



Brussels, 19 June 2025  
(OR. en)

9701/25

COPEN 158  
EUROJUST 20  
ENFOPOL 186  
COHOM 91  
JAI 879

**NOTE**

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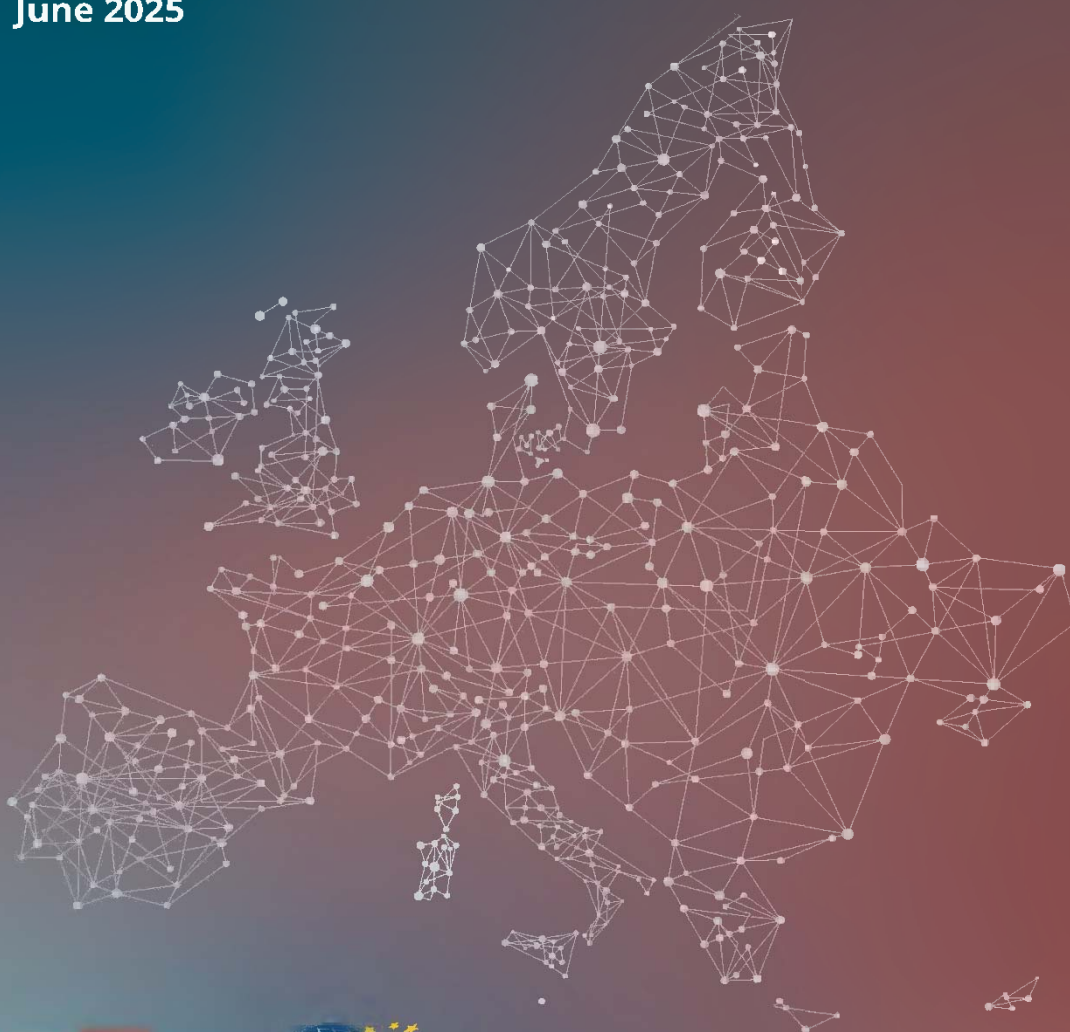
From:	General Secretariat of the Council
To:	Delegations
Subject:	5 <sup>th</sup> JITs Evaluation Report


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Delegations will find attached the above-mentioned report.

# FIFTH JITS EVALUATION REPORT

June 2025





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Luxembourg: Publications Office of the European Union, 2025

Print ISBN 978-92-9404-406-8 doi:10.2812/3423016 QP-01-25-006-EN-C  
PDF ISBN 978-92-9404-405-1 doi:10.2812/3725976 QP-01-25-006-EN-N

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# EXECUTIVE SUMMARY

This is the fifth joint investigation teams (JITs) evaluation report published by the Secretariat of the Network of National Experts on Joint Investigation Teams (hereinafter the JITs Network Secretariat) since 2014. It is based on 67 evaluations carried out by JIT practitioners between 2022 and 2024.

This report highlights the lessons learned, best practices identified and recent developments in the functioning and support of JITs, with a particular focus on their role in combating cybercrime. The findings emphasise the importance of adapting JIT practices to address increasingly complex and evolving criminal activities, which often involve multiple jurisdictions and sophisticated technologies.

The report provides a comprehensive overview of the main findings from evaluations submitted to, or carried out with support from, the JITs Network Secretariat. These findings reveal the value of JITs in fostering cross-border cooperation, the challenges encountered during the setting-up and operational phases, and the contributions of the European Union Agency for Criminal Justice Cooperation (Eurojust) and the European Union Agency for Law Enforcement Cooperation (Europol) to the success of these teams. Key insights into Eurojust's experience with cybercrime cases, as well as recent developments in JITs funding and collaborative tools, are explored in detail.

**Chapter 1** explores the findings from evaluations submitted between 2022 and 2024, with insights into both the setting-up and operational phases of JITs.

The evaluations highlight the critical importance of the **setting-up phase** in ensuring the success of JITs. Early involvement of Eurojust proved pivotal in facilitating coordination among participating countries, clarifying objectives, and resolving legal and procedural differences. The flexibility demonstrated in drafting agreements and adapting to evolving investigative needs allowed JITs to remain effective, even in complex or rapidly changing circumstances. Effective communication and trust building among JIT members were consistently identified as crucial factors for smooth operations.

Challenges encountered during the setting-up phase were as follows:

- delays due to national translation requirements,
- procedural hurdles in obtaining approvals from national authorities,
- legal discrepancies between participating countries.

Best practices identified during the setting-up phase were as follows:

- early engagement with Eurojust,
- the use of Eurojust National Desks and Liaison Prosecutors for initial contact and information sharing,
- incorporating adaptable clauses in JIT agreements to address unforeseen challenges.

Challenges encountered during the operational phase were as follows:

- navigating legal and procedural differences,
- cooperating with countries not party to the JIT,
- managing time constraints,
- addressing the limitations of real-time interceptions.

Best practices identified during the operational phase were as follows:

- effective coordination,
- effective communication and knowledge sharing,
- opportunities stemming from differences in legal systems,
- efficient file management,
- joint interviews,
- the use of undercover agents in JIT parties.

Regarding the **effectiveness of JITs**, the evaluations consistently highlighted the tangible benefits of JITs, including dismantling organised crime groups and facilitating successful prosecutions. This is best demonstrated in one case example shared, concerning a JIT involving neighbouring countries that successfully dismantled a drug trafficking network, resulting in significant convictions and asset recoveries.

**Chapter 2** presents Eurojust's experience with JITs in cybercrime cases.

The increasing prevalence of cybercrime underscores the growing importance of JITs in addressing this global phenomenon. Cybercrime investigations often involve multiple jurisdictions, requiring swift and coordinated responses. Eurojust's experience highlights how JITs facilitate real-time data sharing, the resolution of jurisdictional conflicts and ad-

vanced technical cooperation among participating countries.

A key advantage of JITs in cybercrime cases is their ability to address the highly dynamic nature of these investigations. JITs allow for agile cooperation and the sharing of expertise and know-how among JIT members from the judiciary and law enforcement, and among the technical staff involved.

Eurojust assistance has been crucial in addressing identified legal and practical challenges:

- in the setting-up phase, for example by providing advice on the suitability of setting up a JIT and identifying key cooperation partners;
- in the operational phase, for example by bringing JIT partners together in coordination meetings and facilitating cooperation with countries outside the JIT.

This report also outlines Eurojust's role in catering to the specific needs of cybercrime JITs: the need to share large amounts of digital evidence, the development of an investigative strategy (including the best timing to execute coercive measures), the decryption of electronic devices, and the deployment of technical staff and cryptocurrency experts.

**Chapter 3** introduces recent developments in JITs.

Recent years have seen significant advancements in the support and tools available for JITs. Eurojust's **JITs Funding Programme** has introduced new cost categories and streamlined procedures, making financial support more accessible for essential activities such as translation, interpretation, travel and equipment procurement. However, challenges related to the complexity of funding applica-

tions and the unpredictability of investigative costs remain.

The upcoming **JITs collaboration platform**, set to launch by the end of 2025, represents a major innovation in the digitalisation of criminal justice cooperation. This secure on-line environment will enable JIT members to exchange information and evidence efficiently, while providing traceability and transparency in their operations. Developed with extensive input from practitioners and stakeholders, the platform is expected to enhance the overall effectiveness of JITs.

In this report, the JITs Network Secretariat has also introduced resources, including the JITs

Restricted Area and practical guides, to support practitioners in setting up and managing JITs.

Initiatives such as the **Western Balkans Criminal Justice Project** have further strengthened cross-border cooperation by facilitating joint investigations into organised crime and related activities. This report presents the Project and its JIT-related activities.

This fifth JITs evaluation report demonstrates the enduring value of JITs as tools for international judicial cooperation. By identifying best practices, addressing challenges and leveraging new technologies, JITs will continue to play a pivotal role in the fight against cross-border criminality.



# GENERAL INTRODUCTION

This is the fifth joint investigation teams (JITs) evaluation report published by the Secretariat of the Network of National Experts on Joint Investigation Teams since 2014. It is based on 67 evaluations carried out by JIT practitioners between 2022 and 2024.

These periodic reports are among the key deliverables of the JITs evaluation project, initiated in 2013 with the following objectives:

- assisting practitioners in evaluating the performance of their JITs in terms of results achieved, added value and possible shortcomings, in order to improve future cooperation;
- increasing knowledge of JITs by facilitating the identification of the main legal and practical challenges experienced and solutions found.

Since the second evaluation report, the project has been implemented in close cooperation with the European Union Agency for Criminal Justice Cooperation (Eurojust). This collaboration also extends to this report. In this fifth issue, Eurojust's contribution focuses on its experience supporting JITs in cybercrime cases.

Throughout the years, criminal activities have become increasingly complex. To address the challenges of globally dispersed criminality employing new technologies to perpetrate offences, there is a need to adapt and learn collectively from each other's experiences. The fifth evaluation report is here to provide an overview of best practices and lessons learned, and to share this knowledge among practitioners to enable an effective response to crime.

The fifth evaluation report explores the experiences of Eurojust in combating cybercrime, highlighting how JITs can be leveraged to address this phenomenon. Cybercrime investigations face specific challenges: the complexity of criminal activities, supra-regional and international scope, large numbers of victims from across the world, time dedicated to investigating money flows and recovering defrauded funds, and conflicting jurisdictions, just to name a few. While JITs are generally effective tools for cooperation, when it comes to cybercrime cases those JITs involved need to evolve and improve in line with best practice in order to enable swift coordination and cooperation.

The fifth evaluation report is divided into three chapters.

Chapter 1 provides a non-exhaustive overview of the findings of evaluation forms received by the JITs Network Secretariat between December 2022 and December 2024.

