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NATIONAL COORDINATION PLATFORMS

ROADMAP

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Lead Firm / Chef de file





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2nd CrimEx Session, Maastricht, 8-11 May 2107

MAASTRICHT ROADMAP ON NATIONAL COORDINATION

Building a Holistic National Response to Transnational Crime

JUSTIFICATION

National approach to serious and organised crime should be multi-layered, multi-jurisdictional and multi-agency.

A number of governance and decision-making mechanisms should be in place to ensure the national coordination to counter efficiently the serious, organised cross-border crime.

The **mechanisms of national coordination** fall within five broad categories¹:

1. **National strategies and legislation**
2. **Organisational structures**
3. **Operational rules, procedures and protocols**
4. **Sharing of intelligence and information**
5. **Cooperation with international partners**

The main functions of the holistic national coordination is to provide strategic guidance on national priorities, harmonise government efforts to tackle cross-border crime and provide the ability to collaborate with international judicial and law enforcement authorities.

The measures provided below merely serve to give an indication of the proposed actions, and do not aim to regulate in advance the precise scope and content of the activities concerned.

Bearing in mind the importance and complexity of these issues, it seems appropriate to address them in a step-by-step approach, whilst ensuring overall consistency. By addressing future actions, one area at a time, focused attention can be paid to each individual measure so as to enable problems to be identified and addressed in a way that will give added value to each measure.

²*EuroMed Justice Introductory Paper Attached*

MEASURE A

Convening Coordination Meetings at National level within the criminal justice professional categories: judges, prosecutors, law enforcement and police with the purpose to:

- a. Discuss the national gaps and identify the optimal solutions;
- b. Activate **specialised networks** or national **networks of specialists** in the priority domains: cybercrime, terrorism, money laundering, financial crime and so on; regular meetings of the specialised networks are foreseen;
- c. **Interconnect the national networks** - keeping in mind that the different type of crimes are not operated in isolation;
- d. Identify the **national contact points** for judicial cooperation from the Ministry of Justice, Prosecutor's General Office and Judiciary; the coordinates of the national contact points shall be provided to the EuroMed Justice PMT to create an Atlas of national contact points.

Invite the representatives of other judicial authorities and the liaison magistrates to attend the National Coordination Meetings.

MEASURE B

To use at the national level the **practical tools developed together with EuroMed Justice** such as:

- a. EuroMed Justice Legal and Gaps Analyses, EuroMed Fiches, EuroMed Handbook on judicial cooperation;
- b. Atlas of national contact points;
- c. Directory of the national receiving authorities;
- d. Access through the EJM Secretariat to EJM national contact points;
- e. Practical Guide or Manual on Electronic Evidence Gathering;
- f. EuroMed Digital Reference Tool;
- g. Internet portal – gateway – containing main databases of national SPCs and international legislation;
- h. Technical IT tools for cooperation, EuroMed website-portal.

MEASURE C

Developing the capacities:

- **Training** of the network members/contact points in the **specialisation area**;
- **Training** of the network members/contact points in the judicial and law enforcement **cooperation**;
- **Training sessions, study visits, seminars and workshops** on the topics that will be identified as priority issues during the EuroMed Justice training needs' analysis (i.e. transnational crime in general, cybercrime, terrorism, money laundering, smuggling of migrants and trafficking in human beings) will be organised within the project.

MEASURE D

Organising national **coordinated operations** or **task forces**.

MEASURE E

SPCs should report on the achievements beginning with the 4th CrimEx Session.



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PMT INTRODUCTORY PAPER ON NATIONAL PLATFORMS OF COOPERATION

A HOLISTIC NATIONAL RESPONSE TO TRANSNATIONAL CRIME

Bringing offenders to justice through a due process involving judiciary, prosecution and law enforcement action remains a primary method of deterring and disrupting transnational organised crime. Deterrence and disruption through criminal investigations and prosecution is key. To this end national coordination among prosecution and law enforcement agencies in all jurisdictions play a central role in the fight against organised crime.

NATIONAL COORDINATION APPROACH

A number of governance and decision-making mechanisms should be in place to ensure the national response to serious and organised crime. Usually they fall within the three broad categories of operations: intelligence, policy and legislation (or law reform). They provide strategic guidance on national priorities, harmonise government efforts to tackle crime and provide the ability to collaborate with international law enforcement partners to avoid duplicating efforts.

