of 29 June 1998 on the creation of a European Judicial Network<sup>5</sup> repealed and replaced by Council Decision 2008/976/JHA on the European Judicial Network in criminal matters<sup>6</sup>.

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<sup>1</sup> Joint Action of 5 December 1997 (97/827/JHA), OJ L 344, 15.12.1997 pp. 7 - 9.

<sup>2</sup> Council Decision of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime (2002/187/JHA), OJ L 63, 2.3.2002, pp. 1-13.

<sup>3</sup> Council Decision 2003/659/JHA of 18 June 2003 amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime, OJ L 245, 29.9.2003, pp. 44-46.

<sup>4</sup> Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust and amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime, OJ L 138, 4.6.2009, pp. 14-32.

<sup>5</sup> Joint Action 98/428/JHA of 29 June 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, on the creation of a European Judicial Network, OJ L 191, 7.7.1998, pp. 4-7.

<sup>6</sup> Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network, OJ L 348, 24.12.2008, pp. 130-134.



The evaluation aims to be broad and interdisciplinary and focuses not only on Eurojust and the European Judicial Network (EJN), but also on operational aspects in the Member States. This approach is intended to encompass, for example, in addition to cooperation with prosecution services, how the 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. As a result, the evaluation will also cover operational practices in the Member States in relation to the first Eurojust Decision, which entered into force in 2002. Experience from all the evaluations shows that Member States will be in different positions regarding implementation of the relevant legal instruments, and that the current evaluation process could provide a useful input to any Member States that have not implemented all aspects of the new Decision.

The questionnaire 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 questionnaire. The questionnaire sent 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 this report.

The order of visits to the Member States was adopted by GENVAL on 31 October 2011. Greece is the eighteenth Member State to have been 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 was drawn up by the Presidency. Member States nominated experts with substantial practical knowledge in the field pursuant to a written request on 15 July 2011 to delegations made by the Chairman of GENVAL.

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

The experts entrusted with undertaking the evaluation of Greece were Ms Katerina Loizou (Cyprus), Mr Peter Bröms (Sweden) and Mr Roelof Jan Manschot (the Netherlands). Three observers were also present: Ms Carine Hanssens (European Commission), Mr Benedikt Welfens (Eurojust) and Ms Susana Fonte (Eurojust), together with Mr Steven Cras and Mr Sławomir Buczma 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 Greece from 7 to 11 October 2013, detailed replies to the evaluation questionnaire and detailed answers to ensuing follow-up questions.

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### 3 GENERAL MATTERS AND STRUCTURES

#### 3.1 General information

##### 3.1.1 Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust

The Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime (hereinafter referred to as the Council Decision of 2002) was transposed into Greek national law by Law 3663/2008, entitled “European Union’s Judicial Cooperation Unit (EUROJUST), Joint Investigation Teams and other provisions”, and by Article 36 of Law 3904/2010, entitled “Amendment of Criminal Code and Code of Criminal Procedure, Special Criminal Legislation, etc.”, which amended section a of Article 2(1) of Law 3663/2008.

The effect was to incorporate into Greek law the four-year office tenure of the National Member at Eurojust, which is an obligation deriving from the Council Decision 2009/426/JHA on the strengthening of Eurojust and amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime (hereinafter referred to as the Eurojust Decision).

##### 3.1.2 Council Decision 2009/426/JHA on the strengthening of Eurojust

The Eurojust Decision of 2009 has not yet been integrated into the national legislation.

A Special Legislative Committee, which was established within the Ministry of Justice, Transparency and Human Rights, examined the text of this Council Decision and ended up producing a draft law. This draft law was submitted to the Minister of Justice for approval and, according to the representatives from the Ministry of Justice, Transparency and Human Rights, it will soon be submitted to the Greek Parliament for further discussion and final adoption.

## 3.2 Implementation of the Eurojust National Coordination System

### 3.2.1 Eurojust National Coordination System (ENCS)

The ENCS has not yet been established.

The Greek authorities referred to the draft law which will integrate the Eurojust Decision of 2009 into Greek legislation. The existing Greek Eurojust Law (L. 3663/2008) is to be modified and a new Article 2A has been proposed by the Legislative Committee. Its content is the regulation of the ENCS in accordance with Article 12 of the Eurojust Decision.

Pursuant to this draft legislation, the public prosecutor at the Court of Appeal in Athens will be the coordinator of the Greek ENCS. The police will not be part of the ENCS.

The Ministry of Justice is involved in the process and is cooperating closely with the National Member in Eurojust on informing the public prosecutors' offices about the "*Fiches suédoises*" and raising the judiciary's awareness of this information.

### 3.2.2 National correspondents

The National correspondents assist the National Member at Eurojust, as provided for in Article 2 of Law 3663/2008. According to this Article the following officials may be appointed as the National correspondents:

1. The Head of the International Judicial Cooperation Department of the Ministry of Justice.
2. The public prosecutors of the appeal courts, who are in charge of judicial cooperation matters and the execution of European Arrest Warrants.
3. The public prosecutor, who presides over the Coordination, Analysis and Investigation Council, which deals in particular with acts of terrorism.

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The National correspondents should be included in the composition of the ECNS. The main responsibilities of the National correspondents are as follows:

- (a) ensuring that the Case Management System (CMS) referred to in Article 16 of the Eurojust Decision receives information in an efficient and reliable manner;
- (b) assisting with determining whether a case should be handled with the assistance of Eurojust or of the European Judicial Network;
- (c) assisting the national member with identifying the relevant authorities for the execution of requests for, and decisions on judicial cooperation, including regarding instruments giving effect to the principle of mutual recognition;
- (d) maintaining close relations with the Europol national unit

According to the draft legislation, one National correspondent (the public prosecutor of the Athens appeal court) shall be appointed as a coordinator of the Greek ECNS.

No other special laws, ministerial decisions or circulars have been issued regarding this matter.

In terms of practical solutions, the National desk at Eurojust cooperates on a daily basis with the officials appointed within the Public Prosecutor's Office at the Court of Appeal of Athens regarding matters related to judicial assistance and extraditions within its remit and to other cases, such as coordination of outgoing requests for judicial assistance from various public prosecutors' districts outside the jurisdiction of the Public Prosecutor's Office at the Court of Appeal in Athens.

Furthermore, the National desk cooperates with the Deputy Prosecutor at the Court of Appeal appointed by the Highest Judicial Council as the competent officer for matters concerned with combating terrorism and organised crime in respect of offences falling within his/her jurisdiction, regardless of the territorial jurisdiction in the Hellenic State.

The National correspondent in the Ministry of Justice is in charge of facilitating the execution of requests for judicial assistance concerning third countries or countries outside the Schengen Area.

### **3.2.3 Operation of the ENCS and connection to the CMS**

The ENCS has not yet been established.

### **3.2.4 Cooperation of the ENCS with the Europol national unit**

There is no relevant experience since the ENCS has not yet been established in Greece.

## **3.3 National Desk at Eurojust**

### **3.3.1 Organisation**

At the time of the on-site visit the composition of the National desk was as follows:

- a public prosecutor at the Court of First Instance in Athens appointed as the National Member and based at Eurojust,
- a deputy public prosecutor at the Court of First Instance in Athens appointed as the deputy National Member and based, at the time of the visit, in Greece,
- an administrative assistant based at Eurojust.

The composition of the National Desk changed after the on-site visit, since in November 2013 Greece appointed the deputy National Member to the Hague.

### 3.3.2 Selection and appointment

According to the Greek answer to the questionnaire, the National Member at Eurojust is appointed by a Presidential Decree following the proposal of the Minister of Justice and of the Minister of Foreign Affairs, after a decision by the relevant Highest Judicial Council (Article 1(1) of Law 3663/2008).

The President does not have the right to refuse the proposal of the Ministers unless there is a legal issue i.e. the appointed person is not a prosecutor, judge or police officer. Furthermore, the Minister of Justice may refuse the Supreme Judicial Council's decision regarding the appointment of the National Member at Eurojust only in exceptional case when the decision was made by a minority of at least 3 members. The Minister of Justice may challenge this decision within ten days of its notification, pursuant to the Code of the Judiciary.

The National Member is chosen from (deputy) public prosecutors or judges appointed to the Court of First Instance or higher (Article 1(1) of Law 3663/2008).

The criteria for selecting a public prosecutor for the position of National Member comprise: previous experience in matters of mutual legal assistance and extraditions, previous experience and knowledge of European or international organisations, participation in European or international congresses, foreign language proficiency, all of which are to be certified, together with a general involvement in European affairs.

Since Law 3663/2008 does not prescribe specific supervision for the National Member by another judicial officer, the Supreme Court's Chief Public Prosecutor is in fact supervising the National Member at Eurojust, as the highest ranking public prosecutor in the Hellenic Republic.

### **3.3.3 Powers granted to the national member**

#### *3.3.3.1 General powers*

The competencies granted to the National Member at Eurojust are those prescribed by Law 3663/2008.

According to Article 4 of Law 3663/2008, the National Member acting on behalf of Eurojust:

(a) may ask the domestic competent authorities to consider:

- (i) to undertake an investigation of, or prosecute specific acts;
- (ii) to accept that the authority of another EU Member State may be in a better position to undertake an investigation or to prosecute specific acts;
- (iii) to coordinate their actions with the competent authorities of other Member States;
- (iv) to set up a joint investigation team;
- (v) to provide Eurojust with any information that is necessary for it to carry out its tasks;

(b) should ensure that domestic competent authorities are informed of investigations and prosecutions of which the national member has been informed;

(c) should assist the competent authorities of the Member States, at their request, in ensuring the best possible coordination of investigations and prosecutions, and in general supporting the improvement of the cooperation between the said authorities;

(d) should cooperate and consult with the European Judicial Network, make use of and contribute to the improvement of its documentary database;



(e) should assist investigations or prosecutions of domestic competent authorities or even of the authorities from a third country, following their request, when concerning only the said authorities of the ones of a third country, provided a cooperation agreement has been concluded between Eurojust and that third country, or in special cases, if there is a significant interest imposing support and provided there is the agreement of Eurojust as the College;

(f) should grant support, following a request from a domestic authority or the Committee of the European Communities, in investigations and prosecutions concerning only the domestic authority and the Community;

(g) should forward requests for judicial assistance, provided they are submitted by the competent authority, concern an investigation or prosecution conducted by that authority and an intervention is required as to the coordination;

(h) should coordinate the exchange of information on legal matters between competent authorities of Members States.