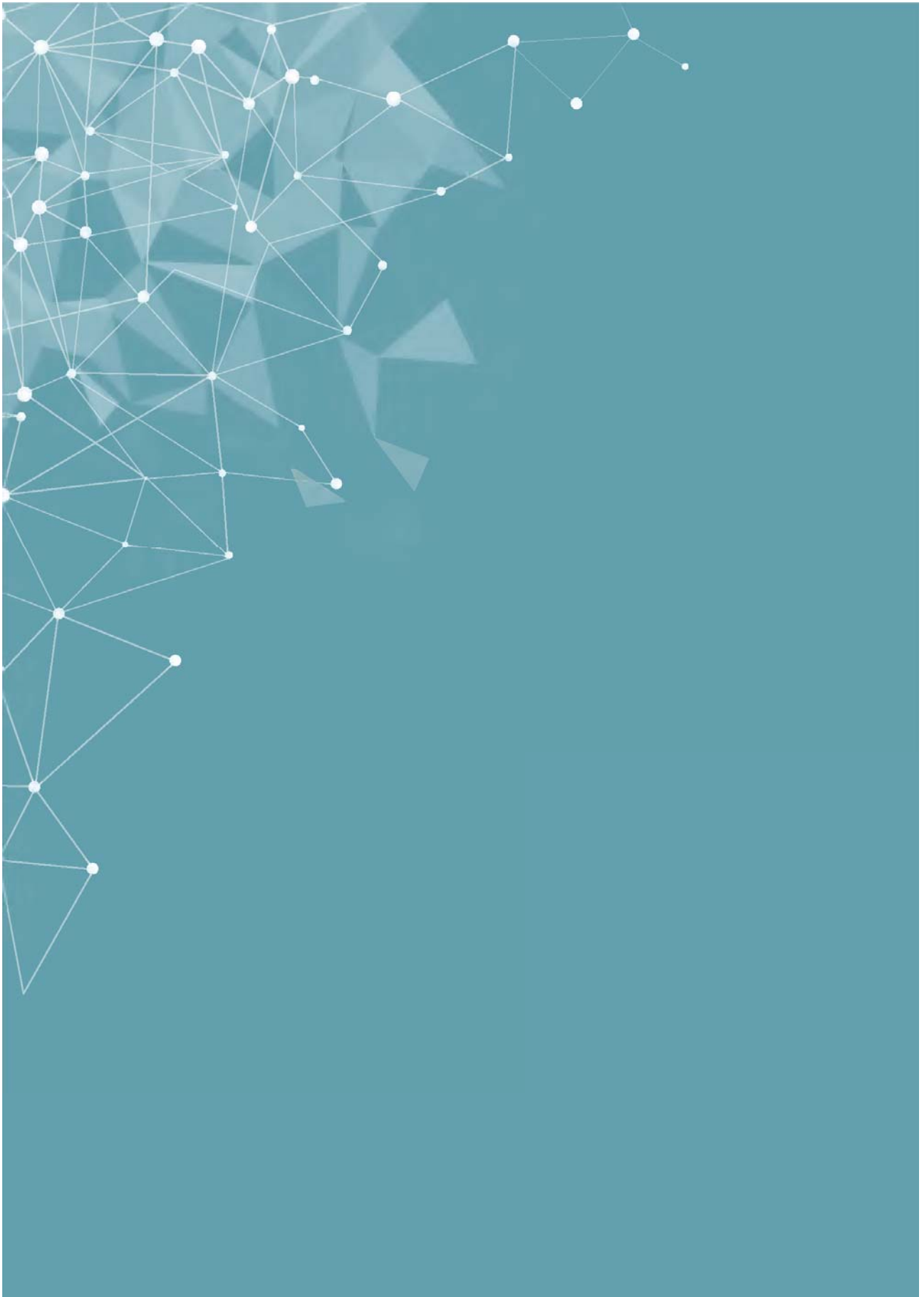
Chapter 2 focuses on Eurojust's experience with JITs set up in cybercrime cases, and provides advice to practitioners who are considering setting up a JIT in a cybercrime case.

Chapter 3 highlights recent developments in JITs between 2022 and 2024. It presents general figures, significant novelties, trends and new practices in the functioning of JITs. It includes an overview of tools recently developed to support practitioners with the setting-up and running of JITs, an insight into the Western Balkans Criminal Justice Project and its JIT-related activities, and a presentation of the future JITs collaboration platform.

# CHAPTER 1: FINDINGS FROM THE EVALUATION OF JOINT INVESTIGATION TEAMS







# CHAPTER 1: FINDINGS FROM THE EVALUATION OF JOINT INVESTIGATION TEAMS

## 1.1 SETTING-UP PHASE

### 1.1.1. Identification of the need to set up a joint investigation team

Among the evaluated JITs, the majority were initiated through Eurojust coordination meetings and bilateral contacts between national authorities. A smaller number of JITs emerged through mechanisms such as operational intelligence exchanges or through Eurojust National Desks and Liaison Prosecutors who facilitated the first contact. This highlights the diverse pathways through which relevant cases for setting up JITs were identified.

Early information sharing and Eurojust's involvement consistently played a pivotal role in determining whether a case was suitable for setting up a JIT. Through coordination meetings, Eurojust brought relevant national authorities together to enable effective communication, and assisted the involved countries in clarifying the scope and objectives of cooperation.

One JIT evaluation remarked: 'It was very useful that a coordination meeting was organised and assisted by Eurojust. It helped us to see whether setting up a JIT would bring added value to our investigations. It also helped us to identify the

conditions for setting up a JIT. In particular, it was a welcome assistance in drafting the JIT agreement, using a draft in English and later translating it into all languages.'

A significant number of JITs were established during the early phases of national investigations, enabling involved countries to align strategies and coordinate actions effectively. Some JITs were formed after initial progress in the investigation had been made, but before conclusive developments had taken place. In a few cases, JITs were established during advanced phases, often requiring adjustments to coordinate with other jurisdictions.

### 1.1.2. Setting up a joint investigation team: legal requirements, practical considerations and possible obstacles

#### Legal and practical challenges

In some cases, the diversity of legal frameworks and different procedural requirements presented challenges during the set-up phase.

 Case example: In EU Member State A, an investigation began following reports of organised crime, without, however, identifying concrete suspects. Links were discovered with Member State B and Member State C, and initial contacts were established. However, early collaboration faced hurdles due to differences in investigative standards, and Member State B was not able to perform the wiretapping requested by Member State A. After the concrete suspects were identified, Member State B was also able to initiate domestic proceedings. Investigations in Member State C also started in parallel. When a first coordination meeting took place, it was still difficult to pinpoint suspects; therefore, not a lot of progress was made. After the suspects were identified, the JIT was signed between the three Member States involved.


#### **Legal basis: JITs with involvement of non-EU countries**

Some JITs involving non-EU countries experienced delays due to difficulties in establishing the identification of a legal basis in order to be able to set up a JIT. This was particularly evident in a case involving a non-EU country where a specific bilateral agreement was considered a legal basis to establish a JIT next to the 1959 Council of Europe Convention on Mutual Assistance in Criminal Matters.

#### **Willingness to cooperate and diverging operational priorities**

In one JIT, a Member State initially focused on addressing its domestic investigative needs, which delayed its full alignment with the broader objectives of the JIT itself. These challenges were addressed through targeted discussions facilitated by Eurojust, which ensured that the objectives of the JIT were adjusted to accommodate the needs of all parties involved while maintaining the overarching focus of the investigation.

#### **Scope of JIT cooperation**

 Case example: In the same case as above, Member State D initially did not join a JIT involving Member States A, B and C, despite its proximity and the evidence of criminal activity within its jurisdiction. The decision was influenced by the advanced stage of the JIT and its planned actions. However, as the investigation progressed, the non-participating Member State became heavily involved through parallel investigations and European Investigation Orders (EIOs). In retrospect, earlier inclusion might have streamlined the process.

By fostering dialogue, offering legal guidance and ensuring that all parties remained aligned, Eurojust assisted in resolving some of these issues and facilitated the efficient setting-up of JITs.

#### **1.1.3. Drafting and signing joint investigation team agreements**

In several cases, national-level requirements calling for JITs to be translated into the state's national language(s) delayed the finalisation of agreements.

When cooperating in JITs, it is crucial to account for the distinct legal and procedural requirements of participating countries. For this purpose, some countries included special annexes to the JIT agreements indicating specific rules regarding their domestic legal frameworks that need to be respected in order to avoid procedural challenges and the potential inadmissibility of evidence.

Flexible agreements play a crucial role in the success of joint investigations. Allowing for the inclusion of additional parties or changes in the scope of the investigation ensures that the JIT can adapt to evolving circum-

stances and operational needs. This flexibility helps maintain effectiveness and cooperation throughout the investigation.

#### 1.1.4. Best practices identified

**Early engagement:** involving Eurojust at the earliest stages of an investigation ensures efficient coordination among the Member States involved, and provides for effective communication and for establishing a clear scope and well-defined objectives for cooperation.

**Collaborative communication:** initial meetings, clear alignment of investigative objectives and transparent communication between all JIT members are vital to overcome jurisdictional and legal challenges. These practices promote trust, facilitate information sharing and enhance the overall efficiency of the JIT.

**Subsequent JIT proceedings:** JIT cases should be limited to the proceedings specified in the agreement. However, based on the agreement between JIT parties, the investigation can also cover any subsequent proceedings that arise from those originally mentioned. As a best practice, JITs can consider including the following provision to JIT agreements: 'The JIT should comprise and be limited to proceedings coming under the abovementioned criminal file references as well as all subsequent proceedings resulting from those mentioned.'

and selecting technical means for the secure exchange of information and evidence. It is also essential to define the roles of seconded members, develop prosecution strategies, address administration and logistical needs (e.g. selecting a working language), identify necessary equipment and allocate resources. A coherent communication or media strategy and provisions for financial support also play a critical role in effective cooperation.

The JITs evaluated for this report have shared their valuable insights into the practical and legal challenges encountered and the solutions found.

#### 1.2.1. Coordination of investigative measures

The evaluations consistently highlighted that direct communication and maintaining personal contact between parties are essential for effectively coordinating investigative measures. For highly complex cases, JIT partners should plan longer (multiple-day) meetings to get to know each other, to build trust and to explain to each other the legal requirements in their respective legal systems.

Findings from the evaluated JITs also highlight that personal interaction and direct communication facilitated through dedicated contact points allowed for increased responsiveness and improved the overall effectiveness of cooperation.

#### 1.2.2. Tools for transmission of information and evidence

Participants identified several tools for transmitting information and evidence: the Secure Information Exchange Network Application (SIENA), emails, Eurojust's secure email ex-

## 1.2 OPERATIONAL PHASE

To enable JITs to operate efficiently, JIT parties must address several practical and legal considerations. These include setting clear investigative objectives, coordinating investigative measures (e.g. frequency and format)



change, the European Union Agency for Law Enforcement Cooperation's (Europol's) large file exchange (LFE), registered post, USB sticks, DVDs, physical handovers and diplomatic bags. Many respondents emphasised the importance of dedicated equipment and the secure email service made available by Eurojust through its JITs funding programme in enabling secure communication during cross-border judicial cooperation.

In some cases, JIT members opted for the direct acquisition of evidence during coordination meetings or by means of JIT members travelling to collect or deliver the evidence in person.

One JIT reported on the challenges in maintaining efficient communication and in exchanging gathered materials in difficult wartime circumstances. Eurojust provided significant assistance to facilitate communication between the JIT parties, while liaison officers travelled into war territory to hand over materials gathered by the other JIT party.

Practitioners noted challenges in using SIENA and email when transmitting large files, which led to the use of Europol's LFE server as a secure alternative for handling oversized documents.

Face-to-face meetings remained crucial for secure transfers of large files in particular, with data often exchanged through USB drives, hard drives or DVDs, and especially in high-security cases or where digital systems cannot accommodate the vast quantities of data.

The majority of evaluated JITs recognised the limitations in the existing secure technologies for handling large sets of data. Practitioners expressed optimism that the forthcoming JIT collaboration platform, expected by the end of 2025, may improve these data transfer capabilities.

