

ИНТЕГРАЦИОННОЕ ПРАВО И НАДНАЦИОНАЛЬНЫЕ ОБЪЕДИНЕНИЯ

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INSTITUTIONAL BASES OF COOPERATION OF EUROPEAN UNION MEMBER STATES IN THE FIELD OF CRIMINAL JUSTICE (ON THE EXAMPLE OF EUROJUST)

Аннотация. This Article deals with issues of cooperation among European Union member states in the field of criminal legal proceedings within the frames of the Eurojust. Particular attention is paid to issues of legal nature, status, objectives, competence, organizational structure and main directions of operation of Eurojust as well as to issue of competitive jurisdiction.

Ключевые слова: Международное право, Eurojust, Europol, European Judicial Network, European arrest warrant, Joint Supervisory Body, criminal justice, criminal process, investigative jurisdiction, competitive jurisdiction

It becomes not only beneficial but also much simpler to commit multinational crimes in the conditions of globalization and overall integration than within a single state. The main difficulty in the investigation of such crimes is that effective interaction among countries is not always possible.

As concerning problems caused by a growth of international criminality and shortcomings of procedures required for the collection of evidences and bases for prosecution in interstate affairs, the European Union established a special system of interaction. The first element was based upon the principle of mutual adoption of criminal laws and process by member states. The second element envisioned establishment of new international organizations. An example of the principle of mutual adoption is the European arrest warrant¹, which makes it possible to detain a person, who was subject to arrest in one of EU member states, throughout the EU territory. Of institutes established in this field, it is essential to outline the Eurojust whose design

is to support and strengthen coordination and cooperation of national bodies responsible for the conduct of investigation and criminal prosecution on high crime cases, which touch upon two or larger number of member states or requires conduct of criminal prosecution according to general principles, proceeding from operations carried out by respective bodies of member states and Europol, and on the basis of information they provide².

The idea of establishment of Eurojust was initially approved at a meeting of the European Council in Tampere in 1999³ where it was decided that, for the reasons of strengthening of struggle with the organized criminality, it was essential to establish a special EU body that would have consisted of state prosecutors, inquiry bodies, and competent investigators representing interests of member states⁴.

¹ Judge Rob Blekxtoon, Wouter van Ballegooij. Handbook on the European Arrest Warrant. – The Hague: TMC Asser Press, 2005. P.13; Ilias Bantekas, Susan Nash. International criminal law. – London: Cavendish publishing, 2003. P. 282-283.

² T. Vander Beken, Gert Vermeulen, Soetekin Steverlynck, Stefan Thomaes. Finding the best place for prosecution: European study on jurisdiction criteria. – Antwerpen: Maklu printing, 2002. P. 39.

³ Milke T. Europol und Eurojust. – Göttingen: V&R unipress, 2003. S. 279; См.: Nora Bensahel. The counterterrorism coalitions: cooperation with Europe, NATO and the European Union. – Santa Monica: RAND publishing, 2003. P. 41.

⁴ Maria Fletcher, Robin Lööf, Bill Gilmore. EU criminal law and justice. – Cheltenham: Edward Elgar Publishing, 2008. P. 65-66.

Talks over the establishment of Eurojust were long, difficult. The final draft was worked out by «E» subcommittee, a special committee of the EU. The draft included issues related to the responsibility of Eurojust, information defense, access to the Schengen information system, Eurojust competence limits, the limits of responsibility and inviolability of Eurojust members, and legal supervision of Eurojust as a collective body over its members. The Eurojust was finally established according to the EU Council February 28, 2002 Decision (hereinafter referred to as the Decision on Eurojust) on the establishment of Eurojust for the reasons of tightening struggle with grave criminality⁵.

On December 16, 2008, in an effort to strengthen Eurojust in its struggle with the grave criminality, the EU Council took a Decision, which amended the 2002 Decision on Eurojust. This document was progressive from the point of enhancement of Eurojust operating capabilities and therefore, received the name of «a new» Decision on Eurojust⁶.

