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From: General Secretariat of the Council  
To: Delegations  
Subject: Eurojust casework on corruption: 2016-2021 insights

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Delegations will find attached the above-mentioned report, which is also available on the website of Eurojust.



# Eurojust Casework on Corruption: 2016-2021 Insights

May 2022

*Criminal justice across borders*

## Contents

<b>Executive summary .....</b>	<b>3</b>
<b>Introduction .....</b>	<b>4</b>
<b>1. Eurojust corruption casework at a glance.....</b>	<b>5</b>
<b>2. Legal and practical issues.....</b>	<b>6</b>
2.1. Legal definitions of corruption.....	6
2.2. Complexity of corruption cases and involvement of multiple states .....	7
2.3. Cooperation with third states, liaison prosecutors and Eurojust contact points .....	8
2.4. PIF cases and cooperation with OLAF and the EPPO .....	12
2.5. Sensitive nature of cases and the involvement of politically exposed persons .....	15
2.6. Parallel investigations, coordination and ne bis in idem .....	15
2.7. Joint investigation teams .....	16
2.8. Mutual trust issues.....	18
2.9. Banking and financial information.....	18
2.10. Execution of European Investigation Orders .....	19
2.11. Company secrets and ‘self-incrimination’ type defences.....	19
2.12. Common judicial cooperation issues .....	20
2.13. Impact of the COVID-19 pandemic on corruption cases .....	21
<b>3. Conclusions.....</b>	<b>22</b>
<b>Annex 1: Judicial cooperation instruments and treaties relevant to corruption casework ...</b>	<b>24</b>
<b>Annex 2: Eurojust tools to enhance cross-border cooperation.....</b>	<b>26</b>

## Executive summary

- ▶ Eurojust facilitates and coordinates complex cross-border investigations and prosecutions of corruption cases in EU Member States.
- ▶ This report reflects on the 505 corruption cases registered at Eurojust during the 2016–2021 reference period.
- ▶ Eurojust has developed practical knowledge of the issues, solutions and best practices that can contribute to effective judicial cooperation in cross-border corruption cases.
- ▶ There is no comprehensive, universally accepted definition of corruption, which complicates the investigation and prosecution of cross-border corruption cases, although at EU level corruption has been defined, most recently, by the ‘PIF’ directive, on the fight against fraud to the Union’s financial interests by means of criminal law.
- ▶ Based on the specific needs of each case, Eurojust provides efficient operational and legal assistance at all stages of judicial proceedings (before, during and after trial).
- ▶ Eurojust cases in the field of corruption concern investigations of inter alia active and passive corruption. Offences linked with corruption include bribery and money laundering and often these are committed by, or have links with, organised criminal groups.
- ▶ Eurojust supports EU Member States’ judicial authorities in enhancing access to and exchange of banking and financial information, which is a critical component of effective investigations into corruption.
- ▶ Joint investigation teams (JITs) are used increasingly in corruption cases. Eurojust has extensive experience in supporting JITs and uses this experience and knowledge to provide operational, legal and financial support to them.
- ▶ Throughout the COVID-19 pandemic, Eurojust remained fully operational. It helped national authorities address the impact of COVID-19-related measures on judicial cooperation by facilitating the exchange of information and evidence and the functioning of JITs. It also ensured the best possible coordination of investigations and prosecutions.
- ▶ Eurojust continues to pursue cooperation with key partners in the area of corruption, including third states, the European Anti-Fraud Office (OLAF), the European Public Prosecutor’s Office (EPPO) and the European Union Agency for Law Enforcement Cooperation (Europol), which help render EU Member States’ and EPPO investigations and prosecutions more efficient.
- ▶ Cooperation and coordination through Eurojust have led to tangible results, including seizures, confiscations, arrests and convictions in complex cross-border corruption investigations and prosecutions.

## Introduction

*Eurojust's Casework on Corruption: 2016–2021 Insights* presents key findings based on Eurojust's casework in the area of corruption. Corruption is a broad notion which covers a range of (constituent) crimes, such as active and passive corruption. Offences linked with corruption include bribery and money laundering and often these are committed by, or have links with, organised criminal groups. In line with the EU anti-corruption report, as well as the definition used by the non-governmental organisation Transparency International, this report works with the operational definition of corruption as any 'abuse of power for private gain' <sup>(1)</sup>.

Eurojust has developed practical knowledge of the issues, solutions and best practices that can contribute to effective judicial cooperation in cross-border corruption cases. This knowledge is now summarised in this document with the aim of supporting national authorities facing cross-border corruption cases by providing a structured overview of the problems to be expected and related possible solutions, including via the use of Eurojust's tools to enhance judicial cooperation.

The document builds on the analysis of corruption cases registered at Eurojust between 1 January 2016 and 31 December 2021. During this reference period, 505 corruption cases were registered at Eurojust. The information available differs per case, depending on the status of the Eurojust case (pending or closed), the procedural stage of the national criminal proceedings and the information provided to Eurojust by the national authorities. The cases discussed in this report were selected on the basis of the amount of information available on specific legal or practical issues and best practices provided by the national desks at Eurojust.

For the EU, tackling fraud and corruption is a fundamental precondition for upholding the rule of law, peace and security, democracy and respect for human rights and fundamental freedoms. Moreover, corruption erodes citizens' trust in public institutions and can seriously destabilise societies. It also presents a threat to security, as various forms of crime, including terrorism, are financed through corruption.

Against this background, Eurojust's first report on corruption highlights the role of Eurojust in the EU's efforts in this area and offers its practical experience in supporting national authorities for the benefit of practitioners who might face similar challenges in the future.

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<sup>(1)</sup> EU anti-corruption report, p. 2. The report, published in 2014, underlines the need for increased attention to corruption in all Member States. See 'Report from the Commission to the Council and the European Parliament, EU anti-corruption report', COM(2014) 38 final (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2014%3A0038%3AFIN>).

## 1. Eurojust corruption casework at a glance

### EUROJUST CASEWORK ON CORRUPTION 2016-2021

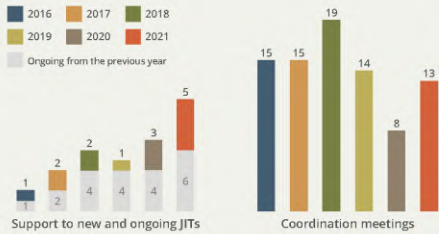
#### Corruption cases registered

The number of corruption cases, while still low relative to overall casework registered at Eurojust in the 2016-2021 period, has been steadily increasing.



#### Access to judicial cooperation tools

**84 coordination meetings** were organised in the 2016-2021 period to address corruption cases, enabling national authorities involved to share information and resolve legal and practical issues. Eurojust also supported **8 action days**, with real-time exchanges of information and evidence and synchronised operations, and **14 new joint investigation teams (JITs)**.



### EU Member State involvement in registered corruption cases 2016-2021

#### Top 5 Member States involved in corruption cases:

- ▶ Greece (114)
- ▶ Germany (99)
- ▶ Romania (88)
- ▶ Italy (87)
- ▶ Spain (77)



Belgium	8	28	36	Latvia	12	17	29
Bulgaria	22	16	38	Lithuania	5	14	19
Czech Rep.	13	21	34	Luxembourg	1	19	20
Denmark	1	6	7	Hungary	13	21	34
Germany	12	87	99	Malta	4	13	17
Estonia	1	10	11	Netherlands	20	40	60
Ireland	0	18	18	Austria	6	37	43
Greece	92	22	114	Poland	8	24	32
Spain	23	54	77	Portugal	17	13	30
France	21	52	73	Romania	71	17	88
Croatia	24	13	37	Slovenia	4	10	14
Italy	34	53	87	Slovakia	15	13	28
Cyprus	6	38	44	Finland	2	10	12
				Sweden	12	9	21

■ As owner ■ As requested participant ■ Total

#### Access to jurisdictions worldwide

**42 third countries** were involved in Eurojust corruption cases in the period under review, highlighting the importance and added value of having a global network of contact points and Liaison Prosecutors stationed at Eurojust.