### 1.2.3. Seconded joint investigation team members

Sixty per cent of the evaluated JITs made reference to the good practice of using seconded members. Seconded members frequently supported investigations by participating in key investigative measures such as searches, interviews, interrogations, surveillance and drug seizures. Being familiar with the case file in their country, seconded members could contribute significantly to the overall effectiveness of the investigations. In some cases, they could also provide valuable assistance with interpretation.

In particular, many JIT members were seconded during 'joint action days', key events involving large-scale coordinated activities such as searches, arrests and surveillance operations. Some seconded JIT members provided specialised support in specific operational activities; for example, a law enforcement authority of a Member State provided essential technical support to a non-EU Balkan country for the purpose of suspect surveillance.

In a multilateral JIT that included five Member States and a non-EU country, the advisory role of seconded members was essential for gathering evidence across jurisdictions in an efficient and legal manner, ensuring that the evidence gathered would be admissible in the courts of those countries that would eventually prosecute the cases.

### 1.2.4. Strategies for prosecution and determining jurisdiction

Various JITs took different approaches to prosecution and determining jurisdiction, based on the specific circumstances of each case. In some instances, the decision regarding jurisdiction was agreed upon right from the begin-

ning, while in others it was determined either prior to an action day or after the action day.

While most of the evaluated JITs reported that the decision regarding jurisdiction was straightforward and clear, others highlighted specific challenges that they had to address to determine which party would be in the best position to prosecute.

Coordination meetings played a crucial role in this process, providing JIT parties with an efficient setting to decide on the jurisdictional issues and consider factors such as where the majority of the criminal acts were committed, the location and nationality of the suspects and victims, and the location of any assets involved, as well as the specific legal requirements of the countries involved.

Generally, JITs adopted their approach based on the relevant criteria and developments of the investigations, in many cases leading to a decision of shared jurisdiction. This flexible approach was evident in a counterfeit medicine case, where the countries involved divided jurisdiction based on the nature and location of criminal activities. Each jurisdiction operated independently, focusing on activities within its territory, while aligning with an overall JIT strategy and common operational priorities.




**Case example:** An organised criminal group (OCG) was producing counterfeit medicines within an EU Member State and then selling them on in large quantities in a non-EU country. The leader of the OCG, alongside individuals involved in the production and sale of the drugs, was prosecuted in criminal proceedings within this particular EU Member State where the criminality took place, while the drivers who transported the counterfeit drugs to the non-EU country involved and the organisers who facilitated sales were prosecuted in criminal proceedings in that same non-EU country.

On some occasions, situations arose in which a country lacked an applicable legal framework or the authority to prosecute certain crimes or criminal conduct. In these cases, coordination efforts often resulted in the decision that another country within the JIT would handle the necessary prosecutions.




**Case example:** From the very beginning, it was crucial to decide who would prosecute in a case involving the exploitation of surrogate mothers. However, the main perpetrators, the surrogacy clinic involved and the mothers themselves all originated from and were based in a non-EU country, yet the births took place within an EU Member State. The JIT parties discussed whether the perpetrators should be prosecuted as an OCG. It was clear that this could only be conducted in the non-EU country, and that the Member State could only act in a supportive role. The other reason for this decision was a legal qualification of the crime committed. In the Member State involved, the JIT could only open investigations into the mothers as suspects in the crime of entrusting a child into the power of another, while in the non-EU country, once they had established exploitation of the surrogate mothers, they could prosecute the perpetrators (organisers, recruiters, facilitators) for the crime of trafficking in human beings.




 Case example: Throughout the coordination meetings held at Eurojust involving one particular JIT, it was consistently noted that the legislation of Member State A does not permit the prosecution of suspects who have not entered its territory, despite the fact that these suspects were orchestrating smuggling operations across the borders of Member State A. Consequently, it was determined that Member State B, which has legal provisions allowing for the prosecution of crimes committed outside its borders by non-nationals, was better positioned to handle the case.

In cases where non-EU countries were involved, jurisdictional arrangements were often reached to avoid the need for extraditions.

 Case example: The key point in deciding on jurisdiction was the whereabouts of the suspects. Throughout the investigation, both suspects were residing in the non-EU country involved. Although many of the victims were residing in the Member State party to the JIT, it was agreed that, due to complications with extradition, it would be most practical if the non-EU country took over prosecution. Police officers from the non-EU country then travelled to the Member State to assist with keeping in contact with victims and safeguarding their testimonies in the trial.

In one particularly complex multilateral JIT, the JIT parties reached a mutual understanding through a formal agreement, followed by an official letter confirming the decision on jurisdiction and prosecution.

 Case example: During Eurojust coordination meetings, the order of priority for prosecution related to the common suspects was agreed upon by the parties to the JIT. One of the prosecutors from the Member States involved sent an official letter to the other Member States, confirming in writing this agreement regarding the order of priority for prosecution and listing the individuals for whom arrest warrants had been issued, along with a description of the charges. This was done before the joint action day, ensuring the smooth execution of the planned measures.

Some JITs reported that Eurojust played a crucial role in resolving issues with conflicting jurisdictions. In one instance, JIT parties asked Eurojust's Casework Unit to prepare a case note on jurisdictional issues before the organisation of a joint action day. The case note analysed potential overlaps between the facts and suspects investigated in the three countries involved, and highlighted the potential risks of infringement of the principle of *ne bis in idem*. The case note ultimately recommended consolidating prosecution in one jurisdiction to avoid potential violations of the *ne bis in idem* principle. The JIT followed the recommendation, resulting in all suspects being prosecuted in one country for the totality of criminality and including the overlapping criminal conduct, namely trafficking and pimping as an OCG and money laundering.

### 1.2.5. Managing communication and media relations

In most of the evaluated JITs, a communication strategy was carefully planned between the JIT parties. It was crucial to agree on the timing for communication to the media, and JIT partners frequently withheld any media statements until specific milestones in the

investigation were reached in order to protect the confidentiality of ongoing investigations.

In some cases, agreements specifically prohibited disclosing sensitive details in order not to compromise any ongoing actions. In one JIT investigating terrorism offences, parties agreed not to publish the name of the suspect in order to avoid unintended consequences, such as public glorification.

National media strategies often reflected the participating parties' unique legal and operational frameworks. One party to a JIT used communication with the media to address broader societal issues and gaps in the legal regulation of surrogate pregnancies. The communication aimed not only to report on the investigation's progress, but also to encourage discussions on legislative proposals at the national and EU levels.

To ensure clear and professional public communication during JIT investigations, it was recommended that parties agree on the content and timing of press releases and work closely together to draft joint media statements when appropriate. Furthermore, the involvement of Eurojust in preparing press releases and joint press conferences was considered of added value to guarantee consistency and professionalism.


### 1.2.6. Specific challenges identified

#### Navigating legal and procedural differences

JITs often face challenges arising from differences in national legal frameworks and procedural requirements, which can complicate the coordination and execution of investigative measures.

For one JIT party evaluated, it was observed that continued wiretapping must be approved by a court every four weeks, while in another the renewal period was every three months. This discrepancy created difficulties for the authorities in the country with the shorter renewal period, as they had difficulties in gathering sufficient information within the limited timeframe to justify the continuation of the wiretapping.

Several JITs reported delays due to procedural requirements in one of the JIT parties. In a multilateral JIT between Member States, challenges arose concerning the timeline for scheduling a joint action day.

 Case example: At a certain stage, two JIT parties wanted to fix a date for the joint action day, but the authorities of the non-EU country explained that they first needed approval from the preliminary judge. However, because of the highly complex nature of the investigation and elements gathered, considerable time was needed for the preliminary judge to assess the file and prepare the arrest warrants. The other JIT partners had not expected that it would take a few months before they would be able to proceed with the planning of the joint action day. In the time that elapsed while waiting for these arrest warrants, the other JIT partners had to prolong certain investigative measures, such as wiretaps and surveillance, in order not to lose sight of the suspects. The delay in conducting the joint action day also had an impact on the costs of the investigation (e.g. for telephone interceptions and translations), staff and capacity problems, and the risk of premature disclosure of the investigations.

In such a complex case, it was important to manage expectations and shared understanding of the time needed to prepare a joint action day at the national level. It was also seen as

very important to inform both the JIT partners and any other countries involved, at an early stage, about the procedures and peculiarities of the legal systems that might have an impact on the planning of the action day.

It was also noted that legal challenges can arise when there are differences in procedural requirements between the judicial systems of two cooperating jurisdictions. This disparity can complicate the use of evidence across jurisdictions, as the receiving country may require additional records for admissibility in court.

 **Case example:** A significant legal challenge arose from the differences in national legislation between an EU Member State and a non-EU country. In the EU Member State, extensive paperwork was required for various judicial activities, such as house or computer searches, whereas in the non-EU country this was not necessary. Consequently, when the EU Member State initially requested documents and evidence, only the results of the activities were provided and without any accompanying documentation detailing the legal basis or procedural steps. This omission conflicted with the legal requirement in the EU Member State mandating that minutes must be drafted to document the conduct of a judicial act, including the legal basis, authorisation details, participants, findings and any objections raised.

To address this challenge, the non-EU country partners subsequently drafted such documentation *post factum*, enabling the evidence to be deemed admissible during the trial in the EU Member State. This solution facilitated the subsequent transfer of proceedings in the conclusion phase of the JIT.

### **Cooperation with countries not party to the joint investigation team**

Some JITs reported that the progress of the investigation was delayed due to challenges in cooperation with countries that were not party to the JIT.

One JIT reported that different working hours, different data protection regimes and different standards for forensic procedures in the context of data seizures in a Middle Eastern country, which was not a party to the JIT, affected the progress of the JIT investigation. The country in question sometimes refused to transmit forensic copies due to data protection issues, which were resolved by issuing special protection guarantees through a mutual legal assistance (MLA) request. Evidence seized in that country was eventually given to the requesting JIT party either through the country's police force or through diplomatic channels (the embassy of a participating JIT party).

Several JITs reported that, on occasions when MLA requests were sent to non-EU countries not involved in their JIT, these non-EU countries would only agree to share the requested data with the requesting country and not with other parties to the JIT. This resulted in the need for additional MLA requests to explicitly request consent to share information with all parties to the JIT, and not just the requesting country.





**Case example:** In a human trafficking case involving the exploitation of surrogate mothers, it was discovered that the individuals under investigation were using bank accounts located in countries other than the JIT countries. To obtain essential banking information from one of these countries, an MLA request was issued by a JIT party, explaining that there was a JIT agreement in force and requesting that the materials be shared among the JIT parties. While the materials requested were provided, the country not participating in the JIT did not initially agree to share materials with the other JIT parties. This resulted in the need to submit an additional MLA to specifically ask for permission to share material, and to wait for approval, leading to significant delays in the investigation.

### Managing time constraints

During one joint action day undertaken, it was reported that one Member State, due to its national legislation, had still required an MLA request despite its involvement as a party to the JIT. When this JIT party arrested suspects as part of the joint actions, it urgently needed evidence to support the arrest warrants. However, legal requirements prevented the immediate use of information obtained from another JIT party. The information required a formal MLA request, but this could not be produced swiftly enough in response to the situation that had arisen. To overcome the predicament quickly, this particular JIT party submitted a local police report incorporating the received information, and thus making it admissible under their own national law. After the action day, they submitted an MLA request and obtained approval to formally use the information as evidence.

### Addressing limitations in real-time interceptions

One JIT highlighted the benefit of simultaneous live wiretapping by all JIT parties involved. The usual practice is that one JIT party will conduct the live wiretaps, and then share the intercept for a posteriori listening. However, this can result in listeners overlooking nuances and cultural specificities particular to the criminals involved. Real-time direct interception of conversations permits immediate interpretation, with JIT parties being able to share their unique knowledge bases with each other.

