

Behind the Efficiency of Joint Investigation Teams¹

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This article deals with the Joint Investigation Teams (JITs) which may be established by the Member States of the European Union. It is one of the procedural legal instruments used by Member States in the field of police and judicial cooperation in criminal matters. The subject of the article goes beyond the dogmatic evaluation of the JIT and a new perspective is introduced, as after 2010 the JIT has been increasingly used by the competent law enforcement authorities of the Member States. For this reason, the article does not deal with the earlier problems of the legal instrument, which have already been studied significantly, but examines what makes it effective. The focus of the research will be on the related activities of Europol and Eurojust. Eurojust carries out important mediation tasks, thus facilitating contacts with the competent authorities of the Member States and ensuring their continuous personal contact. It also provides legal advice during the joint investigation and helps to avoid conflicts of jurisdiction. Europol, on the other hand, participates in the work of the investigation team as a service provider, which is demonstrated by the fact that it can be called upon to carry out certain investigative acts. The Europol Information System also plays an important role, since it enables competent authorities to cross-check crimes committed in multiple Member State and find out that their perpetrators are the same. Finally, the article provides practical examples of the activities carried out by Europol and Eurojust, followed by an evaluation of the importance of the work performed by these agencies in JITs.

Keywords: criminal law, European Union, criminal cooperation, joint investigation team, European criminal law, criminal procedural law, evidence, criminal legal assistance, Eurojust, Europol, investigation

1. Introduction

The need for a legal instrument regarding Joint Investigation Teams (hereinafter referred to as “JIT” or “investigation team”) has already existed in the rather rudimentary state of criminal justice and police cooperation in the EU at the time of the Treaty of Amsterdam. Yet, despite major political support behind its adoption,² it was not a prominent tool for criminal cooperation between Member States in the decade of its creation. This is illustrated by the fact that the legal instrument created by the Convention on Mutual Legal Assistance in Criminal Matters in 2000 (from here on referred to as MLA) was only used 70 times until 2010. This figure is negligible compared to the number of

¹ The article was supported by the Kriszbacher Ildikó Ösztöndíj, a research fund granted by the University of Pécs in 2019.

² A vast number of strategic EU documents have supported the legal instrument (e.g. the 1997 Council Action Plan on Organized Crime, the Tampere Program and the Vienna Action Plan). See L. Block: *EU joint investigation teams: Political ambitions and police practices*, in S. Hufnagel & S. Bronit & C. Harfield (Eds.), *Cross-Border Law Enforcement. Regional Law Enforcement Cooperation – European, Australian and Asia-Pacific Perspectives*, Routledge, London, 2011, pp. 90-91.

criminal proceedings having transnational elements in the same period.³ As for Hungary: it was in 2011 when Hungarian law enforcement authorities were first involved in a joint investigation team. According to relevant legal literature, one of the reasons why the JIT was not able to meet the initial expectations was that the competent authorities did not yet have sufficient practical knowledge of the application of joint investigation teams in combating transnational crime at the time of the introduction of the tool.⁴

However, since 2010, JIT is gaining ground. The JITs Network, in its 2016 and 2018 evaluations, has been able to examine 74 JITs that have already been closed based on feedback from Member States. The study concerned JIT evaluations received between 2014 and 2017.⁵ Thus, in a much shorter reference period, the same number of JITs as between 2000-2010 was achieved. This gives us an idea of the increasing use by Member States of this legal instrument. In addition, the annual reports of Europol and Eurojust show that the number of JITs is increasing, with hundreds of cases being reported each year.⁶ At the same time, by 2017, the number of investigation teams in which Hungarian authorities were involved increased to 12.⁷

Due to the boom in the use of JITs, in their evaluation of I will not focus on what was the cause of its initial problems, as it has been addressed by numerous studies, but rather on the current practice of a well evolved tool. I will also examine what added values a JIT can provide in joint investigations conducted by the competent law enforcement authorities of Member States. The intended novelty of the research is that I will approach the practice of JITs through the activities of Eurojust and Europol with an outlook to the Hungarian procedural rules in order to make understanding the procedural aspects of JITs easier.