#### Top 10 non-EU states involved in corruption cases:

- ▶ Switzerland (92)
- ▶ Ukraine (28)
- ▶ United Kingdom (23)\*
- ▶ United States (14)
- ▶ Serbia (12)
- ▶ Norway (10)
- ▶ Liechtenstein (9)
- ▶ North Macedonia (8)
- ▶ Moldova (7)
- ▶ Montenegro (6)

\* data for UK considered from 1/2/2020



## 2. Legal and practical issues

### 2.1. Legal definitions of corruption

There is no comprehensive, universally accepted definition of corruption. Efforts to come to a definition would run into legal and political issues. Instead, as displayed by various international treaties, legal texts often opt to list the more specific offences that constitute corruption. The United Nations Convention Against Corruption (UNCAC) provides a good example of this approach and requires its signatories to criminalise: bribery of national (Article 15) and foreign (Article 16) public officials <sup>(2)</sup>; embezzlement, misappropriation and other diversion of property by a public official (Article 17); trading in influence (Article 18); abuse of function (Article 19); illicit enrichment (Article 20); bribery in the private sector (Article 21); and embezzlement of property in the private sector (Article 22) <sup>(3)</sup>.

Furthermore, it appears from Eurojust's casework that (predicate) offences <sup>(4)</sup> linked with corruption include bribery and money laundering and often these are committed by, or have links with, organised criminal groups (OCGs).

What these acts all have in common is that they somehow relate to the core of corruption, namely the abuse of power for undue private gain or advantage. At EU level corruption is defined in Articles 2 and 3 of the 1997 Convention on the fight against corruption involving officials of the European Communities as well as in Article 4(2) of the PIF directive <sup>(5)</sup>. Europol's recent serious organised crime threat assessment (SOCTA) for 2021 shows that criminal networks in Europe flexibly adapt their criminal operations to the ever-changing crime environment, while increasingly using corruption and abusing legal business structures as part of their criminal activities <sup>(6)</sup>. To address corruption the EU has adopted a number of strategies such as the security union strategy <sup>(7)</sup>, adopted by the Council in July 2020, which identifies the link between corruption and organised crime as one of the relevant strategic objectives to be taken forward in 2020–2025. In addition, the Council conclusions of 12 May 2021 set the EU's priorities for the fight against serious and organised crime for the European Multidisciplinary Platform Against Criminal Threats (EMPACT) 2022–2025 with a special emphasis on those high-risk long-lasting criminal networks undermining the rule of law by using corruption. Also, the EU strategy to tackle organised crime for 2021–2025 aims to target action on the main criminal markets and address corruption and the financial aspects of organised crime.

Thus, corruption does not present itself in one shape or form, but instead in many different ways. As a result, definitions of corruption vary between states, which complicates the investigation

<sup>(2)</sup> On bribery of foreign public officials in international business transactions see also the 1997 Organization for Economic Co-operation and Development (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (<https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0293>).

<sup>(3)</sup> General Assembly resolution 58/4 of 31 October 2003 (<https://www.unodc.org/unodc/en/treaties/CAC/>).

<sup>(4)</sup> A predicate offence is a crime that is a component of a larger, more serious crime.

<sup>(5)</sup> Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law, OJ L 198, 28.7.2017, p. 29.

<sup>(6)</sup> Criminals employ corruption. Almost 60 % of the criminal networks reported on engage in corruption.

<sup>(7)</sup> COM(2020) 605 final.

and prosecution of cross-border corruption cases <sup>(9)</sup>. When differences in domestic law relate to definitions of corruption, or substantive criminal law, clarifications are needed to address dual criminality issues.

In most cases, requests for cooperation concern evidence and further information, and this is sought through a European Investigation Order (EIO) or a letter of request (LoR) or exchanged through a spontaneous exchange of information. Eurojust is well positioned to facilitate the handling of such requests and obtaining of information, and can do so directly via the national desks or liaison prosecutors.

In a number of cases in the period covered by this report, the information sought related to admissibility of evidence, due to differences in domestic procedural law. For example, in a corruption and money laundering investigation, a Member State requested Eurojust to help clarify whether the presence of defence counsels at searches in a pre-trial investigation would be allowed under the domestic law of another Member State. Furthermore, clarifications have been sought on the status of witness/suspect, because in some legal systems this distinction is immaterial, whereas in others this distinction is key, since interrogation and search of individuals and their property is only possible if they are suspects in the investigation. And, in an investigation into the alleged bribing of embassy personnel, information was requested through Eurojust on available punishment, and in particular the possibility of capital punishment in a third state (i.e. non-EU countries), and subsequently the possible transfer of proceedings. Finally, in a case of aggravated bribery (insider trading), a Member State exchanged information spontaneously with a liaison prosecutor at Eurojust. Subsequently, further pivotal evidence was located in the third state, however, it was clarified that if this were to be considered a political offence, no mutual legal assistance (MLA) could be executed. Further information was exchanged, and options to issue a subsequent MLA would be studied, with a clarification on domestic law in mind.

## *2.2. Complexity of corruption cases and involvement of multiple states*

Corruption cases are often complex and involve several parties, including high-level officials, operating in or from different states, including third states (see also Section 2.3 below). The complexity and scale of corruption investigations might deter competent national authorities from becoming actively involved in corruption cases, or possibly even from acting at all. A lack of specialised knowledge, experience and resources might further exacerbate this. As illustrated by the cases briefly described below, Eurojust may help to clarify the scope of a complex case by drafting case notes, judicial matrixes (summarising the information exchanged, to help coordinate the investigations) and organisational charts (bringing together all the information held by the participating states). It can further ensure the execution of cooperation requests (such as EIOs), including via coordinating joint actions.

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<sup>(9)</sup> Moreover, the nature and scope of corruption varies between EU Member States. The Corruption Perceptions Index (CPI) illustrates this (<https://www.transparency.org/en/news/cpi-2020-western-europe-eu#>).



In another case, concerning corruption in the football sector and involving nine Member States and one third state, an active OCG was under investigation and Eurojust was asked to coordinate parallel investigations. Eurojust provided a case note with an overview of the MLAs issued to support the financial investigation. The urgency of cooperation was underlined, as the case had to be trial ready for the following month. One of the specific difficulties in this case related to the complexity of tracing the money flows of a football club that had managed over 300 football players over several years. Several additional documents were transmitted digitally via the national desks at Eurojust. Furthermore, new information was continuously exchanged on a spontaneous basis via the already established channels of communication, keeping Eurojust informed to enable coordination. These cases demonstrate that OCG and corruption are often intertwined, and tackling this will involve a broader approach focusing on OCG and corruption together.

And, in a complex corruption and money laundering case, involving an innovative scheme using international recognition of civil-law judgments in two Member States and one third state, several issues arose. The Member State initiating the investigation noted that this case transcended the interests of the states involved and had an impact on the international legal order. The first issue related to parallel investigations and possible future conflicts of jurisdiction. A second issue related to the need for further investigations in a third state, as the need for a predicate offence, in this case bribery/corruption, would be required to successfully prosecute money laundering offences. In this case, the states involved agreed to exchange information and evidence in the future through an LoR.

