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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Guidelines on the Network of National Experts on Joint Investigation
Teams

Delegations will find attached Guidelines on the Network of National Experts on Joint Investigation Teams ("JITs Network"), providing guidance on the composition, activities and cooperation with external partners and third States of the JITs Network and further elaborating on the principles for the designation of national experts as set out in 11037/05 (+ COR 1).

These Guidelines were adopted by the National Experts on Joint Investigations Teams during their 14th Annual Meeting, which took place at Eurojust, The Hague, on 6 and 7 May 2018.



**Guidelines on the
Network of National Experts on Joint investigation teams**

1. This document is intended to provide guidance on composition, activities and cooperation with external partners and third States of the Network of National Experts on Joint Investigation Teams (hereinafter “JITs Network”) and further elaborates on the principles set out in Council document 11037/05 – Joint investigation teams - Proposal for designation of national experts’ (hereinafter “Council document”).
2. During the 13th Annual meeting of the JITs Network, the JITs national experts – while acknowledging the added value of the informal setting of JITs Network – identified the need to elaborate and adopt additional specific guidance. It was emphasized in particular that a more detailed framework would be beneficial for the work of the JITs national experts and could bring clarity especially with regards to the involvement of external partners and third States, the level of engagement of the JITs National experts in the JITs Network projects and the access to JITs restricted area.
3. These guidelines contain non-binding principles aiming to facilitate the functioning of the JITs Network while reflecting the best practices so far identified and reported by the JITs national experts. Nothing in this document shall be construed as affecting the flexible and practical nature of the JITs Network, or the position of the JITs national experts in their respective national systems.
4. The Guidelines shall be considered as a dynamic document and will be reviewed on a regular basis.

1. Composition and membership:

1.1. Member Status

5. Member States of the European Union are represented in the JITs Network by national experts appointed by competent national authorities.

1.2. Institutional Contact Points

6. Eurojust, Europol, the European Commission, OLAF, the General Secretariat of the Council and the European Parliament are represented in the JITs Network by one or more representatives that act as institutional contact point(s).

1.3. Observer Status

7. Observer Status¹ may be granted to States which are not Member States of the EU. Competent national authorities of Observer States appoint one or more representatives to act as contact point(s) of the JITs Network.

1.4. Associate Status

8. Associate Status² may be granted to EU/international partners with specific mandate or interest in relation to joint investigation teams. Each Associate partner appoints one representative to act as a contact point of the JITs Network.

¹ Procedure and criteria for granting observer status are specified in section 7.

² Procedure and criteria for granting associate status are specified in section 7.

1.5. Network contact list

9. Appointments of JITs national experts or contact points shall be notified to the JITs Network Secretariat, which regularly updates the Contact list of the JITs Network. This list is made available on the JITs Restricted area and communicated at least once a year to the General Secretariat of the Council and published as a Council document.
10. The contact list of the JITs Network is also made available on the restricted area of the European Judicial Network.

2. Tasks and profile of JITs National Experts

11. The main objective of designating national experts on JITs is to promote the use of JITs and facilitate the work of JITs practitioners in the Member States, in close liaison with Europol and Eurojust. For this reason, the choice of specific experts ensures that they complement and collaborate with all concerned parties, both at national and EU/international level.
12. Each Member State designates at least one national expert. To reflect the dual dimension of JITs, it is recommended to appoint two national experts, one representing judicial authorities and one representing law enforcement authorities. Depending on the specifics of each national system, more than two national experts may be appointed within the same Member State. However, the number of designated experts should be kept limited, so as to ensure proper communication and coordination, both at national and network level.
13. Appointed national experts have experience in judicial/police cooperation, including to the extent possible, experience with JITs. Designated experts generally occupy a central position within the Member States or are at least located in a position allowing them to have a good overview of ongoing and potential (JIT) cases. This would facilitate dissemination of information at national level, but also help in collecting useful data and experience and sharing it with the other members of the JITs Network.

14. The main roles of JITs national experts are as follows:

- facilitate the setting up of JITs at national level, including by offering support/guidance in individual cases;
- contribute to drafting of JIT agreements;
- collect and disseminate information on best practice, legal and practical issues in relation to setting-up and operation of JITs;
- participate in JITs Network's annual meetings and its Working Group meetings;
- coordinate at national level so that the JIT national expert can also participate in meetings (Eurojust, Europol or at national level) during which the set-up of JITs is discussed;
- monitor and collect information on the state of play of JITs involving their Member State;
- compile statistics on JITs;
- support the evaluation of JITs;
- collect information about JITs-related case law;
- contribute to various projects in the area of JITs, supported by the JITs Network, including the regular review of its tools and projects;
- support JITs-related training and awareness-raising activities, both at national and EU/international level among prosecutors and law enforcement³;
- advise practitioners in relation to funding possibilities for JITs offered by Eurojust and Europol.

3. Meetings of the JITs Network

15. The JITs Network shall hold a plenary meeting at least once a year.

³ See for instance, online CEPOL e-learning module on JITs and CEPOL and EJTN trainings for JIT practitioners.

16. Two JITs national experts per Member State are invited to attend plenary meetings, preferably one representing judicial authorities and one representing law enforcement authorities to the extent possible and reflecting the national system. Depending on capacities, additional representatives may be admitted to attend. However, reimbursement of travel and accommodation is limited to two JITs national experts per Member State.
17. Representatives from Eurojust, Europol, the European Commission, OLAF, the General Secretariat of the Council and the European Parliament (institutional contact points) are invited to attend the plenary meetings, at their own expenses⁴.
18. One contact point per Observer State and per Associate partner is invited to attend the plenary meetings, at their own expenses.
19. The meeting agenda is prepared by the JITs Network Secretariat in consultation with the national experts, Eurojust and Europol.
20. To facilitate the monitoring of the JIT Network's activities and projects and the preparation of the plenary meetings, JITs national experts meet in a smaller format of a Working Group at the initiative of the JITs Network Secretariat or of the JITs national experts.