#### 1.2.7. Best practices identified

**1. Effective coordination:** well-structured, regular operational and coordination meetings (at Eurojust), starting with an early 'kick-off' session to clarify roles, establish collaboration and ensure streamlined communication, are crucial for successful JIT collaboration.

**2. Effective communication and knowledge sharing:** direct communication between members of the JIT facilitates understanding of the JIT's objectives and decision-making on operational directions and key investigative actions. In one JIT, close cooperation and information exchange within the JIT contributed to a broader understanding of the case. In addition, the sharing of knowledge and experience among the JIT members provided learning opportunities about different legal systems and investigative techniques, while fostering the development of mutual trust.

**3. Opportunities stemming from differences in legal systems:** partners should focus not only on legal limitations, but also on the opportunities that different legal systems offer. For example, national deficits can be addressed

through cooperation with JIT partners, for instance by sharing critical data from encrypted communication platforms. Evidence from on-going wiretapping can be crucial for convictions in different jurisdictions. Cooperation can also lead to valuable intelligence, such as deeper insights into organised crime operations, enabling further investigative efforts.

**4. Efficient file management:** JIT partners should clarify at the start of the cooperation how they manage their case files. When sharing documents within a JIT, it must be clear which material is intended for judicial purposes and which is for intelligence only. It is important to exchange only relevant and necessary information to avoid overload. In complex cases, clear agreements on securely exchanging large files are essential.

**5. Joint interrogations:** one JIT reported that interrogations conducted jointly by JIT members exponentially increased the usefulness of the information received, especially in relation to insights offered regarding region-specific and culture-specific criminal dynamics of the subjects questioned.

**6. Use of undercover agents in JIT parties:** in a JIT investigating migrant smuggling, an undercover agent from one JIT party successfully made contact with an organiser of a migrant smuggling operation. This agent then proceeded to facilitate the involvement of an agent from the other JIT party, who could then pose as a driver transporting illegal migrants. The coordination between these two agents was highly effective, allowing for continuous surveillance and tracking of the smuggling activities.

## 1.3 EFFECTIVENESS OF JOINT INVESTIGATION TEAMS

Several JIT members reported that they felt that the use of JITs made an effective contribution to their investigation. The joint efforts yielded tangible results, such as the dismantling of OCGs, the identification of additional suspects and the successful prosecution of those involved.


Moreover, the collaboration between JIT members allowed for valuable knowledge sharing, where investigators learned from each other's legal systems and investigative techniques. This strengthened the team's ability to deal with the challenges posed by transnational criminal activities, particularly in very complex and ever-changing investigations.

Evaluated JITs highlighted the outstanding collaboration between JIT partners that led to achieving results that would not have been possible without the establishment of a JIT.



**Case example:** The important contribution provided by a JIT in the fight against drug trafficking – specifically marijuana trafficking – between neighbouring countries across the Adriatic Sea is demonstrated by the sentences issued against members of the transnational OCG investigated. The JIT has played an important role in coordinating and facilitating cooperation between parties by pursuing a broader strategic perspective, particularly considering the criminal phenomenon of organised drug trafficking on this route, which is obviously broader than could be investigated by a single party. Thanks to the commitment of the judicial and police authorities of the neighbouring countries involved, the initial JIT has evolved into a long-term intensive cooperation framework.

 Case example: A JIT successfully dismantled a sophisticated network of economic crimes, including fraud, tax evasion and money laundering, through international collaboration between an EU Member State and a non-EU country. This partnership demonstrated the power of cross-border cooperation in addressing financial offences. The investigation led to the conviction of seven individuals, with penalties ranging from imprisonment to community service. Over EUR 3.3 million in unlawful gains were ordered to be returned to affected companies, with EUR 1 million voluntarily repaid during plea agreements. Additional fines and taxes totalling more than EUR 2.1 million were imposed, and EUR 450 000 was allocated to charitable causes. The JIT's collaborative framework facilitated the efficient exchange of evidence, coordinated operations and streamlined legal processes, enabling authorities to freeze and recover assets while dismantling the criminal network. Plea bargain agreements played a crucial role in expediting judicial outcomes and ensuring accountability. The success of this case served as a deterrent to potential offenders and exposed systemic vulnerabilities, spurring discussions on legal and policy reforms. The strategies employed provide a model for tackling transnational economic crimes, highlighting the critical role of international cooperation in achieving justice and financial restitution in complex cases.

 Case example: Evidence that one JIT has fully achieved its purpose is the conviction of approximately 30 persons in neighbouring countries to long prison sentences (up to 20 years for the main representatives in one country, and up to 3 years and 6 months for the peripheral figures in another country). The convictions include the first-ever verdict by a criminal court in one of the countries in which the Ndrangheta was recognised as a foreign criminal organisation, and a person was convicted for supporting it.

## 1.4 FINDINGS RELATED TO EUROJUST'S AND EUROPOL'S SUPPORT

### 1.4.1. Eurojust's support

Several JITs indicated that Eurojust's support throughout both the setting-up and operational phases of the JIT was essential to their success.

During the setting-up phase, Eurojust played a pivotal role in coordinating initial discussions between the countries involved, ensuring that legal and procedural frameworks were taken into account. Eurojust organised several key coordination meetings, bringing together judicial and law enforcement authorities to align objectives, clarify roles and build trust among the partners. These meetings were instrumental in ensuring that all parties were on the same page and ready for the combined effort. Eurojust also regularly assisted with drafting JIT agreements.

During the operational phase, Eurojust's involvement continued to be critical. In several instances Eurojust organised a coordination centre to support real-time communication and synchronisation among the participating countries during joint action days. This ensured that operational actions, including arrests and asset seizures, were executed in a methodical and coordinated manner.

Eurojust played a key role in making JIT collaboration easier, helping to tackle legal and practical issues in the investigations. Eurojust also assisted with the execution of EIOs and LORs to countries not involved in the JITs, ensuring a smooth and coordinated process for sharing evidence across borders.



### Joint investigation teams funding

Alongside logistical and legal support, Eurojust also contributes by way of financing JIT activities. While evaluations acknowledge the significant benefits of JITs funding, the evaluated JITs also reported some challenges related to the JITs Funding Programme.

One of the main challenges experienced was the complexity and bureaucracy of the funding application process. Respondents highlighted that the process was time-consuming and often required extensive paperwork, which was particularly difficult to manage during ongoing investigations. In addition, the rigid deadlines and time periods for incurring costs (action periods) were seen as obstacles. This was especially problematic in urgent cases, for instance when immediate translation services were needed or when investigative actions could not be delayed.

Another issue raised was the unpredictability of costs in investigations, which made it difficult to forecast funding needs in advance. For example, a sudden need for more translations or delays in technical work, like analysing seized devices, meant that the initially approved funding often did not align with the actual costs incurred. This led to challenges in securing additional funding when unforeseen expenses arose.

Despite these difficulties, the funding was still felt to provide significant added value to JIT operations. The financial support was crucial for covering essential costs, such as for translation and interpretation. It also enabled investigators to travel and conduct operational meetings, facilitating cross-border coordination. Moreover, the funding supported the purchase of equipment, like GPS devices for controlled deliveries, which were integral to

the operational phase of some of the investigations. In some cases, urgent funding proved to be a valuable tool, ensuring that JITs could quickly address unexpected needs, helping to keep the investigation on track.

#### 1.4.2. Europol's support

Europol's contribution was important throughout the JIT process. Early on, Europol's cross-checking of information and analysis contributed to uncovering the full scope of criminal activities carried out by OCGs, helping national authorities to understand the extent of criminal networks.

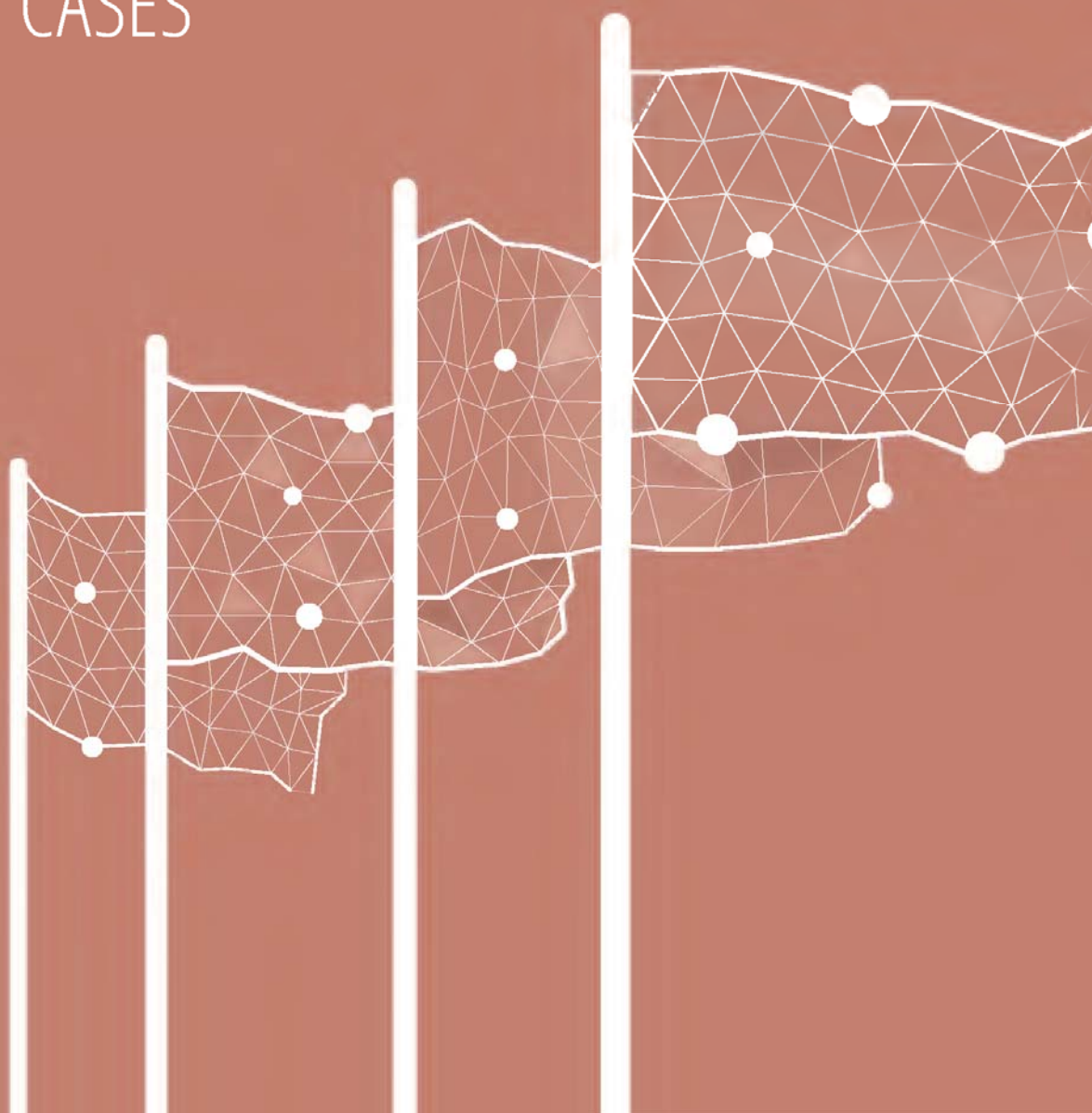
Europol provided intelligence packages and real-time analysis that proved critical during key operational activities, including offering on-site data extraction and analysis. During the operational phase of a JIT, Europol deployed officers to be present during various operational activities.