Hence, as shown by Eurojust's casework, issues that make corruption cases particularly complex include the involvement of a large number of states, including third states, operated by OCGs, complex money flows, parallel investigations in several states and a diversity in (national) legal frameworks.

### *2.3. Cooperation with third states, liaison prosecutors and Eurojust contact points*

Many of the corruption cases during the reference period involved third states. This illustrates the global nature of corruption. Eurojust can provide assistance in such cases as it benefits from international cooperation agreements with 13 states<sup>(9)</sup>, and hosts liaison prosecutors from 10 of these<sup>(10)</sup>, who work alongside Eurojust national members. Liaison prosecutors can even initiate coordinated actions, as illustrated by the infographic below<sup>(11)</sup>. Eurojust is also able to use a network of judicial contact points in more than 60 states around the world, to help get in touch with the competent authorities in third states and establish cooperation with them.

A good illustration of Eurojust's involvement in such cases was a complex corruption investigation in the maritime/ship-building sector involving four Member States and three third states. Through several coordination meetings, Eurojust facilitated discussion of domestic legislation to clarify the specific requirements for effective cooperation in each jurisdiction involved. Particularly relevant lessons learned in this case were the domestic legal requirements in those states with which the requesting Member State does not have a bilateral treaty. In one of

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<sup>(9)</sup> Albania, Georgia, Iceland, Liechtenstein, Moldova, Montenegro, North Macedonia, Norway, Serbia, Switzerland, Ukraine, the United Kingdom and the United States.

<sup>(10)</sup> Albania, Georgia, Montenegro, North Macedonia, Norway, Serbia, Switzerland, Ukraine, the United Kingdom and the United States.

<sup>(11)</sup> 'Operation in FIFA World Cup media rights-related investigations' (<https://www.eurojust.europa.eu/operation-fifa-world-cup-media-rights-related-investigations>); and see also: <https://www.admin.ch/gov/en/start/documentation/media-releases.msg-id-68398.html>.

the third states, the domestic legal framework allowed the LoR to be executed without a treaty, but it was noted that the formal requirements for such a request should be clearly communicated before sending an LoR. Another third state also had MLA legislation in place, providing the basis for executing LoRs, but noted that these must be specific, and could not be part of a so-called 'fishing expedition'. And another third state involved noted that the principle of best evidence applies, which requires the authentication of the documents provided in the LoR and that a search is only possible with a court order. National desks at Eurojust also checked EIOs prior to transmission in this case, to prevent any errors, and monitored their execution.

Cooperation with the liaison prosecutors seconded to Eurojust has proved to be particularly beneficial. In many of these cases, Eurojust has successfully facilitated communication and coordination between the states represented by the liaison prosecutors and Member States, as well as other third states. One of the benefits of liaison prosecutors at Eurojust is that data and operational information can be exchanged with national desks <sup>(12)</sup>; this information cannot be exchanged with contact points. Liaison prosecutors at Eurojust can also register cases, organise and attend coordination meetings, and have access to Eurojust's case management system (CMS) <sup>(13)</sup>. Contact points do not have these possibilities but they can attend coordination meetings.

One example is a large and sensitive corruption, bribery and money laundering case in the mining sector, possibly committed by a former government member, and involving one Member State and four third states (two with liaison prosecutors). After several coordination meetings, one of the states decided to discontinue its investigation and transfer the investigations to another state, in order to prevent any future conflicts of jurisdiction.

Eurojust furthermore frequently receives requests to facilitate the transmission and execution of LoRs between third states and Member States, for example in a corruption investigation into projects financed by the World Bank.

Another investigation, related to the Arab Spring, into suspected corruption and money laundering was about to close, which would imply that the funds frozen would be released. A liaison prosecutor at Eurojust coordinated with a national desk to assess whether a previous LoR relating to the funds was still active. If so, the liaison prosecutor could ensure that the funds would remain frozen so this would not cause any problems to that investigation.

And, in an investigation into corruption, misappropriation, embezzlement and forgery of documents, all relating to the manufacturing of medicines, several transactions were flagged as suspicious by Financial Intelligence Unit notifications. A liaison prosecutor and a national desk coordinated, on a direct basis, with a view to identifying the best way forward, and selecting the appropriate instrument to be used and facilitate its transmission and execution.

Eurojust assistance has also been requested in cooperation with third states without liaison prosecutors. In an international corruption investigation involving a third state without a contact

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<sup>(12)</sup> This is enabled by Articles 56-59 of the Eurojust Regulation (EU) 2018/1727 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 2002/187/JHA, OJ L 295, 21.11.2018.

<sup>(13)</sup> According to College Decision 2017-24 of 20 June 2017, amended on 14 September 2021, Article 8(1): 'Liaison Prosecutors shall be able to access the CMS with their own profile. The CMS module for Liaison Prosecutors shall allow them to open draft temporary work files, involve the National Member(s) of the Member State(s) towards which they want to open their case in order to convert draft temporary work files into temporary work files and jointly submit the temporary work files for registration by the College. They shall be able to store operational personal data and share that information with Eurojust in the context of those cases.'

point, Eurojust successfully facilitated an LoR seeking company and banking information by identifying the competent authority in the third state, as Eurojust had already interacted successfully with this state in another high-profile case. The legal basis for the LoR was a bilateral treaty on MLA between the Member State and the third state, as well as the UNCAC. One of the challenges in corruption cases, particularly evident in cases with third states, is finding an appropriate legal basis for cooperation. The UNCAC is highly relevant here and can offer solutions when no bi- or multilateral treaties are in place.

In a separate case, a Member State received a request for extradition from a third state, regarding a citizen of that third state who was a civil servant and a suspect in a large corruption and money laundering case. The Member State receiving the request had not extradited to the third state before and had questions regarding the experiences of other Member States. It therefore opened a case at Eurojust, and five national desks were approached for specific information. The exchange of information through Eurojust was particularly fruitful, and several domestic judgments were shared, which informed the decision to be made on extradition.

## FIFA World Cup media rights investigated



**Eurojust continues to provide coordination and assistance in the case** by, for example, facilitating subsequent letters of request.



Having a coordination centre in such a complex corruption case has proven highly effective, with **multiple premises being searched, assets seized** and **interviews conducted**.



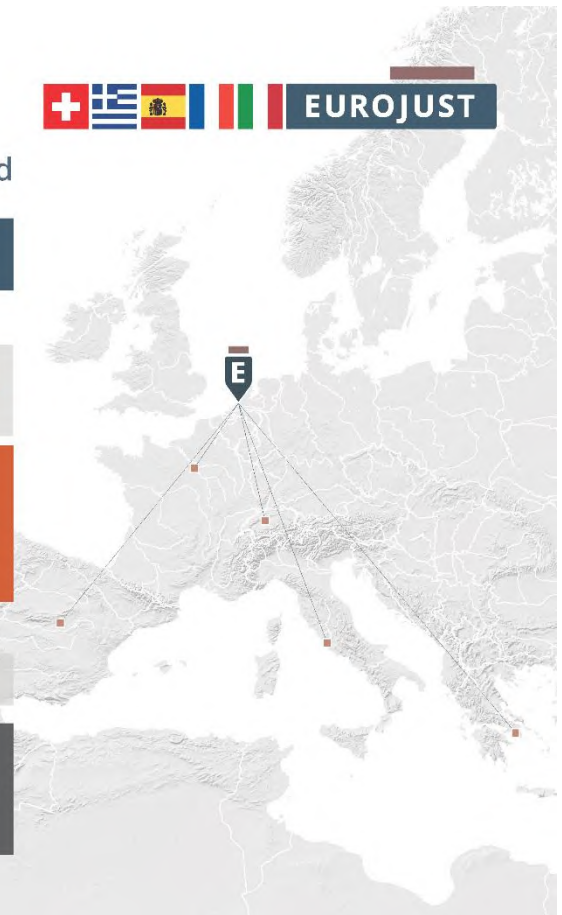
**12 October 2017** – Eurojust successfully sets up a **coordination centre** at its premises in The Hague to support the coordination of the international joint operations, during which it ensures the **transmission and execution of letters of request** and **swift exchange of operational information** collected among judicial and law enforcement authorities in **Greece, Spain, France and Italy**.