I. Legal nature and status of Eurojust

Eurojust occupies particular, specific position in the institutional mechanism of the European Union. Its specifics is as follows: though Eurojust joins the number of «ordinary» (i.e. not basic) agencies of the European Union, it simultaneously acts as an organization with its own legal personality, including international one. Eurojust is a legal entity and hence, may conclude agreements with third persons⁷. Eurojust consists of 27 national members from EU each member state⁸. In accordance with their legal systems, this may be either prosecutor or investigator or judge or police officer with respective powers.

⁵ Council Decision of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime // Official Journal of the European Communities, № L 63, Volume 45, Brussels, 2002. P. 1; Ilias Bantekas, Susan Nash. *Op.cit.* P.280-281.

⁶ Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust and amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime // Official Journal of the European Union, № L138, 4 June 2009, Brussels, 2009. P.14.

⁷ Judicial Cooperation in the EU: the role of Eurojust // Report with Evidence. – London, 2004. P.18.

⁸ Maria Fletcher, Robin Lööf, Bill Gilmore. *Op.cit.* P. 65.

The Amendments to the Decision on Eurojust specify the following kinds of powers for national members: powers given to them by member states (Article 9a), common powers (Article 9b), powers they implement upon consent of competent state bodies (Article 9c), powers they implement in urgent cases (Article 9d), inquiries from national members when powers can not be implemented due to certain reasons (Article 9c), participation of national members in joint investigative groups (Article 9e).

Nevertheless, in countries that have implemented the Decision, powers given to their respective national members differ. Some authors describe possible variants of power allotment as follows: «One national representative can be regarded as a valuable postbox (i.e. responsible for letters) whereas another national representative is plenipotentiary prosecutor. This prosecutor may take someone under arrest, announce search for someone, or arrest someone's property, etc.»⁹. Other authors note that this is a manifestation of the weak side of the Eurojust College. In their opinion, it is essential to determine the minimum of powers to be allotted to every national member¹⁰.

Particularly, the British Government did not think it was necessary to bring national legal provisions in line with the Decision on Eurojust establishment or allot any particular powers to national members; however, the current national representative of the UK possesses the entire powers of Crown Prosecutor whereas his deputies – 1. Customs Prosecutor 2 Excise Tax Prosecutor and 3. Fiscal Prosecutor – also enjoy respective powers¹¹.

A country, for which implementation of the Decision on Eurojust is a problem, is Germany. The reason lies in the peculiarities of the federative system, under which criminal prosecution-related powers belong to lands largely than to the whole federation. Germany's national representative believes that the federative system is a big problem because the authorities of lands try to keep as much powers as possible and do not want to share power with anyone in Hague¹².

⁹ Judicial Cooperation in the EU: the role of Eurojust. *Op.cit.* P. 18-19.

¹⁰ *Ibid.* P. 18.

¹¹ *Ibid.* P. 19.

¹² *Ibid.*

If necessary, member states can bring their respective legal provisions in accordance with the Decision on Eurojust; however, this must happen not later than June 4, 2011.

Eurojust is a self-governing body acting on the basis of procedure approved by the EU Council following the unanimous approval by the Board. Eurojust possesses partial financial autonomy. Eurojust is financed from the EU budget; however, salaries and fees of national representatives are paid by member states. The European Commission composes draft of Eurojust annual budget that should further be approved by the EU Council and European Parliament. In the first year of its operation (2003), the Commission proposed a budget of EUR 8.1 million. Taking into account the extension of Eurojust as a consequence of EU extension as well as establishment of new services, such as legal services, etc, the 2010 budget of Eurojust was equivalent to EUR 30.1 million.

From the point of its position in the EU institutional mechanism, Eurojust can be described as a self-governing law enforcement agency with its own legal personality having legal, institutional and partially financial autonomy.

II. Objectives and competence of Eurojust

In the course of investigations and criminal prosecution measures concerning two or more member states and on facts of crimes regarded as kinds of high criminality, including organized one, the Eurojust sets the following objectives¹³:

- Development and sophistication of coordination among competent bodies of member states in regard to actions related to investigation and criminal prosecution on high crime facts within their respective territory according to any inquiry received from competent body of one of its as well as to any information provided by competent body on the basis of prescriptions issued in accordance with constitutive agreements;
- Strengthening of cooperation among competent bodies of member states, particularly, through implementation of inquiries and decisions on extra-

dition, the provision of legal assistance, including mutual recognition of criminal laws and process;

- Backing, in any other way, the efforts of competent bodies of member states for the reasons of increase of efficiency of investigations and criminal prosecution measures they undertake.