In order to exercise his/her competences, the National Member, may:

- a) request from the domestic judicial authorities, the judicial authorities of the Member States and Europol, the information required;
- b) access the criminal record data kept with the country's Public Prosecutor's Office, in accordance with the provisions governing the domestic judicial and public prosecutors' authorities;
- c) access the Schengen Information system.

This information may be used only for fulfilling the duties assigned to the National Member by Eurojust and in accordance with those prescribed by the Council Decision of 2002.

The National Member is obliged to preserve the confidentiality of information exchanged between Eurojust, domestic authorities and the authorities of other Member States and those of a third country.

Furthermore, pursuant to Article 7 of Law 3663/2008, the National Member and his/her deputy have access to personal data held by Eurojust, in accordance with Articles 15, 16, 17 and 18 of the Council Decision of 2002 and subject to the provisions on protection of personal data.

Greece will not grant more powers to its National Member than those prescribed by the Eurojust Decision. The powers specified in Articles 9b(2), 9c and 9d of the Eurojust Decision will not be given to the National Member.

In practical terms this means that the National Member will have less power than the public prosecutor of the Supreme Court in Greece as this person has the most powers. The Greek authorities do not intend to give more powers to the National Member as this would not be in accordance with their legal system.

#### *3.3.3.2 Access to national databases*

The National Member may be granted access to the Criminal Records System and the Schengen Information System.

However, there are no online national databases enabling the National Desk to provide a connection to the Hellenic courts. Moreover, there is no direct access to other databases from the police or other law enforcement bodies.

According to the Greek authorities, the National Member may request information from the databases of the Hellenic police and other prosecution authorities in his/her capacity as the national public prosecutor.

Since there is no access provided via a centralised, computerised system, information will be provided by the public prosecutors in Greece, via mail, telephone, etc.

### **3.3.4 Access by the National Desk to the restricted part of the Case Management System (CMS)**

The National Member manages the Greek part of the Eurojust CMS and grants access to the deputy and to an administrative assistant of the National desk.

National authorities have no access to the Eurojust CMS, since the necessary technical study and connections which would enable the CMS to be connected with the Hellenic judicial authorities have not yet been conducted.

During the on-site visit to Greece, the issue of referral of cases was addressed. According to the Greek authorities, a general order is in place, requiring the Supreme Court's Chief Public Prosecutor to be informed of all cases. Since there is no CMS in place in Greece, it is quite difficult to use this information as a referral system unless somebody in charge scrutinises all cases on a continuous basis.

## **3.4 EJM contact points**

### **3.4.1 Selection and appointment**

The contact persons (officially known and hereafter referred to as "contact points") for the European Judicial Network in criminal matters were designated through Ministerial Decision No. 98213 of 7 December 2012.

The contact points are appointed directly by the Minister of Justice, who also appoints the National correspondent and the Tool correspondent. The latest appointments were made by the Minister in the abovementioned decision.

There are currently 10 contact points: 2 from the Ministry of Justice, 6 from the Public Prosecutor's Office at the Court of Appeal of Athens and 2 from the Public Prosecutor's Office at the Court of Appeal of Thessaloniki. The majority of the contact points, including the National correspondent and the Tool correspondent, are located at the Public Prosecutor's Office at the Court of Appeal of Athens, which is the largest such office in Greece and the only one with a department dealing exclusively with mutual legal assistance and international cooperation matters.

All the contact points are specialised in international cooperation in criminal matters and have theoretical and practical knowledge of EU instruments. The main criteria for selection are knowledge of at least one foreign language, which in most cases is English, working experience in the field of mutual legal assistance and international cooperation, and a high level of motivation and flexibility.

### **3.4.2 Practical operation of the EJM contact points in Greece**

The contact points regularly attend EJM meetings, more specifically the plenary and National correspondent and Tool correspondent meetings. The Tool correspondent has attended *inter alia* the English language training programme organised by the EJM Secretariat and ERA (The Hague, 19-23 November 2012) and a regional meeting in Berlin (2<sup>nd</sup> regional meeting of the German EJM-Contact Points, 13-14 May 2013). These meetings are of crucial importance to their daily work because they can share experience with EJM contact points from other Member States, exchange various information in a more informal way and build personal relationships that will prove helpful.

There has so far not been any need to hold a specific meeting for the Greek EJM contact points as they coordinate and solve all matters between themselves. There are plans, however, to organise a regional meeting funded by the EJM Secretariat, to be attended by the Greek EJM contact points, judges, public prosecutors and a limited number of EJM contact points from other Member States.

### Tasks

Greek contact points have daily contact with the national authorities (judges, public prosecutors, police, etc.) to assist them in matters related to international cooperation. They provide advice on how to issue or execute a request for mutual legal assistance, how to issue or execute an EAW, how to use the EJM Website (Atlas), and how to obtain information on EU law or to contact a contact point in another Member State by phone or e-mail to forward such requests.

They are also in daily contact with the EJM contact points in other Member States and provide assistance on a wide range of issues (legislative information, mutual legal assistance requests, EAWs, updates on pending cases, coordination with the local authorities on operational matters, location of the competent national authority and forwarding of requests, etc.). More generally, they act as direct intermediaries between foreign and local authorities on all matters related to international cooperation in an informal and speedy manner.

### Tasks of the National correspondent

Apart from the tasks described above, the National correspondent is responsible for coordination between the EJM contact points and direct contacts with the EJM Secretariat. The National correspondent informs the national authorities (mainly the other public prosecutor's offices handling international legal assistance issues) about any new EU instruments or published documents of importance. The National correspondent regularly attends the annual National correspondents meeting in the Hague and has been focusing on the preparation of the EJM plenary under the Greek Presidency scheduled for June 2014. Lastly, the National correspondent provides the EJM Secretariat with statistics on the EJM contact points' activities for the EJM's bi-annual report.

**Tasks of the Tool correspondent**

The Tool correspondent is responsible for maintaining and updating the information on the EJN website and regularly attends the annual Tool correspondents' meeting.

The Tool correspondent updates the information on the EJN website in relation to Greece (Atlas, status of implementation of legal instruments, contact points, etc.), uploads the data into the database and contacts the EJN webmaster where necessary for any technical support. To ensure that the EJN website was correctly updated for Greece and to overcome some technical problems that had appeared in Atlas, the EJN webmaster was invited to Athens on 8-9 November 2012 to assist the Tool correspondent on the spot.

**3.5 Conclusions**

**3.5.1 Formal (legislative) implementation process**

- In general, European law needs to be transposed into Greek law through legislative measures.
- The Council Decision of 2002 was transposed into the Greek law.
- The Eurojust Decision of 2009 has not yet been transposed into the national legislation. However, a Special Legislative Committee has drafted legislation to that end and submitted it to the Minister of Justice for approval.

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### 3.5.2 Division of prosecution tasks between police and prosecutor's office

- There is a strict division of powers between the police and the public prosecutors' offices in relation to prosecution tasks. In criminal matters, public prosecutors have exclusive jurisdiction to bring an accusation before the court.
- The police are obliged to follow the instructions on how the investigation should be carried out, and if mutual legal assistance is needed the relevant action has to be undertaken by public prosecutors.
- There is also specific role played by investigative judges during the investigation. They act independently from the prosecution service. Once the prosecutor gives his/her perception of the case (attribution facts to the alleged criminal offence) the case is transmitted to the investigative judge who will perform it. The prosecutor is not any more entitled to intervene in the case but only if any procedural action has to be still undertaken. However, the evaluation team was informed by some practitioners that decisions on the direction of investigations are taken collaboratively by public prosecutors and investigative judges.
- The police are not involved in judicial cooperation. Therefore, if MLA or an EAW is needed, a request has to be sent to the public prosecutor's office. This may explain why the police are more orientated towards cooperation with Europol whereas cooperation with Eurojust and within the EJM is left to the public prosecutors' offices.
- The strict division of powers between the police and public prosecutors has resulted in insufficient access to the police data system by public prosecutors. This means that the National Member, who is a public prosecutor, has no direct access to the police records. He/she therefore needs to ask for information on a case-by-case basis via the prosecution service.

### 3.5.3 The National Desk at Eurojust

- The appointment of the National Member (and his/her deputy) is very formal since it is made by Presidential Decree upon a proposal of the Ministers of Justice and Foreign Affairs following a decision by the relevant Supreme Judicial Council.
- Currently the National Member and his/her deputy are stationed in the Hague.
- Since the Eurojust Decision of 2009 has not yet been implemented, the National Member's powers and responsibilities are foreseen in Law 3663/2008 which implemented the Council Decision of 2002. The powers granted to the National Member provided for in Article 4 of Law 3663/2008 are equal to those specified in Article 6(1) (a-f) of the Council Decision of 2002. The National Member must also send MLA requests from competent authorities provided his/her intervention is required for coordination purposes, and is expected to coordinate the exchange of information on legal issues between the competent authorities of the Member States.
- The draft legislation implementing the Eurojust Decision does not foresee granting more powers to the National Member. The powers specified in Articles 9b(2), 9c and 9d of the Eurojust Decision will not be granted to the National Member under the draft legislation.
- According to Greece, cooperation between the National Member and the Greek competent authorities is informal, and not based on any law or circular.
- On the one hand, this is commendable. Informal processes usually make for smoother cooperation, expedient handling of requests and high-quality output.



- However, the lack of formal frameworks for such cooperation also leads to a lack of transparency and predictability which may result in slow handling of requests and low-quality output.
- According to the evaluators, it is advisable to formalise such cooperation as obligatory as far as possible whilst providing ample scope for complementary informal arrangements of this sort.

### **3.5.4 Implementation of the ENCS**

- The ENCS has not yet been established.
- According to the Greek authorities, the draft legislation implementing the Eurojust Decision of 2009 will amend the existing Law 3663/2008 and a new Article 2A will be introduced. This provision will regulate the ENCS, in accordance with Article 12 of the Eurojust Decision.
- The ENCS will be composed of public prosecutors. The police will not be members of the ENCS.
- The evaluation team was advised that this is due to the role of the police in Greece and its relationship to the judiciary. The National Member cannot issue direct instructions to the police but must go through the competent local public prosecutor.
- Nonetheless, the evaluators consider that involving the police in the ENCS could speed up the exchange of information and facilitate cooperation between public prosecutors and the police.

