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NOTE

From:	Latvian Delegation
To:	Delegations
No. prev. doc.:	6998/1/14 REV 1
Subject:	Mutual Evaluation report on the sixth round of Mutual Evaluations "The practical implementation and operation of the Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime and of the Council Decision 2008/976/JHA on the European Judicial Network in criminal matters" - Follow-up to the Report on Latvia

As a follow-up to each Round of mutual evaluations, each Member State is requested to inform the General Secretariat of the Council of the actions it has taken on the recommendations given to it. This follow-up should be submitted within the 18 months of the adoption of the report concerned. Delegations will find in the Annex the follow-up of Latvia regarding the recommendations that were made in the report 6998/1/14 REV 1 for the Sixth Round of Mutual Evaluations.

Recommendations with their implementation**1) concerning recommendation 1.**

Establish a comprehensive legislative framework to implement the Eurojust Decision in its entirety. Provisions of the Eurojust decision should be transposed clearly and implemented effectively to ensure that there are no gaps and discrepancies in the legal framework. The legislation should cover all institutions involved in mutual legal assistance in an effective, consistent and harmonised manner.

This recommendation was implemented, amendments in the Criminal Procedure Law of Latvia are drafted and at the moment the amendments of the Criminal Procedure Law of Latvia (Part 5 of Section 675) are in the Parliament before the 3rd (last) reading (http://titania.sacima.lv/LIVS12/sacimalivs12.nsf/webSasaiste?OpenView&count=1000&restrict_tocategory=288/Lp12). The new regulation of the Criminal Procedure Law will cover all institutions involved in mutual legal assistance and will provide an effective, consistent and harmonised manner of use of Eurojust.

2) concerning recommendation 2

Ensure proper implementation of the legislation which gives affect to Article 13 of Eurojust Decision. Latvia should also raise awareness among stakeholders and competent authorities regarding the reporting requirements under Article 13 and promote the use of the template provided by Eurojust.

This recommendation was implemented immediately following the assessment of Latvia. The Latvian National desk at Eurojust provided study/home visits and exchanges of information upon the competent authorities of Latvia and must be mentioned that in each of this home visit he is providing exchange of practice and case-law of Eurojust. Experts from the competent authorities of Latvia are informed about the template provided by Eurojust and duties to inform under Article 13.

3) Concerning recommendation 3

Clarify and extend the existing legal provisions on the powers of the National Member to Eurojust in order to align them with the Eurojust Decision, prevent legal and practical difficulties, and ultimately enhance Eurojust operations. In addition, the role of the National Member should be acknowledged in the Latvian procedural criminal law.

Latvia has fully implemented the recommendation. The Latvian National desk at Eurojust is granted with all powers and rights which the prosecutor at the Prosecutor General Office of Latvia has. Nevertheless he cannot fulfil all of his duties because he is located in The Hague, The Netherlands. In the Prosecution Law of Latvia is provided information about the Latvian National desk at Eurojust and with the Order No. 62 of November 4, 2014 of the Prosecutor General of Latvia the Latvian National desk at Eurojust is granted specific powers and duties.

4) Concerning recommendation 4.

Grant the National Member direct access to relevant national databases including the recently established KSL database. This may prove useful when, for example, the National Member participates in coordination meetings without any national authorities present. As a first step it could be established which databases are the most important and commonly used in the performance of his duties.

This recommendation was implemented immediately following the assessment of Latvia. The Latvian National desk at Eurojust is granted with all rights to access the relevant national databases as well the KSL database.

5) Concerning recommendation 5.

Promote the use of Eurojust and EJN with a view to ensuring that practitioners are aware of the benefits offered by both bodies, their specific functions and the national contact points. This information together with links to EJM and Eurojust websites should be included on the intranet of all relevant authorities including the Courts.

Latvia has fully implemented the recommendation. The Latvian National desk at Eurojust, prosecutors from the Prosecutor General Office of Latvia, representatives from the Ministry of Justice of Latvia and the officers of the State Police of Latvia within the training sessions (mostly provided by Latvian Judicial Training Centre for judges and prosecutors) provide information about Eurojust and EJM. On daily base competent experts provide practical information on the application and use of the EJM and Eurojust websites to their colleagues. Links to the webpages of EJM and Eurojust are provided in the webpages of the competent authorities of Latvia - the Prosecutor General Office of Latvia, the Ministry of Justice of Latvia and the State Police of Latvia. Must be also mentioned that in the webpage of the Ministry of Justice of the Republic of Latvia is provided information about the Report of Eurojust, 2013 - <https://www.tm.gov.lv/lv/aktualitates/tm-informacija-presei/publicets-eirojusta-parskats-par-2013-gadu>.

6) concerning recommendation 6.

Introduce systematic training to all practitioners (judges, prosecutors, police and other authorities with investigative powers) on international judicial cooperation with a goal to educate and raise awareness on the tools available. Existing good working practice should be documented and developed into handbooks and guidelines which also incorporate information on Eurojust and EJM. Use of these handbooks and guidelines will ensure that expertise in this area is maintained and further developed.

The recommendation is partly implemented because of the Latvian Presidency of the Council of the EU and also taking into account that most part of experts in the field were involved in it, there was not possible to provide additional training sessions to all representatives of the competent authorities of Latvia which are mentioned in the recommendation. Nevertheless each year at least twice a year the Latvian Judicial Training Centre provides training sessions on judicial cooperation in criminal matters. The Latvian National desk at Eurojust within study/home visits provided exchange of knowledge to practitioners. The State Police has drafted handbook on judicial cooperation in criminal matters. The Ministry of Justice of the Republic of Latvia is planning to draft handbooks on practical use of the tools of EJM webpage and practical application of the Framework Decisions which are under the competence of the Ministry of Justice of Latvia and must be applied in courts.

7) concerning recommendation 7.

Monitor the functioning of the ENCS and the fulfilment of all its tasks by the relevant competent authorities. An effective ENCS may bring certain added value by improving understanding and awareness of the respective roles of Eurojust and the EJM and facilitating the transmission of information in compliance with Article 13 of the Eurojust Decision.

The recommendation is implemented fully. The ENCS meets at least twice a year, last meeting was held on August 2015. Within meetings between members of the ENCS exchange of good practice is provided and current problems are discussed, analyzed and solved. Latvia finds the ENCS as very useful and practical instrument which improves and facilitates the daily work of the competent authorities of Latvia.

8) concerning recommendation 8.

Inform practitioners about the possibilities of using JITs and the financial and logistical support offered to JITs by Eurojust.

Latvia has fully implemented the recommendation. In year 2014 5 new JITs were opened. JITs

are mostly used in corruption cases and money laundering cases. In the webpage of the Prosecutor's General Office is published and available the JIT manual. Coordination meeting were organized as well!