On the basis of inquiry received from competent body of a member state, Eurojust may also provide support to investigations and criminal prosecution measures, which concern only one member state and any third country on the condition that agreement of cooperation has been concluded with the third state, or there are particular circumstances, under which the provision of such support is of important interest.

On the basis of inquiry received from competent body of a member state or the Commission, Eurojust may, apart from this, provide support to investigations and criminal prosecution measures adopted by one of member states and the EU.

The Treaty of Lisbon (initially known as the Reform Treaty) expands the field of Eurojust competence. In this connection, legal components of its activity expand as well. Hence, the field of operation and objectives of Eurojust may be inclusive of¹⁴:

1. The institution of criminal investigations and the making of proposals on the institution of criminal prosecutions carried out by competent national bodies, particularly, on the facts of criminal actions that encroach upon EU financial interests;
2. The coordination of the said investigations and prosecutions;
3. The strengthening of judicial cooperation through, apart from other measures, resolution of competitive jurisdictions and close cooperation with the European Judicial Network¹⁵.

The competence of Eurojust covers kinds of criminal actions and legal infringements, in regard to which Europol is allotted competence on the basis of Article 4 of the April 6, 2009 Decision on Europol and Appendix to it, and covers¹⁶ illegal

¹³ See: *Gert Vermeulen*. Essential texts on International and European Criminal law. – Antwerpen: Maklu publishing, 2010. P.300.

¹⁴ Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community // Official Journal of the European Union, № C 306, 17 December 2007, Brussels, 2007. P.66.

¹⁵ *Steven David Brown*. Combating international crime. The longer arm of the law. – New York: Routledge-Cavendish, 2008. P.73-74.

¹⁶ Council Decision of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime // Official Journal of the European Communities. № L 63. 6 March 2002. Brussels, 2002. P.3.

drugs trafficking, illegal actions related to money laundering, criminality related to nuclear and radioactive materials, illegal immigration flows, people's trafficking, criminality related to trade with jacked transport vehicles; purposeful murder, heavy body injuries, illegal trade with human organs and tissues; kidnapping of a person, illegal imprisonment or the taking of hostage, racism and xenophobia, organized kidnapping, illegal trade with cultural values, including antiques and masterpieces of art, swindle and circumvention of the law for selfish ends; racket and money extortion, the manufacture of counterfeited and piratical productions; the faking of administration documents and the sale of faked documents; counterfeiting of money; counterfeiting of the means of payment, computer criminality, corruption, illegal trade with weapons, ammunitions and explosives, illegal trade with endangered species of animals, illegal trade with kinds of endangered species of plants, criminality that does damage to the environment, illegal trade with hormonal substances and other growth factors.

Eurojust powers are also spread over other infringements of the law committed in interconnection with crimes above. As concerning other kinds of infringements of the law, Eurojust may, as a supplement to the main range of its competence and for pursuit of its goals and under availability of inquiry from competent body of a member state, provide support to it to coordinate investigations or criminal prosecution measures.

III. Competitive jurisdiction

Eurojust also plays a great role in the solution of the problem of competitive jurisdiction if a crime is under investigation in two or more states¹⁷. Competitive jurisdiction is the powers divided among national bodies of member states and agencies of the Communities¹⁸.

Eurojust has no real powers to make general obligatory decisions on the exact venue of investigation but plays a considerable role in the undertaking

of measures on accordance of investigation-related issues, as a result of which demands for extradition of one and the same person are multiple¹⁹.

It is thought that though Eurojust can not charge its member states with concrete commitments on investigation of crimes, nevertheless, it plays a substantial role in the field of coordination of efforts directed at resolution of disputes over jurisdiction.