2. Joint Investigation Team as a Legal Instrument of Criminal Justice Cooperation of Member States

A joint investigation team may be set up by an agreement of the competent authorities of Member States in order to conduct investigations in one or more Member States. A JIT may be set up in cases when a Member State has to carry out complex and costly investigations involving another Member State in the course of a criminal investigation or when several Member States conduct criminal investigations in order to explore crimes committed in a manner that makes it necessary

³ In contrast, thanks to the activities of Europol liaison officers there had been 10.487 criminal procedures in 2009, and 13.000 criminal procedures in 2010 which had a cross-border element. See L. Block, *Joint Investigation Teams: The Panacea for Fighting Organised Crime?* European Consortium for Political Research Annual Conference 2011, p. 2.

⁴ The regulation of the newly created legal instrument has given Member States a wide margin of appreciation in terms of group structure and organization, leading to conflicting practices in some Member States which have made cooperation less viable. For example, there was no decisive practice in the early years of where JIT's "headquarters" would be. The legislation does not regulate this aspect, but merely state that its actions are governed by the criminal law of Member State in which territory the JIT is predominantly active. Because of this uncertainty, the Dutch position viewed the JIT as a single team with a single leader, whereas the French and Spanish positions were that members of the authority of another participating Member State formed a quasi-autonomous group with its own leader. See Block 2008, pp. 79-80.

⁵ Concluded JITs are evaluated by the parties participating in the investigation team after the termination of the group, in order to further improve the regulatory environment of the JITs. See: <http://www.eurojust.europa.eu/doclibrary/JITs/Pages/JIT-evaluation.aspx> (8 August 2019).

⁶ Eurojust Annual Report 2018, p. 2. http://eurojust.europa.eu/doclibrary/corporate/eurojust%20Annual%20Reports/Annual%20Report%202018/AR2018_EN.pdf (5 August 2019).

⁷ T. Berzsenyi & T. Tirts, *Közös Európai Nyomozócsoportok a Készenléti Rendőrség Nemzeti Nyomozó Iroda Gyakorlatában*, in Szent Lászlótól a Modernkori Rendészettudományig, Pécsi Határőr Tudományos Közlemények 2017, p. 175.

for them to take coordinated actions.⁸ Thus, according to the normative text, the purpose of the JIT is to have the competent investigative authority of several Member States involved in an investigation, which may be of particular use when the investigation takes place in the territory of several Member States.⁹ However, it is clear that the Convention provides a considerable margin of discretion as to when the competent authorities may set up a joint investigation team. For this reason, other sources of law and various manuals refine the cases where it is advisable to create one.

The EU Handbook on Joint Investigation Teams refines this broad discretion by introducing practical aspects to be evaluated. According to the handbook the complexity and sophistication of the criminal organization and criminal activities under investigation, the number and complexity of the investigative actions to be carried out in the States concerned and the extent to which the States concerned are linked by the investigation shall be considered when setting up an investigation team.¹⁰

Currently, in the Hungarian national law, the Act on Criminal Cooperation with Member States of the European Union (Act CLXXX of 2012, hereinafter referred to as the Act on Criminal Cooperation with Member States) regulates procedural issues related to the establishment and operation of a JIT, including when to create such a group. The law makes it possible to initiate the setting up of a joint investigation team when investigating a crime involving more than one Member State is particularly difficult and where several Member States are prosecuting a crime and therefore the multiple procedures need to be coordinated. In particular, the offense may be considered as trans-boundary if:

1. it has been committed in two or more Member States;
2. it has been committed in one Member State but a significant part of preparation, management or conduct in relation to it is carried out in another Member State;
3. it has been committed in one Member State but the involvement of a criminal organization carrying out criminal activities in more than one Member State can be established;
4. or it has been committed in one Member State but the social or economic order of another Member State is also violated or threatened.¹¹