- Despite the ENCS not being officially established, the Greek National Desk at Eurojust cooperates on a daily basis with the National correspondents drawn from the Public Prosecutors' Office at the Court of Appeal of Athens on MLA matters and EAWs/extraditions falling under its competence, as well as in other cases requiring coordination of the execution of MLA requests from various public prosecutions' districts outside the jurisdiction of the Public Prosecutors' Office at the Court of Appeal in Athens.
- The Greek National Desk at Eurojust also liaises with the National correspondent, who is the Deputy Public Prosecutor at the Court of Appeal and deals with terrorism and organised crime matters, as well as in cases concerning offences falling under his/her competence regardless of territorial jurisdiction.
- The National Member liaises with the National correspondent drawn from the Ministry of Justice on facilitation of the execution of requests for judicial assistance with regard to third States or non-Schengen countries.

### **3.5.5 Connection to the CMS**

- The national authorities have no access to the CMS also because the necessary technical study and connections that would enable the CMS to be connected to the Hellenic judicial authorities have not yet been implemented.

### 3.5.6 EJN

- The EJM contact points are appointed directly by the Minister of Justice who also appoints the National correspondent for the EJM and the Tool correspondent for the EJM.
- Mostly public prosecutors have been designated as the contact points (six from the Public Prosecutors' Office at the Court of Appeal of Athens, and two from the Public Prosecutors' Office at the Court of Appeal of Thessaloniki). However, two contact points have been drawn from the Ministry of Justice.
- All contact points are specialised in international cooperation in criminal matters and have theoretical and practical knowledge of EU legal instruments. The main criteria for their selection are the knowledge of at least one foreign language, work experience in the field of mutual legal assistance and international cooperation, and a high level of motivation and flexibility.
- Generally, public prosecutors and investigative magistrates in Greece are aware of and satisfied with the EJM website, where they can find information on the EJM contact points in Greece.

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## 4 EXCHANGE OF INFORMATION

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

#### 4.1.1 Databases relevant for the information exchange with Eurojust

There is no centralised system or database covering the relevant information in criminal matters. However, the Greek authorities are considering using the following databases to exchange information with Eurojust:

- a) the National Criminal Record system - this comprises the general Criminal Record databases, which are kept at each Public Prosecutor's Office to the Court of First Instance and include records of persons who were born in the districts covered by the respective public prosecutors' offices, and the database of the Independent Department of Criminal Records established at the Ministry of Justice, Transparency and Human Rights, which includes records for persons born outside Greek territory, against whom irrevocable convictions or decrees have been issued; and
- b) the fingerprints records and genetic fingerprints files; personal files of prosecuted persons; photographs, methods of actions and defects; indexes of prosecuted Greek persons and aliens; and special collections of fingerprints, traces and objects, all of which are kept at the Division of Criminal Investigations of the Hellenic Police Headquarters. The latter is accredited by the Hellenic Accreditation System S.A. for carrying out and concluding expert reports following a criminal investigation, based on graphology and optical, chemical, physical, biological, biochemical, ballistic, fingerprint, electronic and imaging methods, for the purposes of keeping a database and records.

The Division is supported administratively and technically by the Forensic Science Division, which ensures the security of the data and includes the following departments: 1) Sub-Directorate for biological and biochemical examinations and analysis, 2) Internal Operations Department, 3) Fingerprints Department, 4) Scientific Investigations Department, 5) Department of Science Laboratories - analysis of guns and trace elements, 6) Department of Graphology Laboratories - court use and document fraud, 7) Department of chemical and physical examinations, 8) Department of digital examinations and sound evidence, 9) Department of modus operandi - photographic material, 10) Department of pursuits - statistics, and 11) Archives Department.

The National Member and public prosecutors do not have direct electronic access to the various existing databases. They are provided with the relevant information upon request to the police.

#### **4.1.2 Obligation to exchange information under Article 13(5) to (7)**

The obligation to exchange information stipulated in Article 13 of the Eurojust Decision has not yet been implemented in Greek law.

However, according to the Greek authorities, Article 6b of the draft legislation obliges the competent national authorities to inform the National Member to the extent stipulated by Articles 13(5), 13(6) and 13(7) of the Eurojust Decision.

#### **4.1.3 Application of obligation to exchange information under Article 2 of Council Decision 2005/671/JHA**

Greece has not yet incorporated the Council Decision 2005/671/JHA of 20 September 2005 on the exchange of information and cooperation concerning terrorist offences in Greek legislation<sup>7</sup>.

Nevertheless, the National Co-ordinator for the fight against terrorism informs Eurojust annually, upon request, about the proceedings of all cases related to terrorist crimes.

#### **4.1.4 Channels for information transfer to Eurojust**

Greece forwards information to Eurojust, mainly via fax and e-mail. Forwarding this information in a “structured” manner is not yet prescribed.

#### **4.1.5 Exchange of information on the basis of Article 13(5) to (7) of the Eurojust Decision**

Although the Eurojust Decision of 2009 has not yet been integrated in Greek legislation, the requirements in terms of information exchange are, according to the Greek authorities, met, to some extent, by using the European Judicial Network’s information flow.

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<sup>7</sup> The evaluation team was informed that the Minister of Justice, Transparency and Human Rights decided to set up and constitute a special legislative committee, with the purpose of drafting a law in order to comply with the provisions of the Council Decision 2005/671/JHA of 20 September 2005 on the exchange of information and cooperation concerning terrorist offences (decision Nr. 24483/31-3-2014 published in Gov. 891 B / 09.04.2014).

According to the Greek authorities, the draft law provides, in conjunction with Law 3663/2008, for the following:

*"A) The National Member of Greece in Eurojust, acting on behalf of the latter one, among others a) may reasonably request from the competent Hellenic authorities, (i) to undertake an investigation or prosecution of specific acts; (ii) to undertake and coordinate the competent authorities of the Member States; (iii) set up a joint investigation team according to the relevant cooperation instruments; (iv) provide EUROJUST with any information that is necessary for it to carry out its tasks; b) make sure that the Hellenic competent authorities are informed of investigations and prosecutions of which it has been informed; c) assist the competent authorities of the Member States at their request, in ensuring the best possible coordination of investigations and prosecutions, and generally support the improvement of the cooperation between them, d) cooperate and consult with the European Judicial Network, use and contribute to the improvement of its documentary database, e) assist investigations or prosecutions of the Hellenic competent authorities or of the authorities of a third state, at their request, only when concerning them and the authorities of a third state, provided there is a cooperation agreement between EUROJUST and the third state, or in special cases, if there is a significant interest imposing that support and provided Eurojust agrees as a college, f) supports, following a request from a domestic authority of the European Communities' Committee, investigations and prosecutions concerning only the Hellenic authority and Community, g) coordinates the exchange of information on legal matters, between the competent authorities of the Member States.*

*B) In order for the National Member of Greece in Eurojust to exercise its powers, it may: a) request from the Hellenic judicial authorities, the judicial authorities of the Member States and Europol the necessary information, b) have access to criminal records files kept with the Public Prosecutor's Offices in the country, as well as all records kept by the domestic prosecution – investigation authorities, c) have access to the Schengen information system. This information may be used only for fulfilling the duties assigned to the National Member by Eurojust and according to those prescribed by the Council's decision.*

*C) The National Member participates in the standby for coordination for the purposes mentioned in article 5a of the Decision.*

*D) The National Member of Greece in Eurojust, under its capacity as the competent national authority, is entitled to receive, forward, facilitate, and observe the execution, as well as grant additional information concerning the execution of requests and decisions of judicial cooperation between others, regarding actions that enforce the principal of mutual recognition. When powers mentioned in the present paragraph are exercised, the competent national authority is promptly informed. In cases of partial or incomplete execution of a request for judicial cooperation, the National Member, under its capacity as the competent national authority, is entitled to request from the competent judicial authority of its member state, to take additional measures so that the request is fully executed. The national member, under its capacity as the competent national authority, is entitled to submit a proposal to the competent domestic authority to: a) issue and complete requests and decisions of judicial cooperation, including acts concerning the implementation of the principal of mutual recognition, b) execute requests and decisions of judicial cooperation, including acts concerning the implementation of the principal of mutual recognition, c) order measures for conducting an investigation that are considered necessary at a coordination meeting organised by Eurojust, for granting assistance to competent national authorities participating in a specific investigation and where the competent national authorities relevant to the investigation, are called to participate.*

*E) The examination of requests of the National Member, as well as Eurojust as a College, to the competent Hellenic Authorities, is conducted by the competent judicial and prosecution authorities in each case that should respond without undue delay.*

*F) The competent Hellenic authority may report to Eurojust repeated denials or difficulties regarding the execution of requests and decisions of judicial cooperation, among others concerning acts that implement the principal of mutual recognition, and request by the college to issue a written, non-binding expert opinion regarding that matter, provided that it was not possible to solve that matter by a mutual agreement between the competent national authorities or due to the intervention of the national member. The opinion of the college is immediately forwarded to the member states. If the competent domestic authorities decide not to continue with the written opinion, they inform Eurojust without undue delay, of their decision which is substantiated.*



*G) The competent Hellenic shall ensure that the national member is informed without undue delay of any case in which at least three (3) Member States are directly involved and for which requests for or decisions on judicial cooperation have been transmitted to at least two Member States, including regarding instruments giving effect to the principle of mutual recognition, and a) the offence involved is punishable in the issuing or requesting Member State by a custodial sentence or a detention order for a maximum period of at least five years, and is included in the following list:*

*i) trafficking in human beings; ii) sexual exploitation of children and child pornography; iii) drug trafficking; iv) trafficking in firearms, their parts and components and ammunition; v) corruption; vi) fraud affecting the financial interests of the European Communities; vii) counterfeiting of the euro; viii) money laundering; ix) attacks against information systems; or b) there are factual indications that a criminal organisation is involved; or c) there are indications that the case may have a serious cross-border dimension or repercussions at European level or that it might affect Member States other than those directly involved. The competent Hellenic authorities shall ensure that their national member is also informed of: a) cases where conflicts of jurisdiction have arisen or are likely to arise; b) controlled deliveries affecting at least three (3) States, at least two (2) of which are Member States; c) repeated difficulties or refusals regarding the execution of requests for and decision on judicial cooperation, including regarding instruments giving effect to the principle of mutual recognition.*