In November 2003, Eurojust arranged a seminar to examine issues related to investigative jurisdiction under international crimes. Following the results of the seminar, there were outlined several criteria to be guided with under the making of decisions on investigative jurisdiction. A venue of investigation should be defined on the basis of presumption that a crime is under the investigative jurisdiction of that state, in the territory of which there were committed the larger number of such episodes or there occurred publicly dangerous consequences. Under the settlement of issues of investigative jurisdiction, states should follow these presumptions and do their best not to do damage to the investigation in other states. Other factors that should be taken into account are the place of residence of witnesses, availability and possibility of collection of proofs, and the interests of the injured parties.

Worthy of a note is that status of the accused person depends on choice of state where investigation will be conducted, since the accused persons have different criminal-proceeding statuses in different states. Particularly, choice of a state is essential in cases when it is necessary to take the accused person under arrest. Choice of a state where investigation will be carried out is of huge importance for the collection of proofs; particularly, this occurs in cases when there are established proof admissibility low standards or stricter criminal laws. To avoid any abuse under the choice of jurisdiction, Eurojust tells every prosecutor that under the choice of jurisdiction, he/she should strictly observe the rules and presumptions and not ignore them. The rendition by courts of various jurisdictions should not be the main factor for choice of jurisdiction. Eurojust also points out that under the choice of jurisdiction, it is also necessary to take into ac-

¹⁷ Correspondence with Ministers // 2nd Report of Session 2009-2010. – London, 2010. P. 239.

¹⁸ The course of the international law. Vol. 7 International-legal forms of integrative processes in modern world (edited by Usenko E. T.), – M.: Science, 1993. P. 207.

¹⁹ *Milinchuk V. V.* New tendencies of international cooperation in the field of criminal justice; a concept of multinational justice // State and Law, №1, 2004. P. 89.

count the character of responsibility of the accused person, availability of several kinds of punishments whereas prosecutors should make sure that punishment against the accused person is adequate to the degree of the crime's public danger²⁰.

The so-called problem of «differences of criminal laws» exists in criminal prosecution. An example is the case of crime related to illegal storing of drugs straight at the German-Netherlands border where whether the criminal was to be punished depend on the exact choice of jurisdiction because he could be subject to a relatively tough punishment in Germany for storing of light drugs or, possibly, not subject to any criminal responsibility in the Netherlands²¹.

Some researchers note that while making decision on the choice of jurisdiction, Eurojust will proceed from where sentences will be tougher, since making decisions are state prosecutors for whom such manifestations are typical. Other researchers say Eurojust powers must be expanded and that Eurojust must be given the right to make generally obligatory decisions under the definition of investigative jurisdiction of crimes. They also point out that all this may promote to development of Eurojust as a criminal prosecution body. Such decisions should be fulfilled compulsorily by courts of states, the Luxembourg Court, or EU specialized first instance courts in charge of criminal cases²².

Undoubtedly, Eurojust plays an important role in definition of investigative jurisdiction of international crimes. Nevertheless, it seems essential to allot Eurojust with powers of making generally obligatory decisions on disputable matters on jurisdiction. Under consultation of law enforcement agencies of states over jurisdiction-related disputable matters, it is extremely important to observe the balance of interests of the prosecution side and defense side.

IV. Organizational structure of Eurojust

Eurojust is a self-governing body operational on the basis of procedure approved by the EU Council following the unanimous approval by the College. As

²⁰ Judicial Cooperation in the EU: the role of Eurojust. Op cit. P. 22.

²¹ Ibid. P. 22.

²² Ibid. P. 23-24.

an organization with independent legal personality, Eurojust implements its functions and powers through its own bodies. The College is responsible for the issues of Eurojust organization and operation. Its chief managing bodies and executive persons are President and Administrative Director.

The College selects President of the number of national members and, if necessary, may also select not more than two his deputies. President performs his duties on behalf of the College and within its powers. He heads the work of the College and controls the work of Administrative Director in charge of current management. The interior regulations of Eurojust establish a list of cases when President's decisions or actions require a preliminary consent by the College or a report to it. The term of President's powers is three years. President can be reelected again for one term only. In connection with the expiration of the term of the previous president, Aled Williams, a British representative was elected President on February 16, 2010.