The EU Handbook underlines that JITs are most useful in avoiding traditional channels for mutual legal assistance in cooperation between investigative authorities of multiple Member States. This enables these groups to collect and exchange information and evidence directly.¹² Moreover, not only members of the investigating authority of the Member State conducting the investigation may be present at proceedings during the investigation, but also the so-called seconded members participating in the JIT who are representing the competent authorities of another Member State. For this reason, the investigation team primarily facilitates the co-ordination of investigations and prosecutions in several states at the same time.¹³ For example, if there is a pending criminal procedure against a Hungarian citizen based on the personal scope of the Hungarian Criminal Code due to the reasonable suspicion of him or her having committed a crime in another Member State, both the place of the offense and the place of residence of the victims are in another Member State. However, it can be assumed that some of the preparations for the crime were carried out in Hungary. The Hungarian authorities cannot conduct investigations in the territory of another Member State,

⁸ Act CXVI of 2005. Art. 13. para. 1.

⁹ T. Jávorszki, *Joint Investigation Teams as a Specific Form of Mutual Assistance*, *Studia Iuridica Auctoritate Universitatis Pécs Publicata* 2013, p. 47.

¹⁰ EU Handbook on Joint Investigation Teams, p. 7.

¹¹ Act CLXXX of 2012. Art. 70/B. paras. 1-2.

¹² C. Rijken, *Joint Investigation Teams: Principles, Practice, and Problems - Lessons Learnt from the First Efforts to Establish a JIT*, *Utrecht Law Review*, Vol. 2, No. 2, 2006, p. 103.

¹³ EU Handbook on Joint Investigation Teams, p. 4.

nor can the investigative authorities of other Member States do so in Hungary, so the competent authorities of both Member States would refer to letters rogatory to investigate the crime and its preparations.

Investigation teams may be set up by agreement between the competent authorities of the Member States for a specific purpose and for a limited period of time, though it may be extended if necessary.¹⁴ The group will be chaired by a representative of the competent authority of the Member State that initiated the group.¹⁵ Its activities will be governed by the law of the Member State in which territory it is conducting the investigation. Seconded members of the team – from the authorities of other Member States - may also be present during the proceedings. Finally, the Convention allows persons who are not representatives of the competent authorities of the Member States setting up the group to participate in the activities of the group. Such persons may include, for example, officials of bodies set up under the provisions of the Treaty on European Union, in particular Eurojust and Europol. However, the procedural rights of members of the group and of their seconded members shall not apply to them unless expressly provided for in the agreement.¹⁶

Earlier in Hungary, the 31/2004. (BK 21.) BM-PM Joint Order transferred the decision to set up the team to the deputy Director of the competent police authority, responsible for criminal investigations.¹⁷ However, at present the Prosecutor General's Order on the Organization and Operation of the Prosecutor's Office refers the decision to set up and operate a Joint Investigation Team to the Department of Specialized, Corruption and Organized Crime.¹⁸

In summary, the JIT provides significant progress in international law enforcement compared to traditional letters rogatory and parallel proceedings, which are mostly realized through international letters of request (ILOR).¹⁹ Compared to traditional means of cooperation, it is an innovation that seconded members of the investigation team, *e.g.* authorities from other Member States, can take part in the proceedings. It is also possible for seconded members to ask the competent authority of their Member State to carry out procedural actions in their own territory thus further enhancing the original investigation. This means that communication is simplified and there is no need for further legal assistance in order to use the result of the action of the requested authority as evidence. In addition, a significant innovation is that evidence collected during the activities of the investigation team can be used in related proceedings in all participating Member States, provided that the data can be used as evidence under the law of Member State where the team is operating.²⁰ Last but not least, the efficiency of the cooperation of the authorities participating in the investigation team is greatly enhanced by the activities of Eurojust and Europol.

¹⁴ The ad hoc agreement setting up the investigation team shall regulate in detail the activities of the investigation team. Thus, the agreement has a number of mandatory elements. The document shall include a description of the crime for which the JIT is to be established, the scope of the JIT, its composition, its leader, the duration of the joint investigation and the conditions for extension. The agreement also decides on the rights and obligations of a member of the joint investigation team and the conduct of proceedings and last but not least the means of transferring evidence. See Act CLXXX of 2012. Art. 70/C. para 2.