**April 2017** – The case is opened at Eurojust.



**March 2017** – The **Office of the Attorney General of Switzerland opens a criminal proceeding** against the former Secretary General of FIFA and the Chief Executive Officer of the *BeIn Media Group*, on suspicion of passive private corruption in connection with the awarding of World Cup media rights.



#### 2.4. PIF cases and cooperation with OLAF and the EPPO

An important category of corruption cases supported by Eurojust involves crimes against the financial interests of the EU, the so-called PIF crimes, such as corruption<sup>(14)</sup>. In these cases, cooperation with the European Anti-Fraud Office (OLAF) – with which Eurojust has established a close relationship – is of paramount importance. The tasks of OLAF and Eurojust are different in nature, but close cooperation between the two bodies is essential, given that they are complementary bodies that share the aim of protecting the EU's financial interests by tackling fraud and corruption. In 2003, Eurojust and OLAF signed a memorandum of understanding<sup>(15)</sup> setting out the practical arrangements for cooperation and the exchange of information. The memorandum of understanding provides that the two bodies inform each other, without delay, of any information that concerns the other, and furthermore establishes contact points (notably the Magistrates Unit within OLAF). It also sets out rules to facilitate the participation of Eurojust and OLAF in JITs<sup>(16)</sup>. Furthermore, in 2008, Eurojust and OLAF signed a 'practical agreement'<sup>(17)</sup>. The purpose is to enhance the fight against fraud and corruption and to do so with due regard to transparency, complementarity of tasks and coordination of efforts. More specifically, the agreement sets out that Eurojust and OLAF will maintain 'close and regular contacts', and it regulates operational and strategic cooperation, collaboration in JITs and involvement in relevant professional training, seminars and workshops.

Going forward, cooperation with the European Public Prosecutor's Office (EPPO) will also be important. The EPPO has been operational since June 2021, and while mainly outside the reference period of this report, at the time of writing Eurojust had four ongoing cases with it. The EPPO is an independent, decentralised EU prosecution office with a mandate to investigate and prosecute the perpetrators of crimes affecting the EU budget committed in the 22 Member States that are currently participating in the enhanced cooperation that established the Office. The EPPO and Eurojust are privileged partners with a shared responsibility to protect the EU's financial interests. Eurojust supports, and cooperates closely with, the EPPO, based on trust and respect for their respective mandates and competences, on the development of operational, administrative and management links.

Eurojust's relationship with the EPPO is governed by Article 50 of the Eurojust regulation and Article 100 of the EPPO regulation<sup>(18)</sup>. Furthermore, in February 2021 Eurojust and the EPPO concluded a working arrangement covering operational cooperation, institutional relations and administrative matters<sup>(19)</sup>. In terms of operational matters, Article 4 of the working arrangement stipulates that the EPPO and Eurojust shall share information that is relevant to their competences, including personal data, and Eurojust shall inform the EPPO of any criminal conduct in respect of which the EPPO is competent. According to Articles 5 and 6, the EPPO can request Eurojust, and vice versa, to verify in its case management system whether information held by the EPPO matches information already included in the Eurojust case management system, and if so to share it. Article 7 provides that if on the basis of information provided by Eurojust the EPPO decides that there are no grounds to initiate an investigation or to exercise its right of evocation, the EPPO shall inform Eurojust without undue delay. A similar information duty

<sup>(14)</sup> As defined in Directive (EU) 2017/1371, in particular Article 4(2).

<sup>(15)</sup> See: [https://ec.europa.eu/commission/presscorner/detail/en/OLAF\\_03\\_11](https://ec.europa.eu/commission/presscorner/detail/en/OLAF_03_11)

<sup>(16)</sup> See in particular Articles 4–9 of the memorandum of understanding.

<sup>(17)</sup> See: <https://www.eurojust.europa.eu/practical-agreement-arrangements-cooperation-between-eurojust-and-olaf>

<sup>(18)</sup> Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO'), OJ L 283, 31.10.2017.

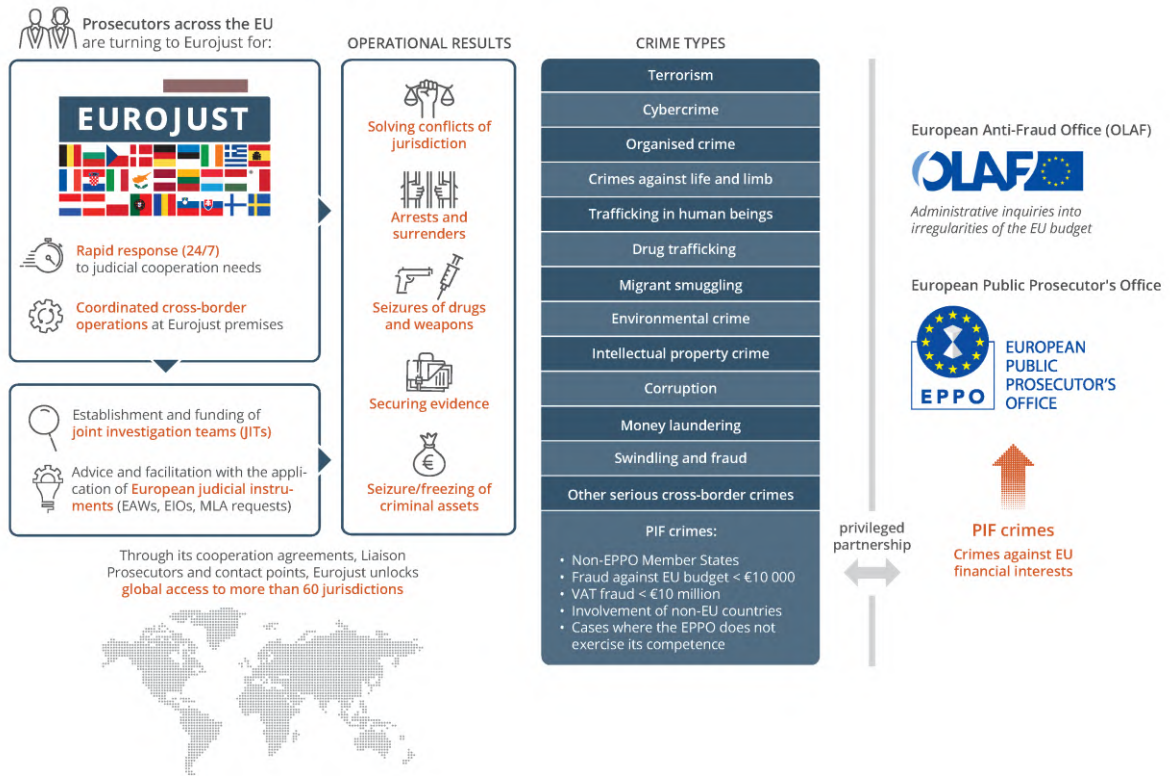
<sup>(19)</sup> See: <https://www.eurojust.europa.eu/working-arrangement-between-eurojust-and-eppo>

applies when the EPPO decides to initiate an investigation, or transfers a case to competent national authorities. According to Article 8, in the case of EPPO investigations involving Member States that do not participate in the EPPO, the EPPO may invite the national member concerned at Eurojust to provide support in judicial cooperation matters. Article 9 makes clear that in transnational cases involving Member States that do not participate in the EPPO or third states, the EPPO may request Eurojust to provide support, such as organising coordination meetings and coordination centres, setting up JITs and preventing and solving conflicts of jurisdiction.