*H) The National Member, prior to giving its consent, according to article 27 paragraph 1 of the Council Decision, for forwarding to international organisation or services, as well as to third countries' authorities, competent for investigations and prosecution, information that the document competent authorities granted to Eurojust, the national member is obligated to take the approval of the Public Prosecutor of the Supreme Court. The national member has the same obligation when forwarding personal data according to article 27 paragraph 6 of the Council's Decision. The National Member, regarding its activities and particularly regarding policy problems, crime, and as part of the judicial cooperation at European Union level, pertaining to Eurojust jurisdiction, submits an annual report to the Ministry of Justice and proposes the necessary measures to be taken according to its opinion regarding the improvement of the said policy. The above report is also sent to the Highest Judicial Council.*

*I) Following a request from the competent authority in Greece (of the local competent Public Prosecutor of the Court of Appeal, or of the Public Prosecutor of the Supreme Court, in case of an investigation to the districts of most Courts of Appeal) or from another EU. member state, it is permitted to draw a written agreement between Greece and another EU. member state or states, to form a joint investigation group. That group is investigating criminal offences prescribed by article 13 of the present law, in one or several member states that are part of that group. The local competent Public Prosecutor of the Court of Appeal is the competent Hellenic authority to submit or receive the above request and draw the written agreement. If the investigation is to be conducted in the districts of more Courts of Appeal, the competent authority is the Public Prosecutor of the Supreme Court. The Hellenic authorities (local competent Public Prosecutor of the Court of Appeal, or in case of an investigation in the districts of more Courts of Appeal, the Public Prosecutor of the Supreme Court), provide for the national members of Eurojust, the countries of which participate in Joint Investigation Groups, to be informed in English of their formation, as well as of the results of their works."*

It has been pointed out by the Greek authorities that the obligation specified in Articles 13(5)-(7) of the Eurojust Decision is currently fulfilled by the competent local public prosecutors of the Court of Appeal, who participate on behalf of Greece in the procedure for exchanging information, and where a Joint Investigation Team (JIT) is going to conduct its actions in districts covered by more than one Court of Appeal, the Public Prosecutor of the Supreme Court is the person responsible for the coordination.

The above-mentioned judicial authorities send the relevant information in a decentralised manner (in the form of information from the National Member) whenever a JIT is formed and for any case in which at least three Member States are directly involved and in respect of which requests for or decisions on judicial cooperation have been transmitted to at least two Member States, including regarding instruments giving effect to the principle of mutual recognition (under Article 13(6) of the Eurojust Decision). This information is not forwarded via the central national authority, but via the local Public Prosecutor of the Court of Appeal competent to provide such information.

For the procedure of exchanging information, the role of the ENCS is regarded as particularly important. The ENCS is expected to facilitate the exercise of Eurojust duties by: a) ensuring that the CMS mentioned in Article 16 of the Eurojust Decision receives the information connected to the proper Member State, in an effective and reliable manner, b) helping determine whether a case should be examined with the assistance of Eurojust or the European Judicial Network, c) assisting the National Member to locate the proper authorities for executing requests and decisions for judicial cooperation, considering, amongst other things, actions that implement the principle of mutual recognition, d) keeping close relations with the Europol national unit.

## **4.2 Feedback by Eurojust**

### **4.2.1 Qualitative perception of the information flows between Eurojust and Greece**

According to the Greek authorities, the information flow between Eurojust and the competent authorities in Greece is considered satisfactory.

Since Greece has not yet implemented the Eurojust Decision of 2009, the exchange of information based on Article 13 is formally not in place.

### **4.2.2 Practical or legal difficulties encountered when exchanging information with Eurojust**

The Greek authorities have not reported any practical or legal obstacles concerning the exchange of information through the regular channels.

#### 4.2.3 Suggestions for improving the information exchange between Greece and Eurojust

According to the Greek authorities, Eurojust should consider focusing more on actual operational work on specific transnational cases involving several Member States and avoid holding coordination meetings for simple bilateral cases with the sole purpose of exchanging information on the status of execution of a request for mutual legal assistance.

#### 4.2.4 The EPOC project

Greece is not involved in the EPOC-IV project.

### 4.3 Conclusions

- The evaluation team was informed that there is no centralised system or database for the relevant information in criminal matters in Greece, due to financial constraints as well as data protection concerns.
- Under Article 6(1) of Law 3663/2008, the National Member cannot directly ask the police or customs for information. The National Member has to ask a public prosecutor in Greece who, in turn, will request it from the police or customs authorities.
- As there is no national IT interface covering the whole of Greece, the prosecution offices do not have direct access to data held in the various local databases.

- The Council Decision 2005/671/JHA of 20 September 2005 on the exchange of information and cooperation concerning terrorist offences has not yet been integrated into Greek legislation. Assurances were given to the evaluation team that information is exchanged on an annual basis only.
- Despite the fact that Article 13 of the Eurojust Decision of 2009 has not yet been implemented in Greek legislation, the evaluation team was informed that the National Member is provided with information on cases falling under the scope of this provision. However, according to the statistics provided by Eurojust, Greece has not provided formally any information to Eurojust under Article 13 of the Eurojust Decision during 2011 or 2012.
- The competent public prosecutor transmits to Eurojust the information specified in Article 13 (5)-(7) of the Eurojust Decision, including information on the setting up of JITs. A local public prosecutor of a Court of Appeal (or, when more than one Court of Appeal would be involved, the Public Prosecutor at the Supreme Court) is the authority competent to sign a JIT agreement. He/she is also competent to inform Eurojust of work that has been set up and its results.
- Thus, information specified in Article 13 of the Eurojust Decision is transmitted to Eurojust in a decentralised manner. It is sent directly by the above-mentioned public prosecutors to Eurojust, rather than through a central national authority.
- The information is sent to Eurojust informally, mainly by e-mail or fax. This is an unprotected and therefore dangerous way of transmitting sensitive information. The issue of information safety should be continuously addressed.
- The Article 13 template is not used yet as it is not prescribed under Greek law. Its use is, however, envisaged in the future.

## 5 OPERATIONAL ASPECTS

### 5.1 Statistics

The evaluation team was not provided with the overall statistics relating to contacts between the competent authorities within Greece and the National desk. No central body has been designated as responsible for collecting statistics in this regard.

However, the evaluation team was informed that the National desk holds archives with all the information about the cases transmitted. There is also a general protocol, where the correspondence by mail to the national authorities is kept.

The statistics provided by Eurojust show that Greece was involved in 48 bilateral cases in 2012. In 2012, Greece was not involved in any multilateral case. In 2013, four bilateral cases had been registered by 28 February.

The same statistics show, for 2012, that Greece was registered as a requesting country in 48 cases and as a requested country in 77 cases. By 28 February 2013, 12 cases in which Greece was requested and 4 cases in which it issued a request had been registered.

Greece was, in 2011 and 2012, only a requesting country for holding coordination meetings in one single case, whereas it was a requested country in 37 cases.

## 5.2 Practical experience in relation to Eurojust

The competent national judicial authority decides which channel is appropriate to use on a case-by-case basis. The EJM is widely used for cases such as an EAW, provisional detention or requests for the presence of the representatives of the issuing State during the execution of a request for MLA, mainly due to the fact that the EJM establishes direct contact with the judicial authority in the Member State handling the penal case in an informal way.

Eurojust is used when there is a need for coordinating the involvement of at least two Member States and/or a third State. Greece reported limited experience in initiating the involvement of Eurojust in coordination meetings but has received numerous requests to participate in coordination meetings organised by other Member States.

There are no restrictions on which stage of the proceedings a case can be referred to Eurojust.

## 5.3 Allocation of cases to Eurojust, the EJM or others

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

Judicial authorities dispatch to the National Desk, via post, e-mail or fax, copies of requests for judicial assistance or EAWs, in order to request assistance from other Eurojust national desks involved in their execution.

The National Member records these cases in the CMS and informs national desks involved in level I and II coordination meetings. If better coordination, clarification regarding specific matters, or information analysis by Europol and Eurojust are needed, the National Member calls for a level III coordinating meeting at the Eurojust premises with the participation of all parties involved (e.g. the Hellenic and foreign competent authorities and, if appropriate, the Eurojust administration, Europol analysis officials, OLAF or representatives of the competent authorities of third countries).

The National Member follows the progress of the case, informs his/her counterparts at Eurojust, if required, regarding the outcome of investigations and prosecutions, so as to ensure coordination between the judicial and prosecution authorities in Member States that participated in the meeting and are still involved in the case.

Should any matter that has arisen during the investigations or prosecutions be solved by the national desks at Eurojust involved, the competent authorities in the Member States concerned will be informed. The National Member updates the CMS accordingly. The role of the National Member and his/her deputy is therefore crucial to the progress of the case.

### **5.3.2 Requirements for cooperation between Greek national authorities and Eurojust**

The cooperation between the National Desk of Greece and the national authorities is not determined by any law or circular, but informal. The National desk usually starts by contacting the competent National correspondent and then contacts the competent person handling the case at national level (public prosecutor, investigating magistrate or police officer).

### **5.3.3 Cases related to the powers exercised by the national member (Article 6)**

Greece does not have any relevant experience due to the fact that the Eurojust Decision of 2009 has not yet been implemented into Greek legislation.



#### 5.3.4 Cases related to the tasks of Eurojust acting as a College (Article 7)

The Greek authorities reported that they have not yet encountered a need to apply Article 7 of the Eurojust Decision of 2009 in a case under Greek jurisdiction.

#### 5.4 Practical experience related to coordination meetings

##### 5.4.1 Qualitative perception

The general view of the Greek authorities is that coordination meetings are a valuable “tool” for the competent authorities, more particularly when coordination of actions is required, either for solving difficult legal matters concerning judicial assistance and extraditions, or for planning individual operations in the Member States involved, by selecting the appropriate means, time and place. These meetings give practitioners the opportunity to exchange information constructively, clear up murky aspects of the case being examined, and form Joint Investigation Teams in order to deal with a case more effectively.

The facilities provided by Eurojust, such as interpretation, financial contributions to cover travel and accommodation expenses and modern equipment in the meeting rooms were mentioned as main advantages of coordination meetings.