Administrative Director of Eurojust shall be appointed by College's decision taken by two thirds of the votes. For this purpose, the College creates a committee responsible for selection of pretenders. Following the submission of announcement offering concerning persons to put forward their respective candidatures, the committee composes a list of candidates. Then, the College selects Administrative Director of those in the list. The term of powers of Administrative Director is 5 years. A reelection is possible. Currently, keeping the post of Administrative Director is Hans Jahreis, a German representative.

Administrative Director works under the guidance of College and its President. Administrative Director is responsible for current management of Eurojust and its personnel. Administrative Director carries out this activity under the control of President. Administrative Director should report results of this control to the College regularly.

Eurojust personnel consist of persons employed according to regulations and rules. Regulations and rules applicable to EU other employees are applied to members of Eurojust personnel, particularly, on issues of their employment and legal status²³.

²³ Council Decision of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime // Official

Joint Supervisory Body

Article 13 of the Decision on Eurojust stipulates that Eurojust shall be obliged to exchange information, including personal information with its member states, EU organs, international organizations, and third countries.

Articles 14-27 of the Decision on Eurojust contain the combination of requirements on information defense. One of the requirements assumes appointment of Eurojust independent official in charge of information defense; another requirement envisions establishment of a special «Joint Supervisory Body»²⁴. This organ shall provide observation of the requirements of the Decision on Eurojust in the course of processing of personal data. To fulfill tasks above, the control organ may be given an unlimited access to all dossiers of personal data. Upon demand of this organ, Eurojust shall submit any information contained in these dossiers to it. Eurojust shall also provide any possible assistance to the Joint Supervisory Body to get its tasks fulfilled.

The Joint Supervisory Body plays the determinative role in this field, particularly, it should be consulted with over all decisions in the field of information exchange taken by the EU Council. The Joint Supervisory Body may block transition of personal information from Eurojust to third countries if the latter are unable to meet the requirements on information defense²⁵.

To form the Joint Supervisory Body, every member state, in accordance with its own legal proceedings and norms, shall appoint either judge (on the condition the latter is not a member of Eurojust) or (if such is proceeded from constitutional system or national conditions) another person who keeps a post with adequate degree of independence. The person appointed by member state is included into the list of judges have the right to preside over the Supervisory Body as a member or ad hoc judge. The appointed person shall perform his duties for no less than 3 years. Recall shall be carried out in line with principles, which regulate the procedure

of recall in the interior right of member state that appointed such person²⁶.

V. Basic directions of Eurojust practical operation

The Decision on Eurojust stipulates that Eurojust has two basic directions of its operation under the practical implementation of its tasks: through national members, and in the face of its College, respectively.

Hence, Eurojust may act either in the person of its national representatives or in the person of its College when crimes acquire the scales of the entire European Union.

In cases when Eurojust acts in the face of its national representatives, it may propose to Governments of states to bear responsibility for investigation of a crime or launch criminal prosecution. In cases when Eurojust acts in the face of its College, the formulation is tighter. Eurojust charges authorities to carry out investigations; if they refuse to follow Eurojust instructions, they must indicate reasons of refusal.

In operating through its national members, Eurojust:

a) May ask competent bodies of concerned member states to explore the opportunity of the conduct of the following measures:

- Launch investigation or start criminal prosecution on the facts of concrete crimes;
- Admit that out of the number of concerned member states, a certain member state can carry out investigation or criminal prosecution on the facts of concrete crimes better than the others;
- Coordinate actions of competent bodies of concerned member states;
- Establish a joint investigative group on the basis of legal provisions that regulate cooperation of member states in this field;
- Provide any information required for the implementation of tasks Eurojust faces with;

Journal of the European Communities. № L 63. Volume 45. Brussels, 2002. P. 11.

²⁴ Ibid. P. 8-9.

²⁵ Judicial Cooperation in the EU: the role of Eurojust. Op.cit. P. 24.