Several PIF cases were registered at Eurojust during the reference period. For example, in an investigation into the misuse of EU funds, involving five Member States, the discussions focused on how to best obtain evidence from each of the states involved. It was agreed that spontaneous information could be used where possible, and Eurojust provided guidance on a possible JIT.

Furthermore, a large corruption investigation into international bribery and a tender financed with EU funds, involving four Member States and one third state, was initiated following an OLAF report. OLAF remained a partner throughout the case. Eurojust was asked to facilitate the execution of a number of LoRs and EIOs, as well as organising a coordination meeting, with the participation of OLAF. The aim of the meeting was to trigger an autonomous investigation in the third state (represented by the liaison prosecutor), and information and documents were shared, with a view to avoiding *ne bis in idem*. The approach was successful as the third state opened an investigation. An action day ultimately led to a coordinated action in two states, during which one of the bribed officials was arrested. This complex case encountered serious time pressures and delays (partly caused by the COVID-19 pandemic). The organising Member State noted that without the support offered by Eurojust and OLAF, success would not have been possible.

## EU actors for criminal justice across borders



### *2.5. Sensitive nature of cases and the involvement of politically exposed persons*

Corruption cases are complex and sensitive because they might involve high-level officials and politically exposed persons <sup>(20)</sup>. Therefore, corruption cases often attract a lot of national (media) attention and public scrutiny. This creates a particular set of challenges when investigating and prosecuting these crimes. Furthermore, since corruption is by its nature committed in secrecy, it is difficult for authorities to detect, let alone investigate and prosecute it. These difficulties and sensitivities might hamper the sharing of information with other states. Several of the corruption cases registered at Eurojust illustrate these sensitivities. The increase in corruption cases registered at Eurojust year on year (see Section 1) might indicate that this is becoming less of a barrier as more attention is paid at national and EU levels to corruption.

In one case concerning large-scale corruption and money laundering involving a high-profile public official taking bribes from an oligarch, the two third states discussed at Eurojust confidentiality issues, and agreed on a strategy going forward. The confidentiality issues related to the disclosure of information, on bank statements, which in the requested state would oblige the bank to inform the owner of the account. Both states agreed it would be in the best interest of the investigation to postpone execution of the LoR. The exchange at Eurojust proved to be a fruitful and open platform for coordination and exchange of information.

In an advanced corruption and money-laundering investigation concerning a former high-ranking member of parliament of a third state, Eurojust was asked to facilitate the execution of an LoR concerning banking information. And, in a case of international corruption and money laundering, a member of parliament in a Member State received bribes to vote in favour of certain proposals to the advantage of a third state. Eurojust facilitated the exchange of banking information and the hearing of witnesses. The member of parliament, together with two non-national bribe-givers, were ultimately convicted.

### *2.6. Parallel investigations, coordination and ne bis in idem*

Both legal and practical issues may arise in the context of parallel criminal proceedings. Due to the complex and cross-border nature of corruption cases, early identification of parallel investigations and proceedings is key. In several cases in the reference period, Eurojust was asked for information on possible parallel investigations in one or more states. When parallel investigations and proceedings occur, this might lead to conflicts of jurisdiction, which hamper effective investigation and prosecution. Eurojust has the experience, knowledge and tools to assist in the coordination of parallel investigations and to prevent and provide support in the resolution of any conflicts of jurisdiction.

In some cases, questions on jurisdiction have been resolved at coordination meetings held at Eurojust. If further assistance is needed to resolve these issues, Eurojust can issue recommendations or written non-binding opinions <sup>(21)</sup>. These serve the purpose of facilitating and informing discussions between the national authorities that could lead to a coordinated

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<sup>(20)</sup> A politically exposed person holds (or has held) a prominent (high-profile) public position. See also Commission Directive 2006/70/EC of 1 August 2006 laying down implementing measures for Directive 2005/60/EC of the European Parliament and of the Council as regards the definition of 'politically exposed person' and the technical criteria for simplified customer due diligence procedures and for exemption on grounds of a financial activity conducted on an occasional or very limited basis, OJ L 214, 4.8.2006, p. 29.

<sup>(21)</sup> In accordance with Article 4(4) of the Eurojust regulation.



decision on the best place to prosecute, without risk of harming the effectiveness of domestic investigations.

Eurojust national members are then competent to recommend to their home authorities which jurisdiction is best placed to prosecute<sup>(22)</sup>. These joint recommendations take into account *Eurojust's Guidelines for deciding 'Which jurisdiction should prosecute?'* (2016). The guidelines, taking account of the relevant EU legal framework<sup>(23)</sup>, put forward a number of factors to consider when making a decision on which jurisdiction should prosecute, including territoriality, location of suspect(s) and availability and admissibility of evidence<sup>(24)</sup>. A further relevant document is the '*Report on casework in the field of prevention and resolution of conflicts of jurisdiction*' (2018).

To illustrate Eurojust's role in these cases, in one investigation into illicit trafficking in cultural goods, bribery and extortion, Eurojust supported the coordination of the spontaneous exchange of information between two Member States, which led to effective coordination of parallel proceedings, and subsequently the exchange of information and evidence via an EIO. And, in an investigation into suspicious transactions involving the former president of a football club, which followed media reports indicating the same suspect was possibly involved in the payment of bribes leading to the fraudulent awards of high-profile international sport events, Eurojust identified possible links between the two investigations. In another corruption investigation into breach of state secrets, the Member States involved requested Eurojust to coordinate investigations and prosecution, in order to prevent *ne bis in idem*. Eurojust issued a case note, providing an overview of criminal proceedings in both states and whether a transfer of criminal proceedings was possible in accordance with domestic law. One of the Member States noted that the coordination meeting was crucial to prevent practical and legal obstacles such as conflicts of jurisdiction and *ne bis in idem*.

### 2.7. Joint investigation teams

A JIT is a framework for the common gathering and exchange of evidence and information that is based on the JIT agreement. Eurojust has extensive experience in supporting JITs and uses this experience and knowledge to provide operational, legal and financial support to JITs. The *JITs Practical Guide*, jointly developed by Eurojust, is a document to assist practitioners in setting up and working with JITs. In 2005, the Network of National Experts on JITs (the JITs Network Secretariat) was established to facilitate the work of practitioners, encourage the use of JITs and contribute to the sharing of experience and best practice in using this tool<sup>(25)</sup>.

An important element of Eurojust's support to JITs is providing financial support. Eurojust provides targeted reimbursement for costs in the form of tailor-made funding grants. These claims can be submitted through the dedicated JITs funding portal<sup>(26)</sup>. Claims for reimbursement

<sup>(22)</sup> See 'Eurojust Written Recommendations on Jurisdiction: Follow-up at the National Level' (2021) (<https://www.eurojust.europa.eu/eurojust-written-recommendations-jurisdiction-follow-up-national-level>).

<sup>(23)</sup> See in particular Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32009F0948>).

<sup>(24)</sup> See 2016 Guidelines, pp. 3-4.