¹⁵ According to the Act on Criminal Cooperation with Member States, the Hungarian prosecutor is entitled to lead the team – see Act CLXXX of 2012. Art. 70/C. para. 3.

¹⁶ Act CXVI of 2005. Art. 13. para. 3, 12.

¹⁷ See Order 12/2012. (VI. 8.) of the General Prosecutor on the organisation and functioning of the prosecutor's office in Hungary; for the previous situation see Joint Order 31/2004. (BK 21.) BM-PM. (These acts are only available in Hungarian.)

¹⁸ This was ordered by the Attorney General on the basis of a mandate from the Act on Criminal Cooperation with Member States since it stipulates that a JIT may be established with the consent of the Attorney General or a prosecutor designated by him. See Act CLXXX of 2012. Art. 70/C. para. 1.

¹⁹ Block 2011, p. 93.

²⁰ Block 2011, p. 89.

3. The functions of Europol and Eurojust in JITs

The European Union Agency for Law Enforcement Cooperation (hereinafter referred to as “Europol” or “the Agency”) is responsible for supporting and reinforcing the activities of, and mutual cooperation between police forces and other law enforcement services of the Member States in preventing and prosecuting crime and terrorism affecting two or more Member States and crime against the common interests of the European Union. The Treaty on the Functioning of the European Union establishes two main branches of its functions. First, and foremost the agency is responsible for gathering, storing, processing, analyzing and exchanging information provided by the authorities of the Member States or third countries or other international organizations outside the EU. Another important task of Europol is the coordination, organization and conduct of investigative and operational activities with the competent authorities of the Member States.²¹ The agency has been ultimately established to improve cooperation between law enforcement authorities of Member States and to cooperate directly with them in the prevention and detection of such crimes.²²

The European Union Agency for Criminal Justice Cooperation (hereinafter referred to as “Eurojust” or “the organization”) aims to promote and improve coordination between the competent judicial authorities of Member States in investigations and prosecutions involving at least two EU Member States,²³ in particular through assisting international mutual legal assistance and the application of European Arrest Warrant.²⁴ Another important task of the organization is to assist in resolving conflicts of competence between competent authorities of two or more Member States.²⁵

So both agencies are tasked with supporting the competent law enforcement authorities of the Member States (for example the police and the prosecution) in their activities, thus increasing their efficiency almost exclusively in cases when offenses involve at least two Member States.²⁶ Their activities regarding facilitating coordination between authorities of Member States can be divided into two parts: strategic and operational cooperation. Strategic aspects of criminal judicial cooperation include the development of crime prevention and law enforcement techniques, strategic communication with the competent authorities of the Member States and maintaining information systems.²⁷ Operational tasks of the agencies include supporting criminal cooperation between two

²¹ Treaty on the Functioning of the European Union, Art. 88. paras. 1-2.

²² It started functioning in 1999. See M. E. Radu, *The Place and the Role of Europol in EU Architecture*, Cogito – Multidisciplinary Research Journal Vol. 5, No. 2, June 2013, pp. 115-116.

²³ A. Suominen, *The Past, Present and the Future of Eurojust*. Maastricht Journal of European and Comparative Law Vol. 15, No 2, 2008, p. 217.

²⁴ Á. Mohay & E. Szalayné Sándor, *A szabadságon, a biztonságon és a jog érvényesülésén alapuló térség*, in Zs. Horváth & Á. Mohay & A. Pánovics & E. Szalayné Sándor, *Európai Közjog 2.*, PTE ÁJK, Pécs, 2016, p. 198.

²⁵ A. Weyembergh, *The Development of Eurojust: Potential and Limitations of Article 85 of the TFEU*, New Journal of European Criminal Law, Vol. 2, No. 1, 2011, p. 78.

²⁶ B. Birzu, *Cooperation between member states and Europol*, Juridical Tribune Vol. 9, No. 1, March 2019, p. 34; M. Luchtman & J. Vervaele, *European Agencies for Criminal Justice and Shared Enforcement (Eurojust and the European Public Prosecutor's Office)*, Utrecht Law Review Vol. 10, No. 5, December 2014, p. 137.