The follow-up to these meetings at Eurojust is very important, since a second coordination meeting is almost always required after the initial one to evaluate its results and iron out any problems, or to include other competent authorities from other Member States that did not participate the first time.

The Greek authorities stressed the great value of coordination meetings not only for the parties involved in conducting criminal cases but also for raising awareness of European public opinion about the possibilities provided by Eurojust to combat more effectively cross-border organised crime.

Although practitioners expressed a positive perception of the outcome of coordination meetings, Greece does not often convene them. The Greek National desk did not organise any coordination meetings in 2009 or 2012. In both 2010 and 2011 only one coordination meeting was convened.

The recently created Special Public Prosecutor's Office against Corruption at the Court of Appeal in Athens reported having participated in two coordination meetings at Eurojust in a bilateral case which resulted in the establishment of very fruitful lines of communication and direct contacts between the Greek authorities and those of the other Member States involved, in the partial transfer of criminal proceedings to Greece and, ultimately, in a trial and conviction in Greece.

One of the investigative judges specialised in corruption cases reported being currently in contact with the National Member in order to organise a coordination meeting at Eurojust involving Member States and a third State. The evaluation team was informed that the coordination meeting took place and according to the practitioner involved it was successful, bringing to light new information and resulting in enhanced cooperation between the parties involved. Its outcome was notified informally to the Prosecutor of the Supreme Court.

#### **5.4.2 Role of the ENCS**

The ENCS has not yet been established in Greece.

However, the Greek authorities consider to attribute a significant role to the ENCS in the future. The ENCS should operate as the point of reference after a coordination meeting, to which all information and data will be sent by those enforcing the law and dealing with a specific case; this will ensure that they are forwarded via the National desk of Eurojust to the other national desks involved, and through them, to persons in charge of the same case in the other Member State involved, or at Europol or OLAF. The ENCS should also assess whether there is a need for a further coordination meeting and consult on this with the National desk in the Hague.

According to the opinion of the Greek authorities, the ENCS's will be able to contribute significantly to the forming and operation of JITs by Greece, and its most important role will be to coordinate and provide a link between the National desk at Eurojust and national authorities.

#### **5.5 Use of the On-Call Coordination (OCC)**

The National desk was organised in such a way that it is able to respond at any time to requests for coordination, even before the OCC came in place .

Information on the OCC has been disseminated through different channels. The National desk of Greece informed the Ministry of Justice, Transparency and Human Rights (central authority) to spread this knowledge. The national authorities were also informed by the National desk dispatching of the Eurojust relevant brochures and through the Eurojust home page.

No calls in relation to Greece have been registered so far.

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

The evaluation team was not informed of any experience of cases relating to cooperation between the ENCS and the Europol national unit as the ENCS has not yet been established.

## 5.7 Conclusions

- Greece has relatively few international cases, which means that an overview of this informal and decentralised system can be established even without a centralised system and even without a formal legal framework.
- According to the Greek authorities, all public prosecutors in Greece know about Eurojust. In addition, Greece has very few international cases or MLA requests. The number is growing slowly but remains low.
- According to practitioners the evaluation team met, Eurojust is very formal whereas the EJM is much more flexible. The EJM is more direct. The Greek authorities basically start at the EJM and then move to Eurojust, if needed. The preferred approach is to contact the EJM contact point if there is any doubt about whether and to what extent the EJM or Eurojust should be chosen.
- The powers exercised by the National Member are specified in the national law. Since the implementation of the Eurojust Decision of 2009 has not been completed, the powers of the National Member are still to be defined more precisely.

- Nevertheless, according to the Greek authorities, the powers specified in Articles 9b(2), 9c and 9d of the Eurojust Decision will not be given to the National Member. The limited powers of the National Member do not seem to be a problem in their view and do not lead to delays, as there is always someone on call in Greece. It could be an option to give more powers to the National Member in urgent cases, when the national authorities cannot be reached. However, according to the Greek authorities this cannot happen in Greece, as a national competent authority can always be reached.
- Practitioners positively assess the coordination meetings organised by Eurojust. This assessment is based on the views expressed by participants, who said the meetings were useful and expressed great satisfaction with their outcome. The small number of coordination meetings at the request of Greece should however be noted.
- In particular "level III" coordination meetings were considered to be of great value for an effective, coherent and well-coordinated approach to cross-border crime, due to the fact that practitioners from courts, prosecution services, the police and other investigating bodies from all the countries involved were present to discuss and plan further actions should be taken.
- However, in the opinion of the evaluation team Greece may not be using the full potential of Eurojust, including the initiation of coordination meetings.
- The OCC has not been used yet. However, the national authorities have been informed of its existence and its role.

## 6 COOPERATION

### 6.1 Cooperation with EU agencies and others

According to the Greek authorities, Greece does not have any general policy for cooperation with EU agencies and other bodies.

However, Article 9 of Law 3663/2008 includes the official policy concerning the involvement of Eurojust in cases including OLAF. More particularly, it is specified that:

*“1. The national member is the domestic competent authority for receiving and dispatching information between EUROJUST and the European Anti-Fraud Office (OLAF), according to EC Regulation no. 1073/1999 and Council Regulation (Euratom) no. 1074/1999 concerning investigations carried out by the European Anti-Fraud Office (OLAF) of 25.5.1999 (EE L 136/1 and 8 of 31.5.1999).*

*2. The competent Public Prosecutor forwards to the national member of the national correspondent, any information and it was forwarded by European Anti-Fraud Office (OLAF), concerning investigations conducted for irregularities and offences punishable committed against the financial interests of the European Community.”*

The establishment, in 2013, of the Special Public Prosecutor’s Office against Corruption and the Athens Public Prosecution Office specialised in Economic Crime may enhance cooperation between Greece and specialised EU agencies in combating economic crimes and corruption.

The Special Public Prosecutor's Office against Corruption at the Court of Appeal in Athens was set up in March 2013 and is specialised in fighting against corruption offences allegedly perpetrated by public officials or in cases of broader social interest. This Office is assisted by police officers specialised in investigating economic crimes and by STOI (an administrative body established to fight corruption). This Office reported that it had dealt with cases in which coordination meetings had been held at Eurojust and that it had received assistance from Eurojust in relation to assistance from a third State.

In July 2013 a Public Prosecution Office in Athens specialised in combating economic crime including all financial crimes, tax offences and money laundering not committed by public officials was established. Given the nature of the crimes under their competence, the Public Prosecution Office in Athens specialised in Economic Crime anticipates that it will soon need to turn to Eurojust for assistance.

## **6.2 Cooperation with third states**

### **6.2.1 Policy with respect to the involvement of Eurojust**

According to the Greek authorities, there is no relevant policy in Greece with respect to the involvement of Eurojust.

### **6.2.2 Added value of Eurojust involvement**

According to the Greek authorities, Eurojust involvement in cases connected to third States is very important and its assistance has mostly been requested for very serious cases concerning requests for judicial assistance addressed to third States, and the associated results have been impressive.

However, the evaluation team felt that the Greek authorities were not fully aware of the range of possibilities offered by Eurojust, such as coordination meetings, Eurojust contact points in third States, cooperation agreements between Eurojust and third States, and Liaison Prosecutors from third States posted at Eurojust, in cases involving third States, in particular the trafficking in human beings and illegal immigration arising in view of Greece's borders with both EU and non-EU States.

### **6.3 Practical experience of the EJM**

#### **6.3.1 Cooperation between the national member and the EJM**

The National Member at Eurojust regularly cooperates with the EJM, its secretariat and the national contact points to coordinate a better distribution of cases between Eurojust and the EJM. More specifically, the National correspondent for EJM and one contact point from the Ministry of Justice are also National correspondents for Eurojust, thus further strengthening the cooperation between them. Most of the EJM contact points are based in a public prosecutor's office.

The National Member frequently seeks advice on various subjects, such as locating a competent authority, updating of pending cases, information on criminal proceedings and forwarding of any requests he/she considers important to the National correspondents. There is almost daily contact, mainly through e-mails.



### 6.3.2 Resources allocated domestically to the EJM

There are no specific resources allocated to the contact points, National correspondent and Tool correspondent. However, the Ministry of Justice showed its willingness to cover the expenses for attendance of meetings that contact points consider important.

### 6.3.3 Operational performance of EJM contact points

The Greek authorities reported a heavy workload. In 2012 contact points received and sent an average of 100 requests concerning information on national/foreign law, assistance during the preparation, execution and delay of a MLA request, issuing and execution of an EAW and provision of an update on the outcome. Most of these cases, especially the EAW, were urgent and an answer was needed within a few days, even hours. One case was registered in which urgent information on a EAW case was needed during a court session.

According to the Greek authorities, contact points drawn from the prosecution service have no restrictions whatsoever on exchanging information with all the competent authorities they deem appropriate. They have access to all databases and are encouraged to contact any national authority that can provide the information needed. This is usually accomplished over the phone, by e-mail or regular correspondence.

The evaluation team was informed that the outcome is almost always successful, mainly due to the excellent cooperation with contact points from other Member States, especially those with whom a personal relationship has been established over the years through the attendance of the EJN and other meetings. Furthermore, the evaluation team was informed about the establishment of a list of informal contact details of colleagues in other Member States which is often used.

The average time for a response from contact points from other Member States in non urgent cases is a couple of days. However, the practitioners met expressed some complaints about difficulties encountered when dealing with some Member States where MLA requests and EAWs were delayed.

Apart from the cooperation through e-mail and phone, contact points are also involved in operational issues when the execution of a MLA request involves the attendance of the requesting Member State. The contact point coordinates all meetings (police, judges, public prosecutors, liaison officers, interpreters) and provides assistance during the operational phase.

The general policy regarding mutual legal assistance is that outgoing MLA requests to Member States and EAWs are transmitted through the territorially competent Public Prosecutor's Offices at the 19 Courts of Appeal of Greece responsible for checking compliance of the MLA prepared and submitted by local public prosecutors or judges with Greek and EU law. Outgoing extradition requests and MLAs to non-EU States are transmitted through the Ministry of Justice.

Mutual legal assistance with other Member States is based on the 1959 European Convention on Mutual Assistance in Criminal Matters. Greece has not yet ratified the 2000 Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union and the Additional Protocol thereto. Many practitioners complained about the lack of legal instruments enabling the use of modern techniques for international cooperation, in particular relating to exchanging information on bank accounts.