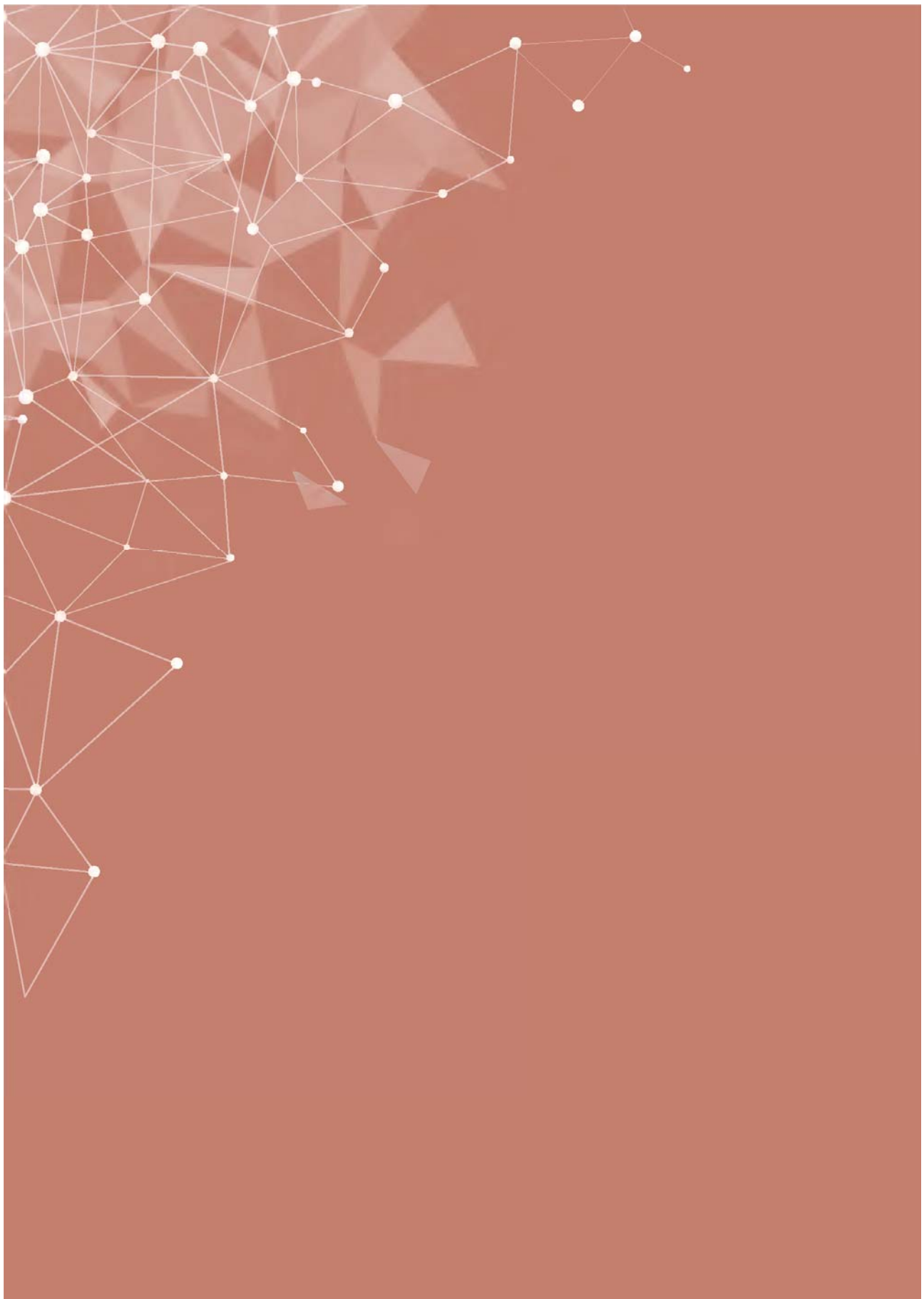
The agency played a key role in coordinating information exchanges through the SIENA system, ensuring the smooth flow of intelligence between participating Member States and relevant non-EU countries.

In one case, Europol's operational task force was central to identifying and prioritising key suspects, and to exchanging necessary information to guide operational decisions. It ensured data were cross-checked, and provided continuous support throughout the investigation.

# CHAPTER 2:

## EUROJUST'S EXPERIENCE WITH JOINT INVESTIGATION TEAMS SET UP IN CYBERCRIME CASES





# CHAPTER 2: EUROJUST'S EXPERIENCE WITH JOINT INVESTIGATION TEAMS SET UP IN CYBERCRIME CASES

In recent years, the increasing digitalisation of industry and rapid technical advancements have not only brought positive progress but also resulted in a complex criminal landscape in which OCGs are able to commit more sophisticated and harder-to-detect crimes. When a major cybercrime is committed, such as a cyberattack involving phishing, malware, ransomware or spyware, or the establishment and running of dark web criminal marketplaces, multiple countries are inevitably involved from the very beginning. There is thus an immediate need to act fast, to identify all affected countries, and to swiftly establish close cooperation and coordination at the national and international levels.

The Eurojust contribution to this fifth JIITs evaluation report focuses on **Eurojust's experience with JIITs set up in cybercrime cases** and with providing advice to practitioners who may consider setting up a JIIT in a cybercrime case. This contribution is primarily based on experiences shared during discussions with selected Eurojust National Desks, and is complemented by Eurojust casework statistics.

The present contribution is divided into the following sections. **Section 2.1** is dedicated to the added value of setting up a JIIT in a cybercrime case, while **Section 2.2** presents some considerations in favour of not setting up a JIIT in a particular cybercrime case. **Section 2.3** outlines the legal/practical issues identified and best prac-

tices in the set-up process with regard to JIITs in cybercrime cases, while **Section 2.4** focuses on the operational phase. In **Section 2.5**, an overview on Eurojust casework statistics is provided.

## 2.1 ADDED VALUE OF SETTING UP A JOINT INVESTIGATION TEAM IN A CYBERCRIME CASE

Due to the complexity of cybercrime cases, it is of great importance that judicial authorities, law enforcement personnel and technical staff work closely together, at both the national and international levels. Close cooperation within the framework of a JIIT allows the team to react quickly to operational and technical developments, such as a change in modus operandi. This could be, for example, when the lead in a spyware investigation turns out to be a dead end and new spyware is emerging, or when servers are located in or moved to different jurisdictions and investigators need to continuously share information. Furthermore, investigating cybercrime often requires advanced technical skills. The law enforcement authorities involved in the different countries might not necessarily have such skills, or their level of expertise might vary. In such cases, a JIIT can facilitate the cooperation



and sharing of expertise and know-how among the JIT members.

In Eurojust's experience, the main added value of a JIT in a cybercrime case is therefore that it allows for thorough cooperation in a highly **dynamic** investigative scenario. This agile cooperation, in addition to the available pool of technical skills, enables the identification of suspects, the *modus operandi* used by the criminals and ultimately the entire structure of the OCG.

In addition, cooperation within a JIT enables the real-time gathering and exchange of information and (electronic) evidence among the JIT parties, and – depending on the national legislation – in most cases provides for a legal basis for the direct use of evidence gathered within the JIT. It facilitates, *inter alia*:

- digital investigations, which require swift sharing of information and data, as data or server locations can be deleted, moved or changed rapidly;
- the continuous and timely sharing of data between JIT members, when different law enforcement authorities are working on the capture, decryption and/or analysis of the data;
- the prevention and solving of conflicts of jurisdiction (e.g. by agreeing on an order of priority for prosecuting common suspects);
- the assignment of tasks concerning MLA requests addressed to non-participating countries;
- the execution of measures in multiple countries as part of joint action days;
- asset recovery measures (identification and freezing of assets).

## 2.2 CONSIDERATIONS FOR NOT SETTING UP A JOINT INVESTIGATION TEAM IN A PARTICULAR CYBERCRIME CASE

When practitioners return to Eurojust with a cybercrime case and the countries involved have been identified, one of the first questions to be addressed is whether the supranational cooperation could or should take place within the framework of a JIT. In Eurojust's experience, there is no clear-cut answer, and the situation has to be assessed in light of the specifics of a particular case.

In some cybercrime cases, a decision was taken not to set up a JIT for various reasons. A JIT was considered not to be the best tool for enabling swift coordination and cooperation in a cybercrime case, for example, when:

- the setting-up of a JIT could potentially have taken a long time, for example due to required approval mechanisms at the national level;
- there was a need for urgent action and/or exchange of information, and
  - the measure, such as the taking down of a server, could be applied in the framework of a domestic investigation;
  - it was more effective to act upon a spontaneous exchange of information (e.g. based on Article 7 of the 2000 Convention on Mutual Assistance in Criminal Matters <sup>(1)</sup> or

<sup>(1)</sup> Council Act of 29 May 2000 establishing in accordance with Article 34 of the Treaty on European Union the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union (OJ C 197, 12.7.2000, pp. 1–2).

Article 26 of the Budapest Convention <sup>(2)</sup>), and, if required, formalise the exchange later to allow for evidentiary use of the material; or

- issuing MLA requests or EIOs was considered to be sufficient (when specialised cybercrime units and cybercrime prosecutors working on a case are also experts in international cooperation and the filling-in of related requests, they have often established direct close relations with cyber experts in other countries and in some cases they did not consider a JIT necessary to facilitate the cooperation);
- key cooperation partners were in countries with which setting up a JIT is not an option or might be cumbersome due to specific legal requirements, such as certain disclosure and discovery rules;
- the domestic investigations were in different states of readiness – for example, one country was at an early stage while the other one was advanced and close to filing the indictment.

<sup>(2)</sup> Council of Europe Convention of 23 November 2001 on Cybercrime, ETS No 185.

## 2.3 LEGAL/PRACTICAL ISSUES IDENTIFIED IN THE SET-UP PROCESS WITH REGARD TO JOINT INVESTIGATION TEAMS IN CYBERCRIME CASES

### 2.3.1. Establishing the scope of the case

When a cybercrime is committed, it is important to act fast and to establish the dynamics and scope of a case: how many countries are affected and which are the key countries? Is it a complex case or a smaller incident? Where are the suspects, the infrastructure, the users and the victims located?

In the early phase of a cybercrime case, there is a need to share large amounts of data at the police level first, for example through SIENA, to select data of interest – including for the judicial proceedings – and to establish with which countries cooperation is required.

Participating in a JIT enables the investigative authorities to prioritise the investigative measures, as cybercrime investigations typically need to consist of different strands:

- one part of the investigation has to focus on the technical aspects, such as on the criminal IT infrastructure itself and/or the decryption of data;
- another part should look into the financial aspects of the case, such as cryptocurrency tracing and other aspects of the asset recovery process;
- another part should look into the identification of perpetrators and users.



The different parts of digital investigations need to be closely interlinked, as findings from one part can back up the others and vice versa.

A recent development in cybercrime is that spyware, malware and ransomware are sold on the dark web. At an early stage of the investigation, the national authorities therefore need to find out whether a cybercrime case concerns 'crime-as-a-service' or whether the suspects developed the criminal tools themselves.

### 2.3.2. Identification of key cooperation countries and possible joint investigation team partners

After the identification of all countries involved, an assessment needs to be made regarding which countries will be key cooperation partners and how best to cooperate.

In the setting-up phase, Eurojust can bring all relevant national authorities together in coordination meetings, and is best placed to provide advice on the suitability of setting up a JIT, on the key countries that could join as JIT parties and on the countries with which cooperation through other mechanisms might be the better option.

It is very likely that multiple countries will be involved in a cybercrime case. A possible JIT should involve key partners and big players, which can also contribute to the benefit of a JIT. These could be, for example, countries that can conduct investigative measures in the framework of their own national proceedings. A JIT limited to countries with only victims, thus without countries where suspects and/or criminal infrastructure – such as servers – are located, is not very likely to be a successful one.