²⁷ The operation of the Europol Information System maintained by Europol may be included in this scope. The importance of the information system has increased since the Member States' law enforcement authorities have direct access to the system. In the past, this required the assistance of the competent Liaison Office. One of the most important tasks of the Liaison Offices is to facilitate the effective collection of relevant criminal information available to the authorities of Member States. See *Interview with lieutenant-colonel Dr. Zsolt Vas, the Director of the Hungarian Europol Liaison Office* (on file with the author). Threat assessments prepared by Europol are also used by the Hungarian law enforcement authorities in the planning of the national law enforcement strategy. *Ibid.*, and see also Z. K. Gyimesi, *Bűnügyi együttműködés az Európai Unióban, különös tekintettel az Europol rendőrségi együttműködésben betöltött szerepére*, in T. Drinóczi (Ed.), *Studia Iuvenum Iurisperitorum: A Pécsi Tudományegyetem Állam- és Jogtudományi Kara hallgatóinak tanulmányai*, 2008/4, p. 136.

or more Member States for specific offenses falling within the remit of the organizations. The methods of international criminal cooperation between competent authorities includes JIT as well.

Relationship between the competence of Europol and Eurojust is also important regarding this topic. The organizations settled this in a cooperation agreement concluded in 2010. According to this, Europol is in contact with the law enforcement authorities of the Member States, while Eurojust is in contact with the judicial authorities, in particular the authorities responsible for prosecution.²⁸ However, it is the role of both organizations to support and strengthen cooperation between the competent authorities in relation to crimes within their remit.²⁹

Europol and Eurojust are also permitted to participate in joint investigation teams set up by the competent authorities of Member States.³⁰ However, the roles of the two organizations are different due to their different organizational structures.

Europol participates in JITs as a service provider. This role covers a very important slice of its activities. It includes the provision of investigative techniques, which cover a great number of activities ranging from analytical-evaluative activities and the examination of objects related to crime to so-called on-the-spot support. In the latter case, the agency's staff is deployed to the crime scene in order to carry out the necessary investigative actions.³¹ It is worth pointing out that one of the most widely used analytical services of Europol is the analysis of cellular information in mobile phones, as the agency has its own and recognized pan-European analysis center. These activities are carried out either upon the request of the competent authority of a Member States or during the activities of the investigation team. On the other hand, Europol may also play a role in the establishment of a JIT, since the information system set up by Europol can inform the competent authorities if suspects are being prosecuted in another Member State. This increases the need to set up a JIT as this is one of the typical cases for initiating it. Europol may also provide financial support, however, in a form different from that provided by Eurojust. Until the new Europol regulation entered into force in 2016, Europol was not authorized to provide direct support to investigation teams, but it could organize and provide financial support for coordination meetings and joint operations between participating authorities.³² Since however the new Europol regulation came into force in 2016³³ Europol is entitled to finance JITs just as Eurojust does.

Eurojust's role is quite different from that of Europol, due to its structure. It does not have professional staff capable of carrying out investigative activities. In contrast, national members and the national experts who assist them are experts in their own national law and in criminal justice cooperation. Thus, the organization is taking a lion's share, among other things, in the process of setting up JITs. This means that Eurojust National Members are involved in JIT discussions from the moment the need arises. Furthermore, the organization even has the opportunity to propose the

²⁸ Agreement between Eurojust and Europol 2010. Art. 4.

²⁹ A. Weyembergh & I. Armada & C. Briere, *Competition or Cooperation: State of Play and Future Perspectives on the Relations between Europol, Eurojust and the European Judicial Network*, *New Journal of European Criminal Law* Vol. 6, No. 2, 2015, p. 261. While Europol assists the Member States' investigative authorities in their investigations, Eurojust primarily coordinates the activities of the Member States' prosecuting authorities in order to prevent possible conflicts of jurisdiction from undermining effective prosecution. See: H. Xanthaki, *Eurojust: Fulfilled or Empty Promises in EU Criminal Law?* *European Journal of Law Reform*, Vol. 8, No. 2/3, 2006, p. 180.

³⁰ An evaluation of the investigation teams set up between 2014 and 2017 shows that 91% of the JITs created over three years involved both organizations. See: *JITs Network: Second JIT Evaluation Report 2018*, p. 38.