As main elements composing national coordination frameworks may be identified the following ones:

1. **National strategies and legislation, eventually transposing international agreements adopted and enforced to respond to serious and organised crime**

National approach to serious and organised crime should be multi-layered and multi-jurisdictional.

Effective, updated and streamlined legislation and strategies are key to a successful national response. The changing nature of serious and organised criminal activity and advances in technology means that the laws require ongoing review.

Current legal frameworks can be strengthened and further steps taken to ensure that criminals cannot exploit inconsistencies and gaps between jurisdictions.

In guiding national responses to organised crime, a good strategic environment is as important as the relevant laws.

2. Organisational structures - centres, platforms, committees - and action plans are in place to ensure coordination at national level between multi-layer and multi-jurisdictional entities

All of national's justice, regulatory and law enforcement agencies should provide integral and interdependent components of a unified, national response to organised crime.

The roles and responsibilities of the government, judicial authorities and law enforcement agencies and a clear mechanism for ensuring a coordinated national response to serious and organised crime should be in place

Multi-agencies and multi- jurisdictional bodies may be established such as: ministerial or inter agencies committees, national law reform bodies, operational coordination bodies, and cross-jurisdictional taskforces.

3. National operational rules, procedures and protocols for effective coordination are adopted and applied

Policy frameworks such as protocols developed by multi-agency national structures provide an environment for achieving and reporting on operational achievements, such as the successes of joint task forces or intelligence priorities.

Clear rules for cooperation will support the ongoing work of the operational agencies the coordination of the activities and operations, enhancing information and intelligence sharing and will provide valuable benefits to the fight against organised crime and terrorism.

4. Enhanced intelligence and information sharing

Collaboration and partnership must to be at the core of the multi-layered approach – judicial and law enforcement agencies should look for reasons why they cannot cooperate and share information with other agencies, rather than reasons why they should. Law enforcement agencies should use their information sharing powers to the fullest extent possible

Improving information sharing - quality, timely and comprehensive information and intelligence - is a key capability with impact on law enforcement's ability to respond to a range of threats. It is important that agencies have suitable technical, cultural and legal frameworks in place to effectively share information and intelligence.

It is crucial that law enforcement has effective infrastructure to share information and intelligence on a national basis.

5. Strengthened connections between national and international agencies

Traditionally national and international collaboration were treated as distinct spheres of activity. These strategies have been successful for the time being.

Today, crime types that were previously perpetrated at a domestic level are increasingly enabled by transnational travel, financial markets and flows of information. Serious and organised crime transcends national and international borders and exploits weaknesses across jurisdictional boundaries. Mechanisms that promote cooperation with international partners are becoming increasingly important, as is building capacity in the region.

EXAMPLES OF FUNCTIONING MODELS

Eurojust National Coordination System (ENCS)

A national central “ENCS Office” situated at the Central Prosecution Office/Authority, in which the Eurojust National Correspondent is located along with a correspondent from the national authority. The office can convene regular meetings of representatives from the prosecution services dealing with organised crime, the Ministry of Justice, the Eurojust National Member, the EJM National Correspondent, police forces and the other ENCS members.

A “national network” of key players in the ENCS, the basic functioning of which is guaranteed by the Eurojust National Correspondent. This scenario foresees a more active coordination role of the Eurojust National Correspondent.

Financial Intelligence Units (FIUs) and national **Asset Recovery Offices (AROs)** helps to combat money laundering and to access the illicit proceeds of crime.

ILECUs - International Law Enforcement Coordination Units (ILECUs) were established in South Eastern Europe - Albania, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, Montenegro, Serbia, Kosovo – and later on, in Moldova, Ukraine and Georgia.

An ILECU is a national coordination unit which incorporates/provides close connection with contact points for EUROPOL, INTERPOL, EUROJUST, the European judicial network, national judicial authorities, the Southeast European Law Enforcement Centre (SELEC), foreign liaison officers and magistrates, the Supplementary Information Request at the National Entry (SIRENE), customs authorities, border police, FRONTEX, OLAF and other law enforcement cooperation organisations.

ILECU function based on standard operating procedures.

As an example it is attached the Memorandum of Understanding concluded between the *Ministry of Internal Affairs, Ministry of Justice, Ministry of Finances* and *State Prosecutor* for establishment of the International Law Enforcement Coordination Unit within the *General Directorate of Kosovo Police* in order to coordinate actions and increase the effectiveness of this office with other institutions in charge of Law Enforcement in Kosovo.

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EuroMed Justice PMT