<sup>(25)</sup> See: <https://www.eurojust.europa.eu/judicial-cooperation/practitioner-networks/jits-network>

<sup>(26)</sup> Relevant forms can be accessed through the portal once an account has been created (<https://jit.eurojust.europa.eu/Pages/Home.aspx>).

may include: travel and accommodation; interpretation and translation; transportation costs for transferring items; and specialist expertise costs <sup>(27)</sup>.

During the reference period of the report, Eurojust funded 45 JITs in corruption cases (this is the total number of JITs funded by Eurojust, not all were supported by Eurojust), with a value of EUR 574 151.

The legal bases to set up a JIT are: between EU Member States, Article 13 of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000 (2000 MLA Convention) <sup>(28)</sup> and the Council Framework Decision of 13 June 2002 on joint investigation teams (FD on JITs) <sup>(29)</sup>. When this concerns JITs with third states, including the United Kingdom following Brexit <sup>(30)</sup>, these are set up in accordance with Article 20 of the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959 or Article 19 of the United Nations Convention against Transnational Organized Crime (UNTOC). Additionally, the reciprocity principle can serve as a legal basis for setting up a JIT as well.

The statistics (see Section 1) show that JITs are not yet used as frequently in corruption cases as in other crime areas. However, an increase can be noticed in recent years. While in 2016, 1 out of a total 70 (new) JITs were in corruption cases, in 2021 this was 5 out of a total 72 (new) JITs. This can be contrasted for example with the use of JITs in cases of trafficking in human beings, in which the use of JITs has increased steadily, as documented in the [Eurojust Report on Trafficking in Human Beings](#) (2021).

Eurojust's casework revealed the following reasons, stated by the national authorities, impeding the possible constitution of a JIT:

- time constraints in the national investigations; national authorisation would delay proceedings;
- the duration of internal procedures to sign a JIT agreement;
- the advanced stage of the national investigation(s);
- in some cases, in particular bilateral cases, an EIO (or LoR) being the preferred option, and sufficient for the exchange of information and/or evidence.

There are also examples showing that JITs can be highly beneficial in corruption cases.

In one successful example of a JIT in a corruption case, Eurojust facilitated the signing of a JIT agreement during the COVID-19 pandemic. While the signing of a JIT agreement in different places simultaneously (and then scanning it) was already a common practice before the pandemic, this has proven particularly fruitful during COVID-19. The role of Eurojust in gathering signatures is crucial, as it can do so more efficiently and provides all the logistics during the important 'signature phase', so the competent prosecutors do not have to become involved in this time-consuming practice.

Eurojust's support does not conclude when a JIT is signed, but continues throughout a JIT's life cycle, including when it comes to amending the JIT or extending it towards new parties or participants.

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<sup>(27)</sup> For more details on the JITs funding process see: <https://www.eurojust.europa.eu/jits-funding-process-infographic>

<sup>(28)</sup> See: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32000F0712%2802%29>

<sup>(29)</sup> See: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32002F0465>

<sup>(30)</sup> See Annex 1 on judicial cooperation in criminal matters between the EU and the United Kingdom post-Brexit.

On occasion, issues relating to the use of evidence obtained through a JIT have occurred, and Eurojust has assisted in overcoming the obstacles. In one such corruption case, Eurojust was requested to process a number of questions about legal provisions relating to the sharing of evidence with the third state JIT partner. The requesting state sought in particular clarification on the manner of sharing evidence within the JIT, along with declassification and usage of classified evidence in proceedings.

### **2.8. Mutual trust issues**

Judicial cooperation in criminal matters within the EU operates on the presumption of mutual trust, in turn enabling mutual recognition. Several of the judicial cooperation tools relevant for this report proclaim trust, such as the European Arrest Warrant (EAW) and the EIO. Mutual trust and confidence are also relevant in relations with third states. Trust between national authorities is of particular relevance in corruption cases because of their sensitive and confidential nature. Several corruption cases at Eurojust illustrate the importance of trust and how Eurojust involvement can foster trust.

In one case where a corruption conviction resulted in a custodial sentence of 7 years, an EAW was issued for execution purposes. The executing Member State asked for additional assurances on detention conditions in the issuing state, and in this connection an EIO was issued to hear by videoconference from a person currently serving a custodial sentence in that state. Eurojust was requested to draft a legal opinion, and advised that it is difficult to see how the EAW provides a legal basis for a video hearing to assess the state of detention facilities in the issuing Member State. Such a hearing would go against the confidence (trust) and recognition that underpin the EAW system. Only in exceptional circumstances can this trust be rebutted on the basis of cogent evidence of bad faith or abuse, in line with relevant Court of Justice of the European Union jurisprudence. In the absence of such evidence, the existence of trust should be presumed. The 2021 edition of [Eurojust's overview on the case-law of the Court of Justice on the EAW](#) contains summaries of relevant Court of Justice judgments, including under which circumstances human rights considerations (such as detention conditions) could lead to a refusal of execution <sup>(31)</sup>.

In another large and sensitive corruption case in the mining sector, involving one Member State and four third states (two with a liaison prosecutor), trust was discussed as being an issue, in particular towards a third state involved, with which there was no history of cooperation. Eurojust took a tailored approach to establish trust. First, a coordination meeting was held with the four states that had previously cooperated, to identify the specific trust issues. This was followed by a coordination meeting involving all five states to create an atmosphere of trust. Amongst the issues discussed were assurances on human rights and the rule of law.

### **2.9. Banking and financial information**

Banking and financial information is frequently requested in corruption cases, and is highly relevant for ongoing criminal investigations, for purposes of asset recovery, coordinating financial investigations and facilitating the execution of a freezing or confiscation certificate or LoRs aimed at the freezing and confiscation of assets. In 2019, Eurojust published its [Report on Eurojust Casework in Asset Recovery](#), showing its relevance also for corruption cases.

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<sup>(31)</sup> See p. 43, which discusses, *inter alia*, Joined Cases C-404/15 and C-659/15 PPU, *Aranyosi and Căldăraru*, Judgment of 5 April 2016.

In several of these cases the assistance sought, often through an EIO, remained unanswered, and Eurojust was asked to for example identify the money transfers that may constitute bribes. In another investigation into bribery and abuse of power, an EIO was sent seeking banking information, to which no response was received. The execution was urgent, even though this was not mentioned in the initial EIO. The issuing Member State noted that Eurojust's participation in this case was 'substantial', as real-time coordination was provided by Eurojust during an action day, which led to fruitful results and the obtainment of new evidence.

### *2.10. Execution of European Investigation Orders*

The 2020 [Report on Eurojust's casework in the field of the European Investigation Order](#), concluded that EIOs are effective in facilitating judicial cooperation, although a number of practical issues remain, such as the correct use of the templates (standard forms) provided by the EIO, correct application of the grounds for non-recognition and respecting the time limits. The EIO is a relatively new and essential tool in the fight against cross-border crime, and Eurojust plays a role in its effective execution. The EIO is also used increasingly in corruption cases.

In many cases, Eurojust has been requested to facilitate the execution of EIOs. For example, in an investigation into an OCG involved in falsification of documents and corruption, Eurojust assisted in arranging cross-border surveillance in two Member States. However, in one of those, this was not possible because domestic implementation of the EIO did not allow for cross-border surveillance based on an EIO. Subsequently an LoR was sent seeking the cross-border surveillance.

In a corruption investigation into influencing judges and prosecutors by paying bribes that were then laundered in another Member State, a request for cooperation sought to identify the property owned and used by the suspects, in order to carry out a search. The request was at first sent through the Secure Information Exchange Network Application (SIENA), but no response followed. The executing Member State then turned to Eurojust for assistance. Following the successful identification of the property, an EIO was drafted seeking a search of the property. This was again transmitted via SIENA, but once again there was no response. The national member then sent the EIO via Eurojust, leading to a successful execution.