### 6.3.4 Perception of the EJM Website and its tools

The Greek authorities indicated that the EJM website had proved to be an irreplaceable tool when it comes to international cooperation. Atlas is used by national authorities on a daily basis and the Library provides an extensive list of information ranging from forms in all languages (EAWs) to information on other legal systems.

The EAW Wizard is not used that often mainly because the Greek issuing authorities still feel more confident about filling out the standard Word forms.

Greece expects an even greater improvement of the EJM website following the cooperation with the E-Justice portal, which will enable viewing by even more practitioners.

### 6.4 Conclusions

- Surprisingly, Greece does not have any general policy on cooperation with EU agencies nor on the involvement of Eurojust in cooperation with third States.
- The majority of the Greek contact points are based in the Public Prosecutor's Office at the Athens Court of Appeal.
- From a Greek perspective, the EJM is considered as a more flexible mechanism, when compared to Eurojust. Direct communication between the relevant authorities within the EJM appears to be very effective and very well established in Greece.

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- Also from a Greek perspective, there is a higher number of cases falling within the scope of the EJN, and since Greece has not yet implemented the Eurojust Decision of 2009, practitioners see a gap and in order to work as effectively as possible make very frequent use of the EJN.
- Furthermore, since Greece has not yet ratified the 2000 Convention and its Additional Protocol, mutual legal assistance with other Member States is based on the 1959 European Convention on Mutual Assistance in Criminal Matters.
- Generally, public prosecutors and investigative magistrates in Greece are aware of and satisfied with the EJN website where they can find information on the EJN contact points in Greece. The Greek authorities welcome the fact that the EJN website will be incorporated in the E-Justice Portal.
- According to the Greek authorities, the EJN tools like Atlas or Library are perceived positively as means for searching for the relevant authorities or information on the implementation of EU legal instruments in the various Member States.
- However, the establishment of a list of informal contacts of colleagues in other Member States may, in the evaluators' view, be an effective tool for facilitating transmission of MLA requests and EAWs.

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## 7 SPECIAL INVESTIGATIVE TECHNIQUES - PRACTICAL EXPERIENCES

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

Controlled delivery is defined by the Hellenic Law (Article 253A(1) element b of the Criminal Procedure Code, in conjunction with Article 38 of Law 2145/1993), as an investigation act, conducted under absolute secrecy, concerning only specific crimes [criminal organisation (article 187(1) and (2) of the Criminal Code) and acts of terrorism (article 187A of the Criminal Code)] that are mainly related to drug trafficking, used for implementing procedural and, mostly, crime-preventing purposes.

According to Article 11 of Law 1990/1991 *“if permitted by the basic principles of their corresponding interior legislation systems, the Parties will take the necessary steps within their capabilities, to allow the proper use of controlled delivery, at international level, based on agreements or regulations that are mutually concluded, aiming at finding the ID of persons involved in crimes adopted in article 3 paragraph 1, and lodge against them the legal procedure. Decisions on the use of controlled delivery will be issued according to each case and the parties concerned might take into consideration where considered necessary, financial settlements and agreements regarding the exercise of jurisdiction. Illegal shipments for which controlled delivery was agreed, may be disrupted with the agreement of the Parties concerned, and allowed to be continued, drugs and psychotropic substances intact or after being removed or replaced in generally or partially.”*

Furthermore, the provisions of Article 38 of Law 2145/1993 prescribe the following: “1. *the requests of foreign states according to article 11 of the 1988 Vienna Convention (Law 1990/1991) are submitted in any way, but in each case in writing, directly or even via INTERPOL, to the Drug Enforcement Administration (S.O.D.N.), which after checking the legal origin and the validity of the request, immediately informs the Public Prosecutor of the Court of Appeal of Athens, with a confidential document, with a copy of the fax or of another document including the petition, attached.* 2. *The Public Prosecutor of the Court of Appeal of Athens, provided the guarantees granted by the State that submits the petition assure that the transport is controlled and the persons involved in the case are arrested, immediately informs the Public Prosecutors of the Magistrate’s Court in the districts from where the transport is foreseen to take place. The Public Prosecutors of the Magistrate’s Court should following the above notice, abstain of exercising a criminal prosecution and take any step necessary so that the transport is not interrupted.* 3.

*The Drug Enforcement Administration (S.O.D.N.) is in control and is responsible for the transport being held, during the entire time, from the time the drugs enter the country until they exit the country.* 4. *Immediately after the drugs exit the country, and within 48 hours the latest, the above office draws a report mentioning in detail all the relevant facts regarding the transport conducted under control, and particularly the date, time and place where the drugs entered and exited the country. A copy of the report is confidentially submitted to the Public Prosecutor of the Court of Appeal of Athens.* 5. *Requests from domestic judicial authorities to conduct a transport under control outside the Hellenic state are forwarded via the Public Prosecutor of the Court of Appeal of Athens to the Drug Enforcement Administration. The provisions of the previous paragraph are also implemented in this case.”*

The competent authority for approving controlled transports, as part of an investigation is the Public Prosecutor at the Court of Appeal in Athens, and the Drug Enforcement Administration (S.O.D.N.) is responsible for the coordination.

The police can only make an extraordinary decision in an urgent situation and thereafter immediately seek an approval of a competent prosecutor. This does not apply to the National Member, who is not empowered to undertake any actions linked to approval or coordination of controlled deliveries.

According to the information given to the evaluation team, the provisions of the draft law implementing the Eurojust Decision of 2009 into Greek law, still do not allow the National Member of Greece at Eurojust to approve or coordinate controlled deliveries following an authorisation granted by the competent national authority.

As an explanation the principle of the hierarchy of prosecution officers was invoked (Article 24(4) of Law 1756/1988). Accordingly, granting the National Member at Eurojust the possibility to approve, carry out and coordinate controlled deliveries either in agreement with the competent Hellenic national authority (following an authorisation granted by that authority), or even without one in urgent cases, would, according to the Greek authorities, be opposed to the basic principles of the Hellenic criminal justice system concerning the distribution of duties between prosecuting authorities.

## **7.2 Participation of national members in joint investigation teams (Article 9f)**

According to the Greek authorities, a JIT has not yet been established in Greece. However, according to statistics available at Eurojust, Greece has participated in 2 JITs in 2011 and 2012.

Generally, the Greek authorities consider JITs as a valuable tool for fighting cross-border organised crime. At the time of the visit, the Greek law provided the possibility to set up a JIT only in relation to three types of crime: drugs offences, organised crime and terrorism. The evaluation team was informed after the visit that the Greek law was changed in this regard. Article 62 of the new Law 4249/2014 (Gov. 73 A'/24-03-14), replaced article 13 of the Law 3663/2008. According to the new Law, a JIT may be constituted to investigate the crimes of terrorism acts (article 187A CC), of counterfeiting (article 207 CC), of counterfeit coins circulation (article 208 CC), of forgery (article 216 CC), of arson (article 264 CC), of forests arson (article 265 CC), of explosion (article 270 CC), of offences relating to explosives (article 272 CC), of causing wreck (article 277 CC), of poisoning sources and food (article 279 CC), of disruption of rail, ship and aircraft security (article 291 CC), of abduction (article 322 CC), of slaves trafficking (article 323 CC), of human's trafficking (article 323A CC), of child abduction (article 324 CC), of rape (article 336 CC), of minor's corruption (article 339 CC), of children's pornography (article 348A CC), of trafficking (article 351 CC), of aggravated theft (article 374 CC), of embezzlement (article 375 CC), of robbery (article 380 CC), of extortion (article 385 CC), of fraud (article 386 CC), of computer fraud (article 386A CC), of the illegal entry facilitation of a third country national committed out of profiting, by two or more people (par. 5 article 87 of law 3386/2005, A'212), of drug trafficking (3459/2006 law, A'103) and also, of felonies provided in legislation for weapons, explosive material and protection of materials that emit harmful radiations to humans , also legislation for the protection of Antiquities and Cultural Heritage.

According to the Greek authorities, participation of National Member in a JIT is very important, since it enriches the JIT with the necessary experience in matters of judicial assistance and gives the JIT access to Eurojust's think tank, EU funding and Eurojust coordination facilities , as well as the experience of national desks in addressing complex legal matters.



### **7.3 Conclusions**

- The competent authority for approving controlled deliveries is the Public Prosecutor at the Court of Appeal of Athens, and the Drug Enforcement Administration (S.O.D.N.) is responsible for their coordination.
- The police can only make an extraordinary decision in an urgent situation and thereafter immediately seek an approval of a competent prosecutor. This does not apply to the National Member, who is not empowered to undertake any actions linked to approval or coordination of controlled deliveries.
- The evaluation team welcomes the changes made to the Greek Law providing for the possibility to constitute a JIT in various types of serious crimes.
- Greece takes the view that the need to establish a JIT on Greek territory has not yet arisen.

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## 8 TRAINING AND AWARENESS RAISING

### 8.1 Promoting the use of Eurojust and the EJM

#### 8.1.1 Training

The National Member of Greece often gives lectures at the National School for Judges on matters of judicial assistance and extraditions, and more specifically concerning the use of possibilities offered by Eurojust and the EJM. One of the trainers at the National School for Judges is also a EJM contact point.

The EJM contact points regularly attend meetings organised by the EJM, including language training and conferences related to judicial cooperation, and are invited to regional meetings organised by other Member States.

A regular, at least annual, re-training programme is offered not only to the public prosecutors, but also to trainee judicial officers studying at the National School for Judges.

#### 8.1.2 Other measures

The Ministry of Justice, Transparency and Human Rights provides links to both Eurojust and the EJM on its official website, enabling practitioners to be informed about their role and existence. The Ministry of Justice has also informed the competent judicial authorities about the EJM website (document No 78968/25.9.2012) and encouraged practitioners to use it.

The EJM contact points assist any judicial authority seeking assistance on the actual use of the EJM website, usually by explaining the different fields (Atlas, Library, etc.) step by step.

In order to further improve awareness of the EJM, the EJM Secretariat was invited to Athens in November 2012. The agenda involved meetings with the General Prosecutor at the Supreme Court, the Secretary General at the Ministry of Justice and the Head Public Prosecutor at the Court of Appeal of Athens. The role of the EJM in judicial cooperation was discussed and the practitioners had a chance to meet Secretariat members in person.