The affected countries will also need to consider which investigative measures will be required, the legal framework (e.g. whether

it is possible for Trojan horse software to be installed on electronic devices), the need to cooperate closely and share expertise, the workload and data load, and, in light of all this, whether a JIT is the best tool to facilitate the investigation. If only immediate measures are needed (e.g. the taking down of a server) in a country that does not yet have its own investigations pending, there might not be a need to include this country in a JIT.

An important aspect is that JIT partners should preferably be at a similar stage of their investigations and have aligned expectations. If, for example, a case concerns an encrypted communication platform, future JIT partners should agree on the scope and objectives of the JIT; while the focus should be on dismantling the platform and the OCG behind it, a prosecutorial strategy in relation to the distributors and the users of the platform needs to be agreed upon.

### 2.3.3. Drafting of the joint investigation team agreement

It is to be expected that JIT partners in a cybercrime case will need to cooperate with countries outside the JIT. It is therefore crucial to include a provision in the JIT agreement that stipulates that the JIT party sending an MLA request or EIO to a country not participating in the JIT will seek the agreement of the requested authority to share information or evidence obtained as a result of the execution of the request or EIO within the JIT.

In addition, specific clauses on disclosure requirements in the countries involved and the sharing of evidence (including material provided by private partners, such as Coinbase, Binance and Western Union) might be of use. As cybercrime cases usually consist of a technical and a cryptocurrency investigation, the JIT agreement will in general involve technical

staff and cryptocurrency experts as members of the JIT.

Eurojust can assist in the drafting of the JIT agreement, collect input from all countries, merge it into one JIT agreement and facilitate the signature process.

## 2.4 LEGAL/PRACTICAL ISSUES IDENTIFIED IN THE OPERATIONAL PHASE OF JOINT INVESTIGATION TEAMS IN CYBERCRIME CASES

### 2.4.1. Cooperation within a joint investigation team and with countries outside the joint investigation team

There might be added value in one JIT party taking the lead if a multilateral JIT has been set up. The lead country could take the initiative and also organise workshops/sprints. See for detailed information the chapter on Eurojust's experiences with multilateral JITs in the [Fourth JITs Evaluation Report](#) and the 'Checklist for multilateral joint investigation teams', which are available in all EU languages.

Due to the complexity of cybercrime investigations, it is even more important that there is a continuity of JIT members in order to have as little disruption to the investigation as possible. If there are changes in the investigative and prosecutorial team in one country, delays can occur as it takes time until new JIT members are acquainted with the overall scope and severity of a case.

Furthermore, cooperation and coordination with countries outside the JIT is needed, in particular with key countries that for various reasons (e.g. disclosure policies) decided not to join the JIT.

### 2.4.2. Cooperation with victims

Even though not specifically JIT-related, the involvement of victimised companies in the investigation is of key importance for the successful outcome of a cybercrime investigation. They can provide valuable information and evidence. Sometimes, however, affected companies will not report to the police but rather hire external help to mitigate the effects of a cyberattack, in particular financial losses and reputational damage. Therefore, trust needs to be built between the victims and national authorities.

### 2.4.3. Additional key aspects in the operational phase


Some additional key aspects to be taken into account during the operational phase of a JIT in a cybercrime case have been extracted from Eurojust's casework and are provided below. However, for a comprehensive overview on general JIT-related considerations, practitioners are invited to consult the Eurojust contribution to the [Second JIT Evaluation Report](#) (Eurojust's experience with JITs, generally), the [Third JIT Evaluation Report](#) (Eurojust's experience with JITs involving non-EU countries) and the [Fourth JITs Evaluation Report](#) (Eurojust's experience with multilateral JITs).

The following aspects are of specific importance in cybercrime JITs.

- Due to the nature of the crime, it is very likely that large amounts of digital evidence will be gathered. JIT partners should there-

fore agree on how data will be shared and the appropriate channel through which to exchange large files electronically.

- If the investigation has a live phase, during which encrypted messages are captured, it is beneficial for the JIT countries to agree beforehand on the timing and duration of such a live phase.
- It is important to reach agreements before the operational phase on the sharing of data and electronic evidence with non-JIT countries. Very often, JIT countries will not share such data during a live phase in order not to compromise the case. Moreover, countries outside the JIT that want to receive data will need to know to which JIT party they have to address an EIO or MLA request.
- A JIT in a cybercrime case can facilitate discussions on the investigative strategy and the execution of coercive measures, for example on the best timing for taking down a server. Sometimes, however, there are conflicting interests: while one country might want to proceed with taking down a server quickly to avoid more crimes being committed and more victims being affected, other countries might want to keep it live to gather additional evidence. Eurojust can also facilitate these discussions.
- During an action, the focus should be on gathering electronic evidence effectively and efficiently. A frequently encountered challenge is the need to decrypt electronic devices.

 Case example: In a cybercrime case, during the action, a decryption key to unlock the malware on affected systems was seized on the computer of a suspect. This led to a breakthrough in the investigation. A dedicated website was set up by the police, on which persons could log in to see if they were victimised and, if so, receive the decryption key to unlock their systems.

- In light of the above, it is of major added value that a JIT enables seconded members to travel to another JIT country in an easy and effective way, for example to participate in joint actions. This could be of particular relevance when there is a need for technical staff and cryptocurrency experts from one JIT country to be present in another JIT country to contribute their expertise. The organisation of the deployment of seconded members is simple and efficient, as a reference to the JIT agreement and JIT members suffices.
- It is important to identify common suspects and to decide on an order of priority for prosecution to avoid an infringement of the ne bis in idem principle. There should be clear arrangements between the JIT partners, preferably before a joint action day.
- In cybercrime cases, national authorities also have to ensure the victims' right to compensation. When criminal assets, such as cryptocurrencies, have been frozen in several countries based on several requests, an agreement needs to be reached in terms of the asset sharing as far as the legal frameworks in the respective countries allow for such an agreement<sup>(3)</sup>.

#### 2.4.4. Support by Eurojust and Europol

Eurojust provides legal, operational and financial support in the various phases of the life cycle of a JIT. For general information on Eurojust's role in JITs, see [Eurojust's website](#). In cybercrime cases, the main role of Eurojust in the operational phase is to bring all countries together, in particular in coordination meetings. Countries outside the JIT can be invited to Eurojust coordination meetings as well. Participants in coordination meetings may in-



<sup>(3)</sup> For EU Member States bound by Regulation 2018/1805 on the mutual recognition of freezing orders and confiscation orders, see Articles 15, 26, 29 and 30.



clude the judiciary, but also law enforcement, national experts/specialists and representatives from other EU agencies, in particular Europol. A coordination meeting could start with a closed session involving JIT parties only, followed by a session also involving countries outside the JIT. Within the framework of coordination meetings at Eurojust, the countries can exchange information on the respective proceedings pending in their countries, discuss all legal issues at stake and agree on a way forward. Depending on the case, it could be advisable to combine a coordination meeting with an operational meeting at Europol when there is a need to address purely operational/technical matters. Prosecutors could take part in operational meetings as observers to get an understanding on the pending issues at the operational/technical level. Eurojust can subsequently facilitate a follow-up at the judicial level, if required. Support by Eurojust and Europol, with national authorities making full use of their complementary mandates, is of paramount importance to enhance the cooperation between judicial authorities, law enforcement and technical staff on the international level. In addition, Eurojust supports joint action days through the setting-up of coordination centres.



In September 2014, the [Joint Cybercrime Action Taskforce](#) (J-CAT) was set up at Europol to help fight cybercrime within and outside the EU. Thirteen EU Member States and seven non-EU countries, including 24 law enforcement agencies, are represented in the J-CAT. In addition, a dedicated national expert seconded from Eurojust to Europol's European Cybercrime Centre (EC3) regularly cooperates with EC3 and the J-CAT to discuss cases and projects of mutual interest. In a particular case, the J-CAT can organise technical sprints, operational meetings, coordination calls and workshops, in which law enforcement agencies work together on their investigations, pooling their resources together. It can enable

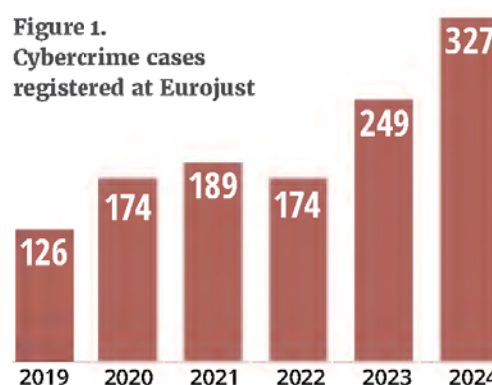
cooperation between JIT member countries, but also key countries outside a JIT.

## 2.5 JOINT INVESTIGATION TEAMS IN CYBERCRIME CASES SUPPORTED BY EUROJUST

*Disclaimer: There is no universally accepted definition of cybercrime. A distinction is usually made between cyber-dependent crimes, such as ransomware, distributed denial-of-service attacks (DDoS) and hacking, and cyber-enabled crimes, in which a computer is used to commit other forms of crime. For the purpose of this Eurojust contribution, the focus was set on cyber-dependent crimes, including the use of encrypted communication platforms. Please keep in mind that the figures presented below also include cyber-enabled crimes for which the box 'cybercrime' was ticked, in addition to other crime types in the Eurojust Case Management System.*

There has been a steady increase in cybercrime cases supported by Eurojust, as shown in Figure 1.

**Figure 1.**  
Cybercrime cases  
registered at Eurojust





From 2019 to the end of 2024, a total of 36 JIITs were set up connected to 42 Eurojust cases that were (also) marked as cybercrime cases in the Eurojust Case Management System. It is important to note that the percentage of cyber-related JIITs is much higher than the percentage of cyber-related cases among the overall number of cases opened at Eurojust. As demonstrated by the detailed case descriptions in the Case Management System, out of those 36 JIITs, at least 8 have been set up in relation to other cyber-enabled crimes, such as trafficking in human beings, online investment fraud, chief executive officer fraud and/or money laundering. Of particular interest is the significant increase in JIITs in cybercrime cases in 2024, when 10 JIITs were set up.

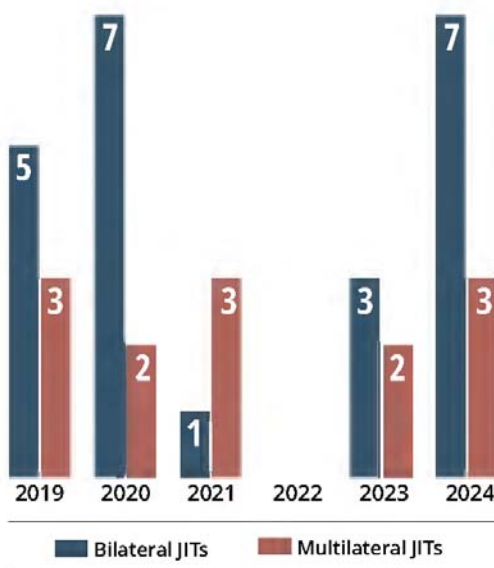
Figure 2 shows the number of JIITs set up in cybercrime cases at Eurojust, also specifying how many of those cases are either bilateral or multilateral JIITs.

The top five Member States involved in cybercrime JIITs set up in 2019–2024 are Romania (14), Germany (13), France (10), Finland (6) and the Netherlands (5). The following non-EU countries have set up JIITs in cybercrime cases in 2019–2024: the United Kingdom (4) (5), Switzerland (4), Norway (3), Ukraine (3), Georgia (2), Moldova (2), Serbia (2) and Albania (1).

As mentioned above, a total of 36 JIITs were signed, which are linked to a total of 42 cases at Eurojust. In almost all of the cases (40 out of 42), a coordination meeting at Eurojust was organised. In seven cases, a Eurojust coordination centre was set up to support the simultaneous execution of measures in multiple countries during a joint action day.