³¹ *Europol: Catalogue of Operational and Strategic Products & Services*, pp. 11-18.

³² *JITs Network: First JIT Evaluation Report 2016*, p. 24.

³³ Regulation (EU) 2016/794 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JH, (OJ 2016 L 135/53).

setting up of a JIT. It also provides assistance in the preparation of the agreement establishing the investigation team. The added value of Eurojust's services at this stage is therefore providing a platform for communication on the JIT. This function does not disappear even after the investigation team has been established. As Eurojust has for a long time been exclusively entitled to finance investigation teams, it is still playing a much more important role in coordinating criminal cooperation in the form of JITs.³⁴ The most important part of this is that it does not only provide funds for the investigation team at a "local" level, but it also covers the costs of coordination meetings both prior and after the establishment of the JIT that significantly increases the effectiveness of the team. Last but not least, Eurojust is present in its original role throughout the proceedings, which is to facilitate communication between the authorities concerned and to prevent potential conflicts of jurisdiction by simply coordinating in which Member State the suspects shall be prosecuted.³⁵

In criminal law, conflicts between the jurisdictions may happen when two or more Member States would be entitled to prosecute the same offense. In this case it is necessary to decide in which Member State the proceedings should continue. Ultimately, the Member State which is in a better position in terms of the procedure is generally chosen. By way of illustration, if the vast majority of evidence is available at the scene of the crime, it is worth conducting the proceedings in the respective Member State. However, in the case of an international criminal organization, it is more appropriate to institute criminal proceedings in the country in which the criminal organization operates.

Thus, the roles of the organizations can be clearly distinguished. However, it is not clear at which state of the proceeding Europol and Eurojust enters the investigation team since their respective responsibilities overlap. Moreover, the criminal law of Member States is not the same, so there are many differences regarding the competent authorities in the investigation phase which can directly affect which of these agencies may be contacted.³⁶ This may result in Europol being the first to be contacted in the course of investigations by the competent authorities in one Member State however the proceeding authority of another Member State may contact Eurojust in the first place.³⁷ This makes it difficult for a secondary legal act to correctly distinguish between the competences of Europol and Eurojust in order to avoid overlaps. As a consequence, cooperation between the two organizations needs to be established which can be best achieved by building institutional relations. This was realized by the agreement between Europol and Eurojust, which was already discussed above. It seems that it was able to resolve this problem in a satisfactory manner.

In summary, Europol is responsible for providing investigative technology, while Eurojust is primarily involved in setting up the JITs, communicating with the competent authorities and coordinating the letters rogatory.³⁸

4. JITs in Practice

Today, the JIT has become an effective tool in the fight against cross-border and organized crime

³⁴ Of the JITs set up in the 2014-2017 period, Eurojust alone was involved in 54%, while Europol was only present in 37% of cases. See: JITs Network: Second JIT Evaluation Report 2018, p. 38.

³⁵ JITs Network: First JIT Evaluation Report 2016, p. 24.

³⁶ Weyembergh & Armada & Briere 2015, p. 269. This is evident, for example, in the so-called 'Fortune JIT', where the French proceedings were directed by the special prosecutor's office for organized crime in Nancy, while the Hungarian proceedings were directed by the first instance prosecutor's office in Szeged. See Berzsenyi & Tirts 2017, p. 181.

³⁷ For example, if only the prosecutor's office is competent to deal with the case, it is clear that the investigating authority will contact Eurojust due to the agreement between the two organizations. However, at an early stage of the procedure where the investigating authority is not the prosecutor's office the opposite can be achieved.

³⁸ Weyembergh & Armada & Briere 2015, p. 269.

in the European Union.³⁹ The activities of several JITs were successfully completed in 2019. I will present some of them in order to illustrate the role of the two agencies.