### *2.11. Company secrets and 'self-incrimination' type defences*

In some corruption cases, company secrets and defendants and suspects invoking domestic provisions protecting against self-incrimination have complicated investigation and cooperation. In such cases cooperation is essential, as the authorities can share evidence through an EIO or LoR if available, or share best practices, facilitated by Eurojust.

In a large corruption case involving several Member States and third states, EIOs and LoRs were issued to conduct house searches and interviews, as well as seizing electronic (email) communication within a multinational company. Eurojust was asked to assist, and established contacts with the competent authorities. It was noted that the issues faced were typical of investigations of crimes within companies. Objections are raised before hearings, citing for example company secrets and not being required to 'self-incriminate'. Such defences delay the execution of cooperation requests considerably, and render the outcomes of hearings less valuable.

### 2.12. Common judicial cooperation issues

- One of the main challenges to effective cross-border judicial cooperation in criminal justice matters, including in corruption cases, is a timely response to cooperation requests. A slow response or none at all to such requests significantly hampers the effectiveness of investigating and prosecuting corruption cases. In many corruption cases in the reference period, a delay in, or no response to, a request for judicial cooperation was listed as a/the reason to register the case with Eurojust, and request Eurojust to facilitate and speed-up the execution process.

In one high-profile corruption case, monitored closely by national media, a Member State urgently requested the retention of computer data stored in a third state, on the basis of the 2001 Council of Europe Convention on Cybercrime. The requesting state sent the LoR through Interpol (by email) and at the same time to the competent judicial authority. No response followed, hence Eurojust was asked to facilitate the urgent execution of the request, and two MLAs were executed. Eurojust also identified the authority competent in the requested state, so future requests could be sent directly. In another high-profile corruption case, involving several public officials, one Member State issued an LoR to another Member State, requesting a number of procedural actions. When after repeated requests no response was forthcoming, Eurojust was asked to assist, after which successful execution of the LoR followed. And, in a case where the accused person offered a bribe to destroy evidence in criminal proceedings, Eurojust facilitated the urgent execution of an LoR to identify persons and hear witnesses.

A pattern repeated in several cases is that after a request to Eurojust to facilitate and speed up the execution of the EIO or LoR, a response is received. In cases in which the request is considered as 'urgent', it is important that the requesting state communicates clearly if and why a matter is urgent, and what the deadlines are in accordance with domestic law. The inclusion of clear deadlines can prove useful in underlining the urgency of a request, and can enhance the execution.

- Eurojust has facilitated the spontaneous exchange of information in corruption cases, within the limits of domestic legislation of the Member States based on Article 7 of the 2000 MLA Convention, or with third states on the basis of Article 11 of the Second Additional Protocol to the 1959 European Convention on Mutual Assistance in Criminal Matters or Articles 46(4) and 56 of the UNCAC. For example, in one case, a Member State spontaneously exchanged information on the possible false issuing of driver's licences with another Member State through Eurojust.
- Large and detailed case files are not unique to corruption cases, but when combined with the often transnational nature of corruption, it becomes clear why this is a frequent issue. In a number of cases translation of documents, along with (large) electronic files, has been listed as an issue hampering efficient cooperation. In one case, Eurojust facilitated communication between two states to discuss available material and filter out which documents are of relevance to the proceedings that were transferred from one state to the other. This was done to keep translation costs to a minimum, and speed up the transfer of proceedings. A part of the costs were covered by JIT funding.

### *2.13. Impact of the COVID-19 pandemic on corruption cases*

Even though the COVID-19 pandemic has presented several barriers and challenges to effective judicial cooperation in criminal matters, as detailed in the 2021 report ['The Impact of COVID-19 on Judicial Cooperation in Criminal Matters – Analysis of Eurojust Casework'](#), Eurojust has continued to support corruption cases. In 2021, 112 new corruption cases were registered at Eurojust, more than in any of the preceding 5 years. Furthermore, 13 coordination meetings were organised by Eurojust (by videoconference), and 5 new JITs were set up (as well as 6 ongoing).

In one such case, authorities were investigating a COVID-19 corruption case concerning the illegal sale of non-authorised facemasks. The case involved several Member States and third states. Eurojust was approached to facilitate and accelerate the execution of several urgent EIOs and freezing orders, and to strengthen cooperation between the authorities involved.

In other cases, investigative challenges during COVID-19 appeared, such as difficulties in conducting interrogations during the pandemic, because of travel restrictions and curfews, as most witnesses in the case were living abroad. In some cases this has caused delays in hearing suspects. In one case, suspects had moved between states, which led to issues surrounding the non-extradition of nationals.

### 3. Conclusions

This report has identified and discussed a selection of the main issues and best practices in Eurojust's casework on corruption, on the basis of a careful analysis of the corruption cases registered at Eurojust during the reference period. The analysis has led to the following, non-exhaustive, list of conclusions.

1. In recent years, an increasing number of corruption cases has been registered at Eurojust. In the reference period of the report, cases have increased from 78 in 2016 to 112 in 2021. This reflects the increased priority given to fighting corruption by the EU.
2. Eurojust encourages the authorities involved in corruption cases to contact their national members or liaison prosecutors to discuss the support Eurojust can offer in a specific case as early as possible, as early referral significantly strengthens the international judicial cooperation in cross-border corruption cases. Analysis of casework has shown that uncoordinated investigations pose the risk of duplication of work and ultimately *ne bis in idem*. Eurojust can help identify overlaps in investigations and issue a written opinion (on the basis of Article 4(4) of the Eurojust regulation) providing a pathway going forward.
3. Corruption cases are often complex and sensitive. Furthermore, since corruption is by its nature committed in secrecy, it is difficult for authorities to detect. This means that in practice it can be difficult for national authorities to start an investigation. This is further exacerbated by the possible involvement of high-level officials and politically exposed persons.
4. Differences in definitions of corruption can create difficulties in cross-border cases, in which case clarifications are needed to address dual criminality issues. Frequently differences also relate to procedural law. Eurojust is well positioned to facilitate such issues and assist in transmitting requests for information.
5. Judicial cooperation in criminal matters within the EU operates on the presumption of mutual trust, in turn enabling mutual recognition. In corruption cases, trust is of particular relevance, not only because of the closeness of cooperation and coordination, but also because of the sensitive and confidential nature of cases. Coordination meetings are a valuable tool for building trust.
6. In a number of corruption cases, company secrets and defendants and suspects invoking domestic provisions protecting against self-incrimination have complicated investigations. In such cases, cooperation is essential, as the authorities can share evidence through an EIO, LoR or spontaneous exchange of information. Early sharing of information on domestic procedural law helps prepare the planning and timeline for execution of EIOs and LoRs.
7. Eurojust has successfully cooperated with OLAF and Europol in corruption cases. On the basis of cooperation agreements and experience, operational relationships and mutual trust have been established. In the future, Eurojust will also cooperate with the EPPO in corruption cases.

8. Banking and financial information is frequently requested in corruption cases and is highly relevant for ongoing criminal investigations. Speed is of importance in these requests, and Eurojust has in several cases been able to speed up the execution. The inclusion of clear deadlines can prove useful in underlining the urgency of a cooperation request, and can enhance the execution.
9. Third states play a key role in Eurojust's corruption casework. During the reference period, a total of 42 different third states were involved in corruption cases, either as owner of the case (through a liaison prosecutor at Eurojust), or as requested state. Cooperation with liaison prosecutors seconded to Eurojust has proven essential in corruption cases, enabling the exchange of data and operational information as demonstrated in the 'FIFA World Cup media rights investigation' (see Section 2.3).
10. JITs have become an increasingly important and highly appreciated tool in judicial cooperation, including in cooperation with third states. In corruption cases, JITs have significant potential and can improve cross-border investigations and exchange of evidence. During the reference period of this report, JITs were used increasingly in corruption cases.