²⁶ Council Decision of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime // Official Journal of the European Communities, № L 63, Volume 45, Brussels, 2002. P. 8-9.

b) Provides mutual awareness of competent bodies of concerned member states about investigations and criminal prosecution measures it is aware of;

c) Provides assistance to competent bodies of member states upon their request to ensure as balanced character of undertaken investigations and criminal prosecution measures as possible;

d) Provides support to efforts directed at improvement of cooperation among competent bodies of member states

e) Interacts with the European Information Network²⁷ in the field of justice and consults with it, including through use of and promotion to the enhancement of quality of the Network's database of documentation;

f) In order to improve cooperation and get more accorded work of competent bodies of member states, Eurojust may, in conformity with its objectives and under its competence, transfer inquiries of legal assistance. Eurojust shall transfer such inquiries if the latter:

- Outgo from competent body of one of member states;
- Concern investigation or criminal prosecution carried out by this body on concrete case;
- Require interference from the side of Eurojust for the reasons of coordination of actions being undertaken.

In performing its duties in the face of the College, Eurojust:

a) As concerning kinds of criminal actions and infringements of the law foreseen by Paragraph 1 of the Article 4 of the Decision on Eurojust (as shown above), may submit motivated inquiry to competent bodies of concerned member states to ask them to undertake the following measures:

- Launch investigation or start criminal prosecution on the facts of concrete crimes;
- Admit that out of the number of concerned member states, a certain member state can carry out investigation or criminal prosecution on the facts of concrete crimes better than the others;

²⁷ Regulation (EC) No460/2004 of the European Parliament and of the Council of 10 March 2004 establishing the European Network and Information Security Agency // Official Journal of the European Union. № L77. Brussels, 2004. P.4.

• Coordinate actions of competent bodies of concerned member states;

• Establish a joint investigative group²⁸ on the basis of legal provisions that regulate cooperation of member states in this field;

• Provide any information required for the implementation of tasks Eurojust faces with;

b) Provides mutual awareness of competent bodies of concerned member states about investigations and criminal prosecution measures it is aware of, which do matter for the whole European Union or may touch upon the interests of other member states apart from those, which take direct part in corresponding measures;

c) Provides assistance to competent bodies of member states upon their request to ensure as balanced character of undertaken investigations and criminal prosecution measures as possible;

d) Provides support to efforts directed at improvement of cooperation among competent bodies of member states, including that on the basis of the results of analytical work done by Europol;

e) Interacts with the European Information Network in the field of justice and consults with it, including through use of and promotion to the enhancement of quality of the Network's database of documentation;

f) May provide assistance to Europol, particularly, through submitting its conclusion on the results of analytical work done by Europol for consideration to Europol

g) Is authorized to provide logistics support in cases foreseen by items «a», «c», and «d». Such support may be inclusive, particularly, of making translations of written materials or oral speeches, or arrangement of meetings on issues of coordination of mutual work.

In addition, the December 16, 2008 Amendments to the Decision on Eurojust envision the introduction of a special coordination mechanism – «On-Call Coordination»²⁹. This mechanism was intro-

²⁸ In November 2004, under the assistance of Eurojust, the EU established a first joint investigative group, which comprised investigators and prosecutors from the Netherlands and United Kingdom; in charge of investigation of drugs trade cases (Birukov P. N. On some aspects of Eurojust operation // International public and private law, №2 (35), 2007. P. 10).

²⁹ Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust and amending Decision 2002/187/JHA

duced by Eurojust to get its tasks fulfilled in urgent cases and envisions round-the-clock receipt and procession of inquiries. This work is the responsibility of one of national members or representative of his assistant empowered to substitute him.

In urgent cases, when an inquiry or a decision on legal assistance is submitted to the representative according to «On-Call Coordination», he is obliged to resubmit the inquiry immediately to national member of that state where the inquiry must be fulfilled. The basic principle of work of this mechanism is the efficiency of transfer of inquiries and decisions on legal assistance. However, such efficiency shall bring no damage to the requirement of information defense.

In practical operation, the assistance Eurojust provides to law enforcement agencies of EU member states through either its national member or in the face of the College promotes to efficient identification and clearance of crimes, as illustrated by a number of successful operations carried out by Eurojust.