Further promotion of the EJM took place in conjunction with the Greek Presidency of the Council of the EU. The plenary meeting of the EJM will be held in Athens in June 2014.

A circular from the Public Prosecutor at the Supreme Court has been made available to all public prosecutors in Greece. This circular is aimed at making all public prosecutors aware of their responsibility to ensure that MLA requests and EAWs are executed promptly.

## **8.2 Specific training for national members and EJM contact points**

There is no specific training for the national member and the EJM contact points.

Nonetheless, the Greek authorities consider that extensive informal training occurs through the attendance of meetings and through the contact points' daily cooperation with judicial authorities from the other Member States.

### 8.3 Conclusions

- Greece has established training programmes on international legal cooperation.
- Training sessions on international cooperation are offered on a regular basis at the National School for Judges.
- In addition, the Ministry of Justice is involved in disseminating information to judges and public prosecutors on the role of Eurojust and the EJM.
- However, it is less clear to what extent judges participate in training on mutual legal assistance, since the training programmes are provided on a voluntary basis. The evaluators were told that judges often use the expertise of public prosecutors.
- Although the police is not directly involved in mutual legal assistance, which is a domain covered by the judiciary in Greece, they may be involved in some cases involving international cooperation, e.g. controlled deliveries and JTs. Accordingly, more mandatory training, including, where appropriate, on language skills, should be considered for police officers, public prosecutors and judges, who are likely to deal with cross-border criminality and mutual assistance.
- In daily practice the EJM is well known, in particular thanks to its very active network and clear structure. The promotion of the EJM is taken care of by its contact points, who provide the relevant information.

## 9 GENERAL OBSERVATIONS

### 9.1. Overall assessment

The overall assessment regarding cooperation with Eurojust and the EJM is complex.

Since no legislation has been adopted in order to comply with the Eurojust Decision of 2009 it was difficult to assess to what extent Greece is able to cooperate properly, in particular with Eurojust. The evaluation was limited only to visits paid to the most important stakeholders involved in the cooperation with Eurojust and the EJM situated in Athens. As a result, the evaluation team was not able to check the situation outside of Athens or how local practitioners are dealing with various aspects of international cooperation.

Eurojust is generally known by public prosecutors. Designating the EJM contact points from the prosecution service is a practical and effective solution in view of the current Greek legal system. The opportunity to organise and participate in coordination meetings and to obtain organisational and financial support, as well as specialist expertise, when setting up JITs, is regarded as helpful. In practice however, those possibilities have not been used enough.

According to the opinion expressed by the Greek authorities, the EJM is playing a significant role in improving international cooperation in criminal matters in the fight against serious crimes across the European Union. The EJM and the direct communication between judicial authorities is a milestone in judicial cooperation. This informal means of communication between practitioners, coupled with the personal relationships between contact points, provide a much needed tool for quick and positive results. The EJM website has become an essential tool for practitioners, since it is the only website within the EU where all these different types of information (on competent authorities, national systems, implementation of EU instruments, etc.) can be found in a single place.

Short communication channels and good personal contacts enable the public prosecution offices to address individual cases to the EJM contact points and to ask for their help.

## **9.2. Further suggestions from Greece**

Eurojust and the EJM should avoid the overlapping of cases. The practitioners have observed over the past years that cases already successfully dealt with by the EJM contact points are also being handled through Eurojust channels. The National Members should consult the EJM contact points in such cases and “divide” them up accordingly. This could be a solution for avoiding duplication.

Furthermore, Eurojust should consider focusing more on actual operational work concerning specific transnational multilateral cases and avoid holding coordination meetings in simple bilateral cases with the sole purpose of exchanging information on the status of the execution of a request for mutual legal assistance.

The EJM Secretariat should consider devoting more time and resources to promoting the work of the EJM in an effective and recurrent manner.

## **9.3. General observation from the experts**

The implementation of the Eurojust Decision of 2009 has not been completed. However, the Greek authorities gave assurances that the possibilities offered by Eurojust will be used more in Greece in the future, once the Eurojust Decision has been implemented.

From a Greek perspective, Eurojust mostly plays a coordination role. This perception is reflected, in general terms, in the approach taken in the proposed draft legislation implementing the Eurojust Decision of 2009, in which it is not envisaged that the National Member be granted the powers under Articles 9b(2), 9c and 9d of the Eurojust Decision, let alone more powers than those foreseen in these Articles.

The evaluation team was advised that some of the reasons underlying that approach, and in particular the issue of the powers of the National Member, were linked to the fact that the National Member for Greece is a Public Prosecutor at the Court of First Instance, hence his/her powers as a National Member are limited, under Greek law. In reality the powers of the National Member for Greece are even less than the Public Prosecutors of the Court of the First Instance. The National Member should have at least the same powers as his peers of the First Instance. Interestingly if the National Member would be a prosecutor at a higher court (Appeal Court or Supreme Court) he could already today have wider powers.

Moreover, from a Greek perspective, recourse to Eurojust is perceived as entailing more formal and comparatively less flexible procedures. Recourse to Eurojust is only considered when all other avenues have been exhausted.

The Prosecution Office at the Court of Appeal in Athens is staffed with public prosecutors who are experienced in international cooperation in criminal matters. The evaluation team was also advised that seminars are organised in Greece for judges on these matters, but it acknowledged that the low number of multilateral cases referred to Eurojust may stem from their perception that the pursuit of an investigation with multilateral implications always leads to unnecessary delays.

The National Member acknowledged the added value of Eurojust concerning the opening of cases concerning legal issues.

The evaluation team met with investigative judges at the Court of First Instance in Athens who reported having had positive experience when seeking assistance from Eurojust; Eurojust had opened lines of communication and direct contacts with colleagues from other Member States and identified linked cases involving other Member States.

## 10 RECOMMENDATIONS

The expert team involved in the evaluation of Greece has been able to assess the current system in the country with regard to the practical implementation and operation of the decisions on Eurojust and the European Judicial Network in criminal matters.

The evaluation team accordingly thought it fit to make a number of suggestions for the attention of the Greek authorities. Furthermore, based on the various good practices identified, some related recommendations to the EU, its institutions and agencies, Eurojust in particular, are also put forward.

Greece 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 Matters including Evaluation (GENVAL). The results of this evaluation should also, at some stage, be examined by the Working Party on Cooperation in Criminal Matters (COPEN).

### 10.1 Recommendations to Greece

Greece should :

1. Ensure acceleration of the ongoing legislative procedure concerning implementation of the Eurojust Decision of 2009. In particular, Greece should focus on the setting up of the Eurojust National Coordination System (ENCS); (cf. 3.1.2, 3.2.1, 3.5.1 and 3.5.4)



2. Ensure ratification of the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union and the Additional Protocol thereto and implementation of the Council Decision 2005/671/JHA of 20 September 2005 on the exchange of information and co-operation concerning terrorist offences; (cf. 4.1.3, 4.3 and 6.4)
3. Take steps to create a Greek national information system on criminal matters and connect it to the CMS via secured electronic connections; (cf. 3.2.3 and 3.5.5)
4. Grant full powers as foreseen by the Eurojust Decision of 2009 to the National Member but in any case those specified in Articles 9b(2), 9c and 9d of the Eurojust Decision and also those related to controlled deliveries; (cf. 3.3.3.1, 3.5.3, 7.1 and 7.3)
5. Give the National Desk direct access to the main relevant databases established at national level; (cf. 4.1.1 and 4.3)
6. Start using the Article 13 template to send information to Eurojust in a structured way; (cf. 4.1.4 and 4.3)
7. Make a more elaborate use of Eurojust in multinational cases and in the more complicated bilateral cases; (cf. 5.2 and 5.7)
8. Consider convening more coordination meetings at Eurojust and preparing an awareness- raising campaign on the added value of coordination meetings and the steps to be followed to ensure their smooth organisation; (cf. 5.4.1 and 5.7)

9. Raise awareness among practitioners, not only at the top level but also at local level throughout Greece, of the possibilities offered by Eurojust in cases involving third States, such as coordination meetings, Eurojust contact points in third States near Greece (e.g., at present in Turkey, Egypt and Tunisia), cooperation agreements between Eurojust and third States (e.g. at present, the Former Yugoslav Republic of Macedonia) and Liaison Prosecutors from third States posted at Eurojust; (cf. 6.2.1, 6.2.2 and 6.4)

10. Make more use of the possibility of funding of JITs by Eurojust; (cf. 7.2 and 7.3)

11. Consider the possibility of issuing a circular to the prosecution offices and other competent authorities regarding the added value of JITs and the funding possibilities provided by Eurojust; (cf. 7.2 and 7.3)

12. Continue and enhance efforts on training and awareness-raising for judges, public prosecutors and the police authorities regarding the respective competences and activities of Eurojust and the EJM; (cf. 8.1.1 and 8.3)

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

1. Member States should study the establishment and functioning of the Special Public Prosecutor's Office against Corruption at the Court of Appeal in Athens and the Public Prosecution Office in Athens specialised in Economic Crime as an interesting practice for dealing with specific types of crime such as corruption and economic criminality; (cf. 6.1)

2. Member States should raise standards in dealing with MLA requests, in particular by laying the emphasis on quick handling of MLA requests and EAWs; (cf. 6.3.3)

### 10.3 Recommendations to Eurojust/the EJM

1. Eurojust should work out better criteria for determining, as support to the ENCS, whether a case should be handled by Eurojust or by the EJM, in order to improve the performance of both institutions; (cf. 6.4)
2. The EJM Secretariat should consider devoting more time and resources to promoting the work of the EJM in an effective and recurrent manner (cf. 8.1.2).
3. Eurojust should consider focusing more on actual operational work concerning specific transnational multilateral cases and avoid holding coordination meetings in simple bilateral cases with the sole purpose of exchanging information on the status of execution of a request for mutual legal assistance; (cf. 5.2 and 9.2)

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**ANNEX A: PROGRAMME FOR THE ON-SITE VISIT AND PERSONS INTERVIEWED/MET**