Of the 36 cybercrime JIITs set up in 2019–2024, 22 received Eurojust JIITs funding.

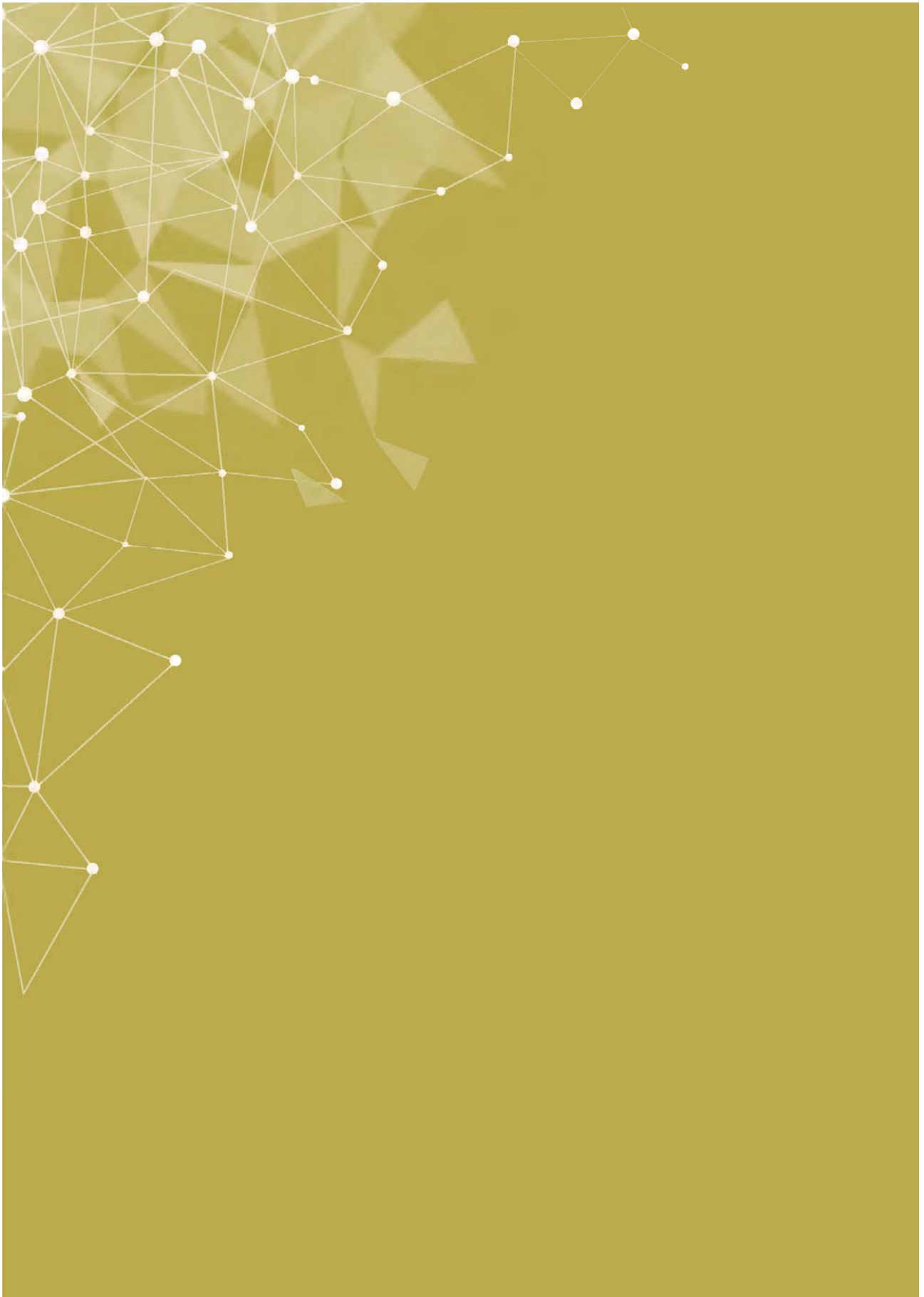
**Figure 2.**  
JIITs signed in cybercrime cases at Eurojust



<sup>(4)</sup> The figures for the United Kingdom cover the entire reporting period of 2019–2024. The United Kingdom is mentioned as a non-EU country only. However, the withdrawal of the United Kingdom from the European Union took place on 31 January 2020.

# CHAPTER 3: RECENT DEVELOPMENTS IN JOINT INVESTIGATION TEAMS





# CHAPTER 3: RECENT DEVELOPMENTS IN JOINT INVESTIGATION TEAMS

## 3.1 FINANCIAL AND LOGISTICAL SUPPORT

### 3.1.1. Challenges identified by beneficiaries

As reflected above in Section 1.4.1, financial support provided by Eurojust through its JITs funding programme brings significant added value to JITs' operations. The funding covers essential (and usually high) operational costs incurred within JITs, in particular in relation to translation and interpretation.

As mentioned by the JIT beneficiaries, the funding process may seem challenging. It is important to understand that the JITs funding programme is based on general principles applicable to all EU grants, and as such has to follow the EU financial rules. The JITs Network Secretariat is dedicated to making this funding programme as user-friendly as possible, and provides general and tailor-made advice to JIT beneficiaries when needed.

During the JITs evaluations, a time-consuming process with extensive paperwork was mentioned as one of the challenges faced in order to receive a grant. The use of the English language may also be considered problematic.

Cost category	2023 (calls 1-8, urgent)	2024 (calls 1-5, urgent) (*)
Travel and accommodation	EUR 265 000	EUR 195 000
Translation and interpretation	EUR 1 383 000	EUR 777 000
Specialist expertise	n/a	EUR 92 000
Purchase of low-value IT / electronic equipment	EUR 100 000	EUR 82 000
Hire of IT / electronic equipment	n/a	Costs included under purchase of low-value equipment
Transfer of items	EUR 1 000	EUR 7 000

(\*) Up to 15 January 2025; some claims are pending final check and payment.

NB: Total amount of reimbursed costs per cost category (amounts are rounded).



However, applications themselves require the provision of only information that is necessary for the proper evaluation of the JIT and its funding needs. As mentioned above, the evaluation of funding applications has to follow certain rules, and the evaluation committee must assess them based on award criteria as indicated in the applicable terms and conditions. The information given by applicants does not need to be extensive, but rather concise and clear, and focused on important details in line with the abovementioned award criteria.

Another challenge seems to be the difficulty in planning JIT activities and in anticipating relevant costs for the upcoming (three- to six-month) action period. This might indeed be problematic, especially when the JIT is established between multiple countries. Yet planning ahead and submitting funding applications during Eurojust's calls for proposals can actually help JITs to streamline their actions and discuss them in a timely manner.

**3.1.2. Challenges and best practices identified by the JITs Network Secretariat**

During the application and reimbursement procedures, the JITs Network Secretariat has observed that, in some cases, funding is requested only for activities of one of the parties

to the JIT. This results in only one of the JIT parties actually incurring costs and claiming reimbursement; in particular, this occurs in JITs concluded with non-EU countries. This seems contrary to one of the important conditions set by the JITs Funding Programme, in which funding requests are submitted on behalf of the JIT, and therefore all the parties should reflect their financial needs within applications. Drawing upon this, it is therefore important that all JIT parties exchange views on their expected needs as soon as the JIT agreement is signed, and continue doing so throughout the existence of the JIT. The mutual and timely communication of financial needs between the JIT parties might not be always easy, but it is crucial for the functioning of the JIT (in case funding for incurred costs is needed) and the establishment of mutual trust among the practitioners.

Although cooperation between JIT parties in financial matters and consequent handling of funding applications and reimbursement claims might not always be easy and smooth-running, the JITs Network Secretariat trusts that the JITs funding programme is a tool that the practitioners can rely on. This is evidenced by the fact that the number of financially supported JITs and number of awarded grants has been steadily increasing after the interruptions caused by the COVID-19 pandemic.

	2023	2024
Financially supported JITs	132	187
Number of applications awarded (standard/urgent funding schemes)	238/19	314/33

*The number of applications submitted is steadily increasing after interruptions caused by the COVID-19 pandemic.*

### 3.1.3. Changes in funding schemes

The JIITs Network Secretariat is aware of the issues raised, and tries to respond to practitioners' needs whenever possible. New cost categories and simplified procedures are introduced almost every year. Lately, several new cost categories have been included within the eligible cost categories.

As of February 2024, JIITs may apply for funding for their domestic travel costs (in addition to the already existing funding for domestic accommodation costs), car rental costs and the hire of IT / electronic equipment. In addition, JIITs may benefit from the reimbursement of indirect costs. Both funding for domestic travel and for hire of equipment have been widely used since their introduction, and indirect costs are added to most of the reimbursement claims submitted.

Furthermore, some cost categories have been adjusted to better fit the actual requirements of a JIIT: the threshold for the purchase of low-value equipment has been adjusted, going from EUR 100–750 to EUR 75–1 000, and the limit on transferring funds between cost categories has been waived.

### 3.1.4. JIITs Portal – Claims Module

In December 2023, the JIITs Network Secretariat introduced the Claims Module – a section of the JIITs Portal dedicated to the online submission of reimbursement claims. While reimbursement claims are currently still accepted by email, submission through the online tool will become mandatory for all requests in the near future, to make handling this part of the funding cycle easier and safer. Approximately one third of claims received in 2024 were submitted through the Claims Module.

## 3.2 OTHER SUPPORTING TOOLS FOR PRACTITIONERS DEVELOPED BY THE JIITs NETWORK AND THE JIITs NETWORK SECRETARIAT

The JIITs Network Secretariat provides support to the JIITs Network and JIIT practitioners in a variety of ways, including by organising Network meetings, participating in JIIT training sessions, and creating useful tools and documents. All of these activities are designed for encouraging and facilitating the use of JIITs as a judicial cooperation tool and further improving the JIIT by enabling the exchange of best practises, knowledge and expertise.

Since the publication of the last JIITs evaluation report, the Secretariat created and updated several resources, starting with the launch of the new [JIITs Restricted Area](#) in June 2023. The JIITs Restricted Area serves as a centre of knowledge on JIITs, providing useful practical and legal information, as well as data and documents on the setting-up and running of JIITs. It also offers access to the list of contact details of JIIT National Experts and Contact Points, and to the *Fiches Espagnoles* (national legislation on JIITs).

In December 2023, the Secretariat, with the aim of improving the overall level of engagement and functioning of the JIITs Network, published the [Assessment Report of the JIITs Network and its Activities and the Action Plan for its Future Goals](#). That report is a follow-up to the discussions held during the working group meeting in 2021, where the parties proposed conducting an assessment of the JIITs Network activities to allow for a better insight into JIIT National Experts' experiences, fields



of expertise and expectations relating to their role and tasks. The assessment dealt with various areas relevant to the functioning of the JIITs Network. The action plan brings together proposals made by the JIIT National Experts for the future activities of the Network.

The Office of the Prosecutor of the International Criminal Court (ICC-OTP) and the JIITs Network Secretariat jointly created a [Fact-sheet on the Involvement of the Office of the Prosecutor of the International Criminal Court in joint investigation teams](#), which was published in February 2024. This factsheet presents the ways in which the ICC may be involved in JIITs, the benefits of their involvement, and the support that Eurojust and the JIITs Network Secretariat may offer in these specific situations.

As the range of documents and products created by the JIITs Network and its Secretariat continues expanding, the creation of a leaflet providing a summary of all available resources seemed useful. For this reason, the document [Tools and Resources for JIIT Practitioners](#) was published in April 2024. This leaflet gives a complete overview of the tools and resources for practitioners working in or planning to set up a JIIT.