Particularly, in the course of operation coordinated by Eurojust in close cooperation with its national members in Italy, France and Spain in March 2009, there were arrested 32 persons who had been involved in illegal turnover of drugs³⁰. Under the coordination of this investigation by Eurojust, it was identified that the crime was of jurisdictional nature and concerned all the three states. In connection with this, Eurojust carried out a thorough investigation, as a result of which:

- It was identified that a Colombian criminal organization delivered drugs (cocaine) to Italy through the territories of Spain and France;
- Simultaneously, in the territories of France and Spain there were detained couriers who were transporting more than 100 kilograms of cocaine;
- With the aim of avoidance of probable jurisdiction-related conflict, it was decided that Spanish and French judicial bodies would submit examination of this case to the jurisdiction of Italian courts, since the majority of episodes

of this crime had been committed in the territory of Italy. For its part, Eurojust noted that the territories of Spain and France had been used just for the sake of transiting drugs;

- As a result, the activities of several criminal organizations related to Colombian narcotic cartels were stopped in Italy.

An illustrative example of coordination of work of law enforcement agencies of its member states by Eurojust is the operation on detention of a Lithuanian organized criminal gang, which had been specialized in robberies throughout Europe³¹.

Criminals of the gang had been acted since 2008 and were suspected of at least 24 robberies in such states as Austria, Sweden, Belgium, France and Italy. The damage the gang did was valued at around EUR 1.5 million.

The criminal gang used one and the same method of robbery: five armed men rushed into shops of electronic equipment, broke glass show-windows, and took away expensive electronic goods such as notebooks, mobile telephones, video cameras, audio players, etc. Each armed robbery lasted not more than 90 seconds, on average.

At a moment of coordination of this operation, Eurojust agents identified that the criminal prosecution of the gang's members was carried out in Austria and Sweden simultaneously.

On March 18, Eurojust arranged a meeting to coordinate the work of law enforcement agencies of Austria, Sweden, Lithuania and Belgium.

As a result, on April 12, 2010 law enforcement agencies of Lithuania, under the support of colleagues from Austria and Sweden as well as Europol analysts, carried out a joint, successful operation over detention of the criminals. There were arrested 8 members of a criminal gang from whom agents confiscated arms and faked documents and part of unsold electronic equipment.

VI. Some conclusions

In the conditions of globalization accompanied by internationalization and growth of activity of organized criminality, interaction of EU member states in the field of criminal legal proceedings acquires a greater importance. Huge, serious role in

setting up Eurojust with a view to reinforcing the fight against serious crime // Official Journal of the European Union, № L138, 4 June 2009, Brussels, 2009. P.17.

³⁰ http://eurojust.europa.eu/press_releases/2009/06-03-2009.htm

³¹ http://www.eurojust.europa.eu/press_releases/2010/19-04-2010.htm

the establishment of interrelations of investigative bodies of EU different member states, especially when the question is about multinational crimes, belongs to Eurojust. A prosecutor in every state is not expected to be aware well of legal proceedings in another state; hence, the need in mediator really exists.

Eurojust is forced to operate in the conditions of great differences in the judicial systems of EU member states. These differences concern either criminal law or criminal process. Differences lead to great hardships under the provision of mutual legal assistance and make it no possible to ground accusations, something criminals take use of to their favor. All these circumstances only stress the need of change of the structure that would have made cooperation among law enforcement agencies more effective. It is senseless to expect that all prosecutors, judges or police officers will be acquainted with all legal proceedings of every

member state of the EU. Eurojust, whose personnel consists of every member state's senior prosecutors capable of establishing cooperation among minor prosecutors for the provision of high-level exchange of experience among member states and coordination of work on investigation of high crimes, is undoubtedly institute of demand in the field of criminal legal proceedings in the EU.

The expansion of Eurojust legal procedures, more exactly, the institution of criminal investigations and the making of proposals on the institution of criminal prosecutions by competent national bodies, coordination of these investigations and prosecutions, and strengthening of judicial cooperation through, apart from other things, introduction of the competitive jurisdiction enhanced its legal status. Eurojust has received a comparatively significant role in the EU and transformed from the organ of «horizontal coordination» to the centralized organ of «vertical coordination».

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