**PROGRAMME, on-site visit**

**Athens, 7-11/10/2013**

**Monday 7 October**

Arrival in Athens

**Tuesday, 8 October**

**09:30-10:30 Ministry of Justice Transparency & Human Rights - Welcome of the Evaluation Team at the Ministry**

*Participants (see the list attached, the Greek side)*

*Address: Messogeion Av. 96*

*Third floor at the Ministry's premises*

**11:00-12:30 Ministry of Justice Transparency & Human Rights – Working Session**

**13:00-15:00 Lunch offered by the Ministry of Justice Transparency & Human Rights**

*Third floor at the Ministry's premises*

**15:00-17:00 Ministry of Justice Transparency & Human Rights**

(continuation of the working session)

**Wednesday, 9 October**

**09:30-11:00 Visit to the Public Prosecutor's Office at the Court of Appeal, Athens**

*Meeting with:*

*Ms Anna ZAIRI, Public Prosecutor at the Court of Appeal, National Correspondent to Eurojust, National Correspondent to the EJM,*

*Mr Ioannis AGGELIS, Public Prosecutor at the Court of Appeal, contact point for the Joint Supervisory Body of Eurojust, National Expert, 6<sup>th</sup> round of mutual evaluations Genval*

*Ms Tonia GIANNAKOPOULOU, public official, Dept. of Judicial Assistance & Extradition, Public Prosecutor's Office, Court of Appeals, EJM contact point-Tool Correspondent*

**-Visit to the Office of the Public Prosecutor against Corruption**

*Meeting with:*

*Ms Popi PAPANDEOU, Public Prosecutor at the Court of First Instance*

*Address: Loukareos 14*

**11:30- 13:00 Visit to the Court of Appeal, in Athens**

*Meeting with:*

*Mr Michalis MACHAIRAS, President of the Judges at the Court of Appeal, Head of the Court of Appeal in Athens*

*Mr Dimitrios MOKKAS, President of the Judges at the Court of Appeal*

*Mr Maria NIKOLAKEA, President of the Judges at the Court of Appeal*

*Address: Loukareos 14*

13:00-15:00 Free noon time

**15:00-17:00 Visit to the Court of First Instance, in Athens**

**(Meeting with the Special Investigators of Law 4022/2011)**

*Meeting with:*

**Mr Spyridon GEORGOULEAS**, *President of the Judges at the Court of First Instance*

**Mr Gabriel MALLIS**, *President of the Judges at the Court of First Instance*

*Address: Ex Evelpidon School*

### **Thursday, 10 October**

#### **10:00-12:00 Ministry of Public Order and Citizen's Protection**

*Division of International Police Cooperation, 3<sup>rd</sup> Dept. SIRENE*

*The meeting will take place at the Ministry of Justice's premises*

*Meeting with:*

**Mr Christos TSITSIMPIKOS**, *Police Major*

**Mr Dimitris ASIMAKOPOULOS**, *Lieutenant First Class*

#### **12:30-14:00 Visit the Public Prosecutor against Economic Crime**

*Meeting with:*

**Mr Panagiotis ATHANASIOU**, *Public Prosecutor against Economic Crime*

**Ms Eleni MICHALOPOULOU**, *Vice Public Prosecutor at the Court of First Instance*

*Address: Alkifronos 92 & Peiraios 207*

Free noon & afternoon

### **Friday, 11 October**

#### **09:30- 12:30 Ministry of Justice Transparency & Human Rights**

##### **Wrap-up meeting**

*Participants (see the list attached, the Greek side)*

*Address: Messogeion Av. 96*

*Third floor of the Ministry's premises*

Departure

**ANNEX B: PERSONS INTERVIEWED/MET****Meetings 8 October 2013***Venue: The Ministry of Justice Transparency and Human Rights*

| <b>Person interviewed/met</b> | <b>Organisation represented</b>  |
|-------------------------------|--|
| Maria ARVANITI                | <i>Deputy Director General, Directorate General for Legislative Coordination and Special International Legal Relations</i> |
| Panagiota KARATZAFERI         | <i>Head, Dept. of the EU</i>   |
| Elefteria HASSANI,            | <i>Deputy Head, Dept. of legal Assistance in penal matters, Ministry's representative to the JITs</i>                      |
| Dimitrios KIOUPIS             | <i>Assistant Professor, Athens Law School</i>  |
| Leonidas KOTSALIS             | <i>Professor, Athens Law School</i>  |
| Nikolaos ORNERAKIS            | <i>national member at Eurojust</i>   |
| Polina LIAMPOTI               | <i>Public official, Dept. of the EU</i>  |
| Argiro ELEFTERIADOU           | <i>Head, Division of Pardon Award and International Judicial Cooperation, National Correspondent to Eurojust</i>           |
| Nancy VASILOPOULOU            | <i>Public Official, Dept. of the EU</i>  |
| Tonia GIANNAKOPOULOU          | <i>Public official, Dept. of Judicial Assistance &amp; Extradition, Public Prosecutor's Office, Court of Appeals</i>       |

## Meetings 9 October 2013

Venue: the Public Prosecutor's Office at the Court of Appeal, in Athens

| <b>Person interviewed/met</b> | <b>Organisation represented</b>   |
|-------------------------------|---|
| Anna ZAIRI                    | <i>Public Prosecutor at the Court of Appeal</i>   |
| Nikolaos ORNERAKIS            | <i>national member at Eurojust</i>  |
| Konstantinos TZAVELLAS        | <i>Public Prosecutor at the Court of Appeal, Athens, National Correspondent to Eurojust</i>   |
| Ioannis AGGELIS               | <i>Public Prosecutor at the Court of Appeal, contact point for the Joint Supervisory Body of Eurojust, National Expert, 6<sup>th</sup> round of mutual evaluations Genval</i> |
| George VOULGARIS              | <i>Public Prosecutor at the Court of Appeal, Chania, National Expert, 6<sup>th</sup> round of mutual evaluations Genval</i>   |
| Dimitrios ZIMIANITIS          | <i>Public Prosecutor at the Court of First Instance, Athens</i>   |
| George KALOUDIS               | <i>Public Prosecutor at the Court of First Instance, Athens</i>   |
| Popi PAPANDREOU               | <i>Public Prosecutor at the Court of First Instance</i>   |
| Tonia GIANNAKOPOULOU          | <i>Public official, Dept. of Judicial Assistance &amp; Extradition, Public Prosecutor's Office, Court of Appeal</i>   |



Venue: *the Court of Appeal, in Athens*

| <b>Person interviewed/met</b> | <b>Organisation represented</b>  |
|-------------------------------|--|
| Michalis MACHAIRAS            | <i>President of the Judges at the Court of Appeal, Head at the Court of Appeal</i>                                   |
| Dimitrios MOKKAS              | <i>President of the Judges at the Court of Appeal</i>  |
| Maria NIKOLAKEA               | <i>President of the Judges at the Court of Appeal</i>  |
| Sofia SOTIROPOULOU            | <i>Judge at the Court of Appeal</i>  |
| Tonia GIANNAKOPOULOU          | <i>Public official, Dept. of Judicial Assistance &amp; Extradition, Public Prosecutor's Office, Court of Appeals</i> |

Venue: *the Court of First Instance, in Athens*

| <b>Person interviewed/met</b> | <b>Organisation represented</b>   |
|-------------------------------|---|
| Spyridon GEORGOULEAS          | <i>President of the Judges to the Court of First Instance</i>   |
| Gabriel MALLIS                | <i>President of the Judges to the Court of First Instance</i>   |
| Ilias KANELLOPOULOS           | <i>Judge at the Court of First Instance, Athens, National Expert, 6<sup>th</sup> round of mutual evaluations Genval</i> |
| Nikolaos ORNERAKIS            | <i>the national member at Eurojust</i>  |
| Tonia GIANNAKOPOULOU          | <i>Public official, Dept. of Judicial Assistance &amp; Extradition, Public Prosecutor's Office, Court of Appeals</i>    |

## Meetings 10 October 2013

Venue: *The Ministry of Justice, Transparency and Human Rights*

| <b>Person interviewed/met</b> | <b>Organisation represented</b>                          |
|-------------------------------|--|
| Christos TSITSIMPIKOS         | <i>Ministry of Public Order and Citizen's Protection</i> |
| Dimitris ASIMAKOPOULOS        | <i>Ministry of Public Order and Citizen's Protection</i> |

Venue: *the Public Prosecutors' Office against Economic Crime*

| <b>Person interviewed/met</b> | <b>Organisation represented</b>  |
|-------------------------------|--|
| Panagiotis ATHANASIOU         | <i>Public Prosecutor against Economic Crime</i>  |
| Eleni MICHALOPOULOU           | <i>Vice Public Prosecutor at the Court of First Instance</i>   |
| Tonia GIANNAKOPOULOU          | <i>Public official, Dept. of Judicial Assistance &amp; Extradition, Public Prosecutor's Office, Court of Appeals</i> |

Venue: *The Ministry of Justice, Transparency and Human Rights*

| <b>Person interviewed/met</b> | <b>Organisation represented</b>   |
|-------------------------------|---|
| Leonidas KOTSALIS             | <i>Professor, Athens Law School</i>   |
| Nancy VASILOPOULOU            | <i>Public official, Dept. of the EU</i>   |
| Ilias KANELLOPOULOS           | <i>Judge at the Court of First Instance, Athens, National Expert, 6<sup>th</sup> round of mutual evaluations Genval</i> |
| Nikolaos ORNERAKIS            | <i>the national member at Eurojust</i>  |
| Tonia GIANNAKOPOULOU          | <i>Public official, Dept. of Judicial Assistance &amp; Extradition, Public Prosecutor's Office, Court of Appeals</i>    |

**ANNEX C: LIST OF ABBREVIATIONS/GLOSSARY TERMS**

| <b>LIST OF ACRONYMS,<br/>ABBREVIATIONS AND<br/>TERMS</b> | <b>ENGLISH<br/>OR ACRONYM IN ORIGINAL<br/>LANGUAGE</b> | <b>ENGLISH</b>                        |
|--|--|---------------------------------------|
| CMS  | -/-  | Case Management System                |
| EAW  | -/-  | European Arrest Warrant               |
| EJN  | -/-  | European Judicial Network             |
| ENCS   | -/-  | Eurojust National Coordination System |
| EPOC   | -/-  | European Pool against Organised Crime |
| JIT  | -/-  | Joint Investigation Teams             |
| MLA  | -/-  | Mutual Legal Assistance               |
| OLAF   | -/-  | European Anti-Fraud Office            |
| S.O.D.N.   | -/-  | Drug Enforcement Administration       |

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