## Annex 1: Judicial cooperation instruments and treaties relevant to corruption casework

This section briefly describes the main judicial cooperation instruments and treaties relevant to corruption cases. In practice, a combination of judicial cooperation instruments is often used within one case.

### Mutual legal assistance

MLA has been the key mode of cooperation in corruption cases. There are a number of legal bases that can be employed. Treaties used in the corruption cases registered at Eurojust include: the 2004 UNCAC<sup>(32)</sup>, the 1999 Council of Europe Criminal Law Convention on Corruption<sup>(33)</sup>, the 1997 OECD Anti-Bribery Convention<sup>(34)</sup> and the 2001 Council of Europe Convention on Cybercrime<sup>(35)</sup>.

In the context of MLA, Eurojust is requested to assist in various ways, including: facilitating the exchange of operational and legal information for the preparation of an MLA request; urgent issuing and transmission of MLA requests; or the speeding up of the execution of one or multiple MLA requests.

### European Investigation Order

The EIO<sup>(36)</sup>, which had a transposition deadline of 22 May 2017<sup>(37)</sup>, is still a relatively new judicial cooperation tool and is increasingly used in corruption cases. An EIO is a judicial decision issued in or validated by the judicial authority in one Member State to have investigative measures to gather or use evidence in criminal matters carried out in another Member State. Based on the principle of mutual recognition, the executing authority is in principle obliged to act upon an EIO. Examples of investigative measures requested under EIOs are: the hearing of witnesses; telephone interceptions; and information on banking operations. Eurojust has been requested to assist in the drafting of EIOs, to facilitate their transmission or to speed up execution.

### European Arrest Warrant

The EAW is a cross-border judicial surrender procedure for the purpose of prosecution or executing a custodial sentence or detention order<sup>(38)</sup>. The EAW applies in all Member States and is used frequently in cross-border cases, including corruption cases. Eurojust supports hundreds of EAWs every year, and has developed a unique expertise that can help prevent or resolve issues by identifying best practices and offering solutions. In 2021, Eurojust published its [Report on Eurojust's Casework in the Field of the European Arrest Warrant](#).

<sup>(32)</sup> General Assembly resolution 58/4 of 31 October 2003 (<https://www.unodc.org/unodc/en/treaties/CAC/>).

<sup>(33)</sup> European Treaty Series No 173, Strasbourg, 27.1.1999; see also the Council of Europe Civil Law Convention on Corruption, European Treaty Series No 174, Strasbourg, 4.11.1999.

<sup>(34)</sup> Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (<https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0293>).

<sup>(35)</sup> European Treaty Series No 185, Budapest, 23.11.2001.

<sup>(36)</sup> Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters.

<sup>(37)</sup> Since 15 September 2018 all of the Member States have taken part in EIOs, with the exception of Denmark and Ireland.

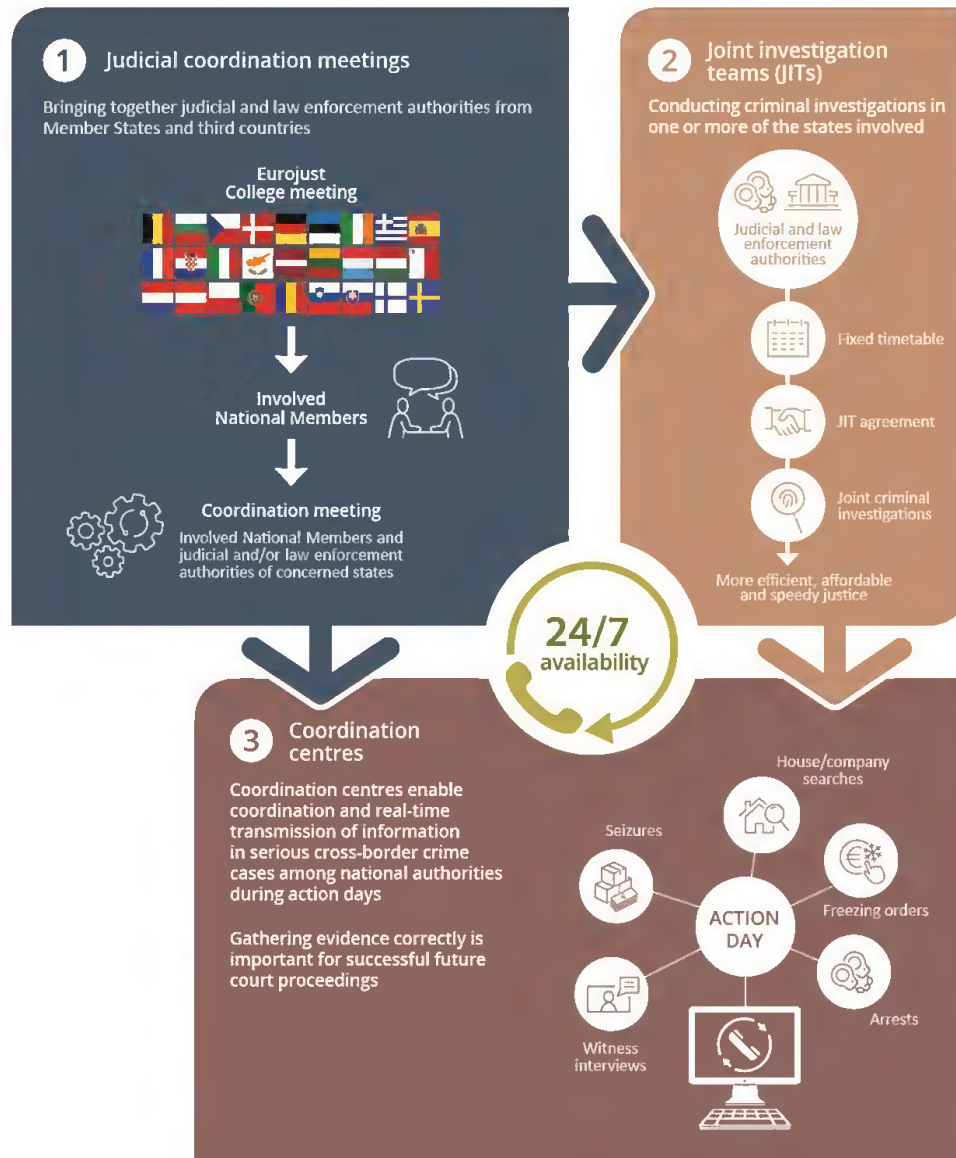
<sup>(38)</sup> Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States.

### **Judicial cooperation in criminal matters between the European Union and the United Kingdom post-Brexit**

As a consequence of the United Kingdom's vote of 23 June 2016 to leave the EU, the United Kingdom formally left the EU on 1 February 2020. Following a transition period until the end of 2020, the Trade and Cooperation Agreement became provisionally applicable as of 1 January 2021, setting out a new framework for cooperation. In January 2021, Eurojust issued the document '[Judicial cooperation in criminal matters between the European Union and the United Kingdom from 1 January 2021](#)'. The purpose of the document was to provide a simple, brief and immediate response to the needs of the competent authorities, especially in the first stages, and to highlight the main changes concerning judicial cooperation in criminal matters between the EU and the United Kingdom as of 1 January 2021. The EU and the United