A JIT was established in 2014 between Belgium and Hungary. Its goal was to bring an investigation against an organized crime group that mainly consisted of Hungarian individuals. The crime group committed trafficking in human beings and fostering prostitution. They transported women from Hungary to Belgium, where they were forced into prostitution. On March 13, 2014, the joint investigation team carried out simultaneous procedural actions in Belgium and Hungary in order to arrest suspects in both countries and, at the same time, conducting search of their property in Hungary, including seizure of assets and evidence. During the search, several luxury cars, nearly 10 million HUF in cash, smaller quantities of drugs and jewelry were found and seized. The cooperation of the competent authorities resulted in the arrest of 10 persons participating in the organized crime group.⁴⁰

In another case, a Romanian organized crime group committed crimes. Women were transported to France where they were forced into prostitution. The money gained by this practice was legitimized by various means which constituted the crime of money-laundering. The need for setting up a JIT arisen. It was funded by Eurojust. With the help the organization the French, Romanian, Italian and German authorities cooperated to prosecute the group. Finally, a coordinated operation (in which several countries participated including Hungary) has been carried out under the JIT. It resulted in the seizure of two luxury cars, 14 mobile phones, 18 SIM cards, two computers and jewelry and cash by the authorities. The operation was coordinated by Europol, which resulted in the successful dissolution of the criminal team.⁴¹

In a British-Lithuanian case, the Europol Information System helped coordinate the criminal proceedings that were ongoing in the UK and Lithuania. An organized crime group made profit by organizing job and accommodation for Lithuanian people in need in the UK. They were accommodated in Derby. However, in exchange for travel, accommodation and employment, they were deprived of the money they worked for. Thus, the group obtained a financial advantage from the income earned through forced labor of the victims. Criminal proceedings were pending with both the British and Lithuanian authorities. When the authorities discovered that the same group of offenders could be involved, a joint investigation team was set up in cooperation with Eurojust to help eliminate the criminal organization. In this case, the authorities had a particularly high number of 14 coordination meetings. One of the major benefits of the JIT was that it facilitated the use of evidence, since the Member States concerned finally agreed to prosecute the perpetrators in the United Kingdom. However, the British legal system sets completely different requirements for the use of evidence. Therefore, without the establishment of a joint investigation team, numerous requests for legal aid would have had to be executed in order for the evidence obtained by the Lithuanian authorities to be used in British criminal proceedings. However, the JIT helped overcome this problem, since the evidence obtained via the investigation team can be used without restriction in all participating Member States.⁴²

³⁹ In 2018, Eurojust participated in 235 JITs. Of this, 150 JITs were set up in earlier years, and 85 investigation teams were established in 2018. Europol also reports on its participation in several successful investigation teams in its 2016-2017 report. See: Eurojust Annual Report 2018, p. 2.; Europol Review 2016-2017 pp. 43. 51. 56.

⁴⁰ Hungarian police press release: Prostitáltak kizsákmányolásából éltek luxus életet: <http://www.police.hu/hirek-es-informaciok/legfrissebb-hireink/bunugyek/prostitualtak-kizsakmanyolasabol-eltek-luxuseletet> (19 January 2020).

⁴¹ Eurojust press release: <http://www.eurojust.europa.eu/press/PressReleases/Pages/2019/2019-06-14.aspx> (13 August 2019).

⁴² Eurojust press release: http://www.eurojust.europa.eu/press/News/News/Pages/2019/2019-07-30_World-Day-against-THB.aspx (13 August 2019).

5. Conclusions

The cases featured in the article illustrate that it is not only a theory that JITs facilitate cooperation between the competent law enforcement authorities of the Member States. Direct communication, face-to-face meetings, the personal presence of seconded members in the investigation and the use of evidence without further actions are all factors that make the prosecution more effective and above all faster.⁴³ Another benefit of the JIT is that Member States' law enforcement authorities gain valuable experience in cooperating. Thus it can be stated that JITs are one of the most effective forms of sharing best practices among law enforcement authorities.