As in previous years, JIIT National Experts and practitioners continued coming together in the Annual Meeting of the Network of National Experts on JIITs in 2023 and 2024. In 2023, the meeting focused on [JIITs with Latin American countries](#). In 2024, the Network celebrated its 20th Annual Meeting, looking at the [Admissibility of \(e-\)evidence gathered in JIITs](#).

### 3.3 LOOKING TO THE FUTURE: A COLLABORATION PLATFORM FOR JOINT INVESTIGATION TEAMS

The last JIITs evaluation report mentioned for the first time the creation of the JIITs collaboration platform (JIITs CP): an **'operational online collaborative environment'** that would enable the secure electronic exchange of information and evidence, and secure electronic communication with other JIIT members and JIIT participants.

On 1 December 2021, the European Commission presented a proposal for a regulation establishing a collaboration platform to support the functioning of JIITs, as part of a [package of legislative initiatives on security and justice in the digital world](#). The resulting [Regulation \(EU\) 2023/969 establishing a collaboration platform to support the functioning of joint investigation teams](#) entered into force on 6 June 2023.

The purpose of the JIITs CP is:

- to enhance cooperation between authorities involved in a JIIT;
- to facilitate the coordination and management of a JIIT;
- to enable the rapid and secure exchange and temporary storage of operational data (including large files);
- to allow for secure communication between JIIT members and participants;
- to contribute to the traceability of evidence exchange through logging and tracking mechanisms;



- to streamline JIT evaluations by providing for a collaborative evaluation process.

The JITs CP will be composed of a centralised information system, hosted by the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA). This will allow for temporary central data storage, communication software that will allow for the secure local storage of communication data on the devices of the JITs CP users, and a connection between the centralised information system and relevant IT tools that support the functioning of JITs and that are managed by the JITs Network Secretariat and Eurojust.

The use of the JITs CP will be voluntary.

Following the adoption of the Regulation, the European Commission hired Deloitte to carry out a business study in order to define the specifications, Business Use Cases, and requirements for the JITs CP that will serve as a basis for the design and development of the platform.

Also following the adoption of the Regulation, an advisory group was set up to obtain expertise related to the JITs CP. The Advisory Group is chaired by eu-LISA and is composed of representatives from the Member States, the European Commission and the JITs Network Secretariat. The Advisory Group met for the first time on 5 September 2023 and participated in a further 15 meetings between September 2023 and December 2024.

Furthermore, in 2024 the European Commission started drafting the Implementing Act that should allow for the technical development of the platform. It is currently under review and consultation, taking into account the outcome of the abovementioned business study, and extensive input from the Advisory Group members. The final implementing act is

expected to be adopted by the European Commission by the beginning of 2025.

Throughout the second half of 2023 and 2024, the JITs Network Secretariat was extensively involved in exchanges on a wide range of topics related to the JITs CP, either through advisory group meetings or through ad hoc meetings with the European Commission and eu-LISA. Here, the JITs Network Secretariat takes on an advisory role as an expert on JITs.

Once the JITs CP becomes operational, and according to the regulation, the JITs Network Secretariat will support the functioning of the JITs CP by:

- providing, at the request of the JIT space administrator, administrative, legal and technical support in the context of the creation and access rights management of individual JIT collaboration spaces;
- providing day-to-day guidance, functional support and assistance to practitioners on the use of the JITs collaboration platform and its functionalities;
- designing and providing training courses for the platform users;
- raising awareness and promoting the use of the JITs collaboration platform among practitioners;
- keeping eu-LISA informed of additional functional requirements by submitting an annual report based on the feedback collected from the JITs collaboration platform users.

The work on the development of the JITs CP will continue in 2025, with the start of operations planned for 7 December 2025 at the latest.

### 3.4 WESTERN BALKAN CRIMINAL JUSTICE PROJECT AND JOINT INVESTIGATION TEAMS

The Western Balkans Criminal Justice (WBCJ) Project is an EU-funded project implemented by Eurojust to enhance cross-border cooperation among the six Western Balkan partners (WB6) – Albania, Bosnia and Herzegovina, Kosovo <sup>(5)</sup>, Montenegro, North Macedonia and Serbia – as well as between the WB6 and EU Member States.

Since its launch in 2022, the WBCJ Project has provided crucial support to Western Balkan authorities in 36 cross-border investigations, including five JITs focused on combating counterfeiting, weapons trafficking, drug trafficking and the falsification of public documents. In 2024, two major action days took place within the framework of JITs supported by the project, involving Albania, Kosovo and North Macedonia. These operations, conducted in August and December, resulted in the arrest of 15 suspects and the seizure of coin forgery machines, weapons and ammunition.

The project also serves as a platform to promote the expertise of the JITs Network Secretariat and its network of experts in the Western Balkans. Throughout 2024, the WBCJ Project organised a series of outreach events across the Western Balkan region, showcasing the mandate and support offered

by Eurojust, the JITs Network Secretariat and the project itself in advancing cross-border investigations. The JITs Network Secretariat representatives contributed to many sessions by delivering presentations on the concept, benefits and funding opportunities of JITs, thus contributing to furthering the knowledge of Western Balkan prosecutors about JITs.

The WBCJ Project, in close partnership with the JITs Network Secretariat, has developed two specialised training programmes tailored to the needs of practitioners in the Western Balkans. The first focuses on JITs, while the second – the Winter Academy on Judicial Cooperation – covers broader aspects of judicial cooperation in criminal matters. Both programmes, organised with the support of the Academy of European Law (ERA), are designed around a model case scenario that addresses common challenges faced by Western Balkan practitioners. The second iteration of the JITs training session will take place at ERA's premises in Trier in July 2025, followed by the Winter Academy in December 2025.

Looking ahead, the WBCJ Project is advancing several key tools to support day-to-day work of practitioners in the Western Balkan region. In collaboration with the JITs Network Secretariat, it has engaged experts to produce the *Fiches Espagnoles* for Bosnia and Herzegovina and for Kosovo. These resources will be made available on the JITs restricted area by 2025. The project is also developing a comprehensive JITs handbook, tailored specifically to the needs of Western Balkan practitioners, also with the support of JITs Network Secretariat experts.

<sup>(5)</sup> This designation is without prejudice to positions on status, and is in line with UNSC 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

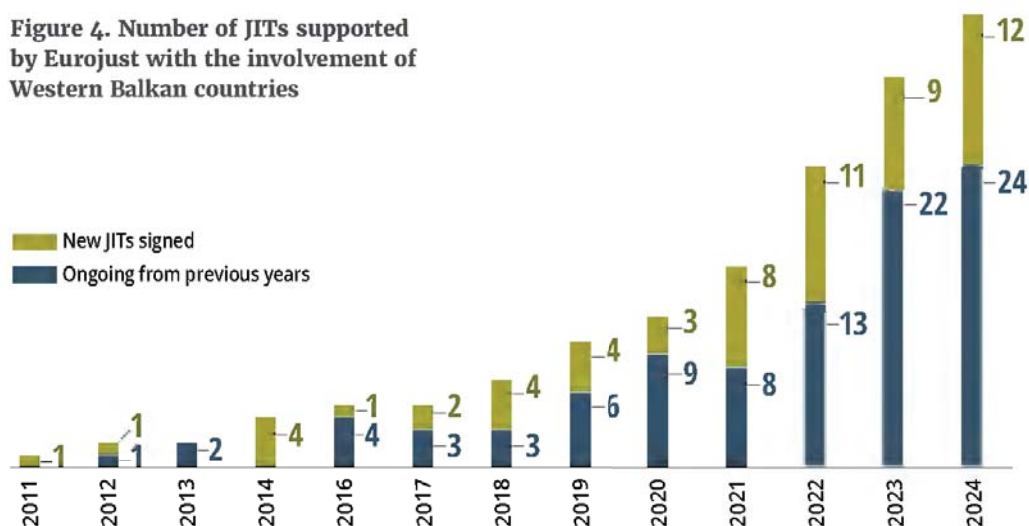
Since the establishment of Eurojust, EU Member States have made use of the support on offer to actively seek to cooperate with their Western Balkan counterparts, while also responding to the reciprocal requests for assistance made by these non-EU countries. To date, the largest number of JITs involving both EU Member States and Western Balkan countries has been concluded by Albania (34), followed by Serbia (18), Bosnia and Herzegovina (8), North Macedonia (2) and Kosovo (1). The main types of crime involved were drug trafficking (34), organised crime (27), money laundering (20), and swindling and fraud (9).

\* Kosovo: This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo Declaration of Independence.

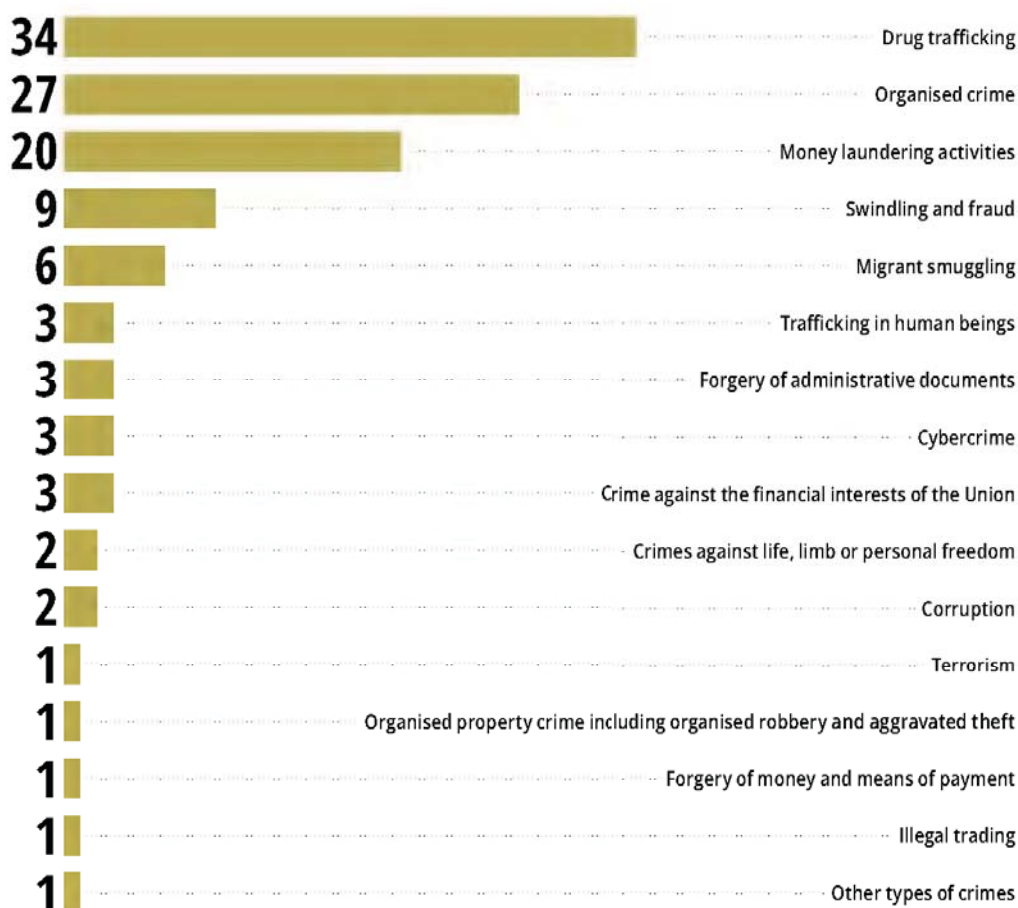
**Figure 3.**  
JITs involving Western Balkan countries and supported by Eurojust



**Figure 4.** Number of JITs supported by Eurojust with the involvement of Western Balkan countries



**Figure 5.**  
**Types of crime investigated in JITs involving Western**  
**Balkan countries and supported by Eurojust**







PDF: ISBN 978-92-9404-405-1  
Print: ISBN 978-92-9404-406-8