4. Decision-making

21. Unless otherwise specified in these guidelines, decisions concerning the activities and projects of the JITs Network or the adoption of specific documents are made by consensus of the members of the JITs Network during plenary meetings. If no plenary meeting is scheduled, a written procedure can be organised by the JITs Network Secretariat.

⁴ The total number of representatives from EU institutions and agencies may be limited subject to logistical and organisational constraints of plenary meeting facilities.

5. The JITs Network Secretariat

22. In line with Article 25(a) of the revised Eurojust Decision, the Secretariat of the JITs Network, following from the Eurojust Regulation, is hosted by Eurojust. The Secretariat shall form part of Eurojust staff, but function as a separate unit. The Secretariat may draw on Eurojust administrative resources in order to perform its tasks.

23. The main tasks of the JITs Network Secretariat are as follows:

- support cooperation and assistance between the JITs national experts, including by conducting JITs-related projects, as approved by the JITs Network;
- support and contribute to the development of awareness-raising and training activities on JITs ;
- support cooperation with Observer States and Associate partners and promote the interaction between them and JITs national experts;
- represent the JITs Network and promote its role, including by disseminating invitations to the JITs national experts to participate in training and awareness raising activities;
- provide support in organisation of the JITs Network meetings, in cooperation with Eurojust and Europol;
- prepare and facilitate decisions of the JITs Network, in particular on requests for observer or associate status;
- maintain and update the Contact list of national experts on JITs and ensures its publication as a Council document;

- manage the content of, and the access to, the JITs Network's restricted web platform (JITs Restricted Area);
- perform other tasks upon request of the JITs Network.

6. The JITs Restricted Area

24. The JITs Restricted Area is a web platform that provides practical and legal information on the setting up and running of JITs in the Member States, as well as outside the European Union, and facilitates exchange of views and experiences between practitioners on JITs.

25. The JITs Restricted Area is built on the infrastructure and functionalities of the Eurojust website, as a password-protected area accessible from the Internet, and is managed by the JIT Network Secretariat.

26. The Restricted Area includes all documents and tools developed by the JITs Network, as well as the Contact List of national experts on JITs.

27. To access the JITs Restricted Area a request accompanied by the User Registration Form shall be submitted to the JITs Network Secretariat, which assesses the request. Access can be granted to:

- Appointed national experts on JITs ;
- Institutional contact points;
- Contact points appointed by Observer States;
- Eurojust National Desks and Europol Liaison Bureaux of Member States ;
- Eurojust and Europol staff involved in support to operational work;
- European Judicial Network contact points;
- Judicial and law enforcement practitioners in the EU Member States.

7. The external partners of the Network

7.1. Observer States

28. The JITs Network can invite third States expressing an interest to develop experience in JITs to participate in its activities, based on a written request from a specific third State or following an initiative of the JITs national experts.
29. To allow JITs Network to make an informed decision, the JITs Network Secretariat instructs the merits of the request.
30. Requesting third States shall provide a copy of their relevant national legislation on JITs, as applicable. They should also be able to identify one or more contact points with a profile equivalent to the JITs National Experts' and who can perform the duties described in Section 2.
31. A memo detailing the preliminary assessment of the request is presented to the JITs Network by the JITs Network Secretariat. The granting of the observer status is subject to the unanimous decision of the members of the JITs Network. Such decision is made during a plenary meeting or, between plenary meetings, by written consultation.
32. The contact point(s) appointed by Observer States are included in the Contact list of the JITs Network. One contact point per Observer State is invited to attend the plenary meetings, at their own expenses. Upon request, the contact points appointed by the Observer States can be granted access to the JITs Restricted area.

7.2. Associate partners:

33. The JIT Network can invite EU or international organisations, bodies, agencies or networks or practitioners which operate in the field of judicial and police cooperation in criminal matters, to participate in its activities, in particular when such organisations, bodies, agencies or networks may contribute to raising awareness and promoting the use of JITs.
34. To date, the following bodies have contributed to the activities of the JITs network:
- The European Judicial Network (EJN) ;
 - The European Union Agency for Law Enforcement Training (CEPOL);
 - The European Judicial Training Network (EJTN) ;
 - The Police Cooperation Convention for Southeast Europe Secretariat (PCC-SEE Secretariat);
 - The Council of Europe (CoE).
35. Invitation to join the JITs Network is based on a request made by the potential partner or an initiative from the JITs Network.
36. To allow the JITs Network to make an informed decision, the JITs Network Secretariat instructs the merits of the request.
37. In its request, the potential partner shall present its mission, mandate and structure and provide an outline of the activities and projects conducted in relation to the criteria referred to above. It should also be able to identify contact points to the JITs Network.
38. A memo detailing the preliminary assessment of the request is presented to the JITs Network by the JITs Network Secretariat. The granting of the associate status is subject to the unanimous decision of the members of the JITs Network. Such decision is made during a plenary meeting or, between plenary meetings, by written consultation.

39. The contact point(s) appointed by Associate partners are included in the contact list of the JITs Network. One contact point per Associate partner is invited to attend the plenary meetings, at their own expenses.