In the cases, it also appears that without the support of Eurojust and Europol, the application of the legal instrument would not be so widespread today. First of all, setting up a JIT has its own costs: organizing coordination meetings, traveling and accommodation of participants, and the use of interpreters and translators to communicate with members of the group.⁴⁴ For this reason, it was necessary that the EU legislator provided support for the operation of JITs over time, as these costs had to be financed by the authorities involved in the JIT. It is therefore no coincidence that, following the acquisition of Eurojust financing powers, Member States were more willing to participate in JITs.⁴⁵ The funding was made available to the organization by Council Decision 2009/426/JHA.⁴⁶ As a result, the organization funded 5 JITs in 2009 and 29 in 2010.⁴⁷ To further enhance the possibility of JITs, even Europol gained financing powers regarding setting up and operating JITs.

The national members of Eurojust shall also assist the competent authorities in contacting the appropriate authority of the Member State concerned. This is extremely important because, as I have already explained, the criminal justice systems of the Member States have different structures. This may result in the requesting party not being able to identify the appropriate authority to contact in order for international cooperation to commence. This in itself can slow down prosecution, not to mention language barriers. Unlike the law enforcement authorities of other Member States, national members are fully aware of the criminal justice system of their own Member State and can thus easily provide guidance to other competent authorities. Conversely, if the requesting party and the requested party are in direct communication, there is a high probability that continuous translation work is needed. This can be avoided by the involvement of the national members of Eurojust who mediate between each other and their own competent authorities, as there are no linguistic barriers between the national members and their own authorities. It shall also facilitate the setting up of joint investigation teams by organizing coordination meetings covering several Member States, as such meetings have preceded the investigation team in all cases examined. These face-to-face meetings are valuable before and during the JIT, partly because it replaces communication by official letters.

Eurojust also provides legal advice in the context of international criminal cooperation between Member States. In this context, the organization has many powers. For example, it can propose the initiation of criminal proceedings and the carrying out of certain investigative actions. Above all, it advises Member States if the conflict of jurisdiction cannot be resolved. Typically, this is not necessary, since close cooperation within the JIT enables Member States to agree on which of them is

⁴³ Speed and investigations commenced in multiple Member States affected are a sine qua non for the eradication of organized crime.

⁴⁴ Eurojust reports in its 2010 report that these were the main costs incurred by JITs when they started financing JITs. See: Eurojust Annual Report 2010, p. 49.

⁴⁵ Art. 9f. point 7 of Decision 2009/426/JHA, (OJ 2009 L 138/14).

⁴⁶ This act has since been replaced by Regulation 2018/172/EU of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision, (OJ 2018 L 295/138).

⁴⁷ Eurojust Annual Report 2009, p. 35. and Eurojust Annual report 2010, p. 49.

to use their criminal justice powers, but more and more often Eurojust will have to act *ex officio* to resolve a conflict of jurisdiction.⁴⁸ In practice, this is done through coordination meetings where it is necessary to consider how to gather admissible evidence and which jurisdiction would be better placed to hear the case.⁴⁹

It also appears from the cases examined that, like Eurojust, Europol's role is also crucial in the setting up of JITs, as Member States typically discover through the Europol Information System that the same criminal group is involved in crimes committed in a transnational manner (this was the case in the UK -Lithuanian cooperation, for example). In addition, the Agency has an important role in organizing joint operations (so called Joint Action Days) by competent investigative authorities, which can be critical to the effectiveness of a joint investigation team (a joint operation involving Romanian, French, Italian, German, Hungarian and Slovak authorities illustrated this, during which the authorities seized evidence). Ultimately, Europol therefore contributes to the success of JITs in its classic service provider role.

In summary, the conclusions drawn so far suggest that international criminal cooperation through the JIT would be much less intensive, more difficult and ineffective without the support of Eurojust and Europol. It should also be noted that cooperation between the two EU organizations is a prerequisite for the success of the investigation teams, as neither agency can replace the coordination and service activities of the other. Thus, the quality of the institutional relationship between Europol and Eurojust also plays a very important role in the efficiency of JITs.

⁴⁸ This happened three times by 2011. However, as the international criminal cooperation between Member States intensifies, the number of conflicts of jurisdiction seems to be increasing, with 12 requests in 2014 and 34 requests in 2015 asking for help in resolving the conflict. See: Eurojust Annual Report 2011, 21.; Eurojust Annual Report 2015. p. 57.

⁴⁹ Eurojust Annual Report 2011, p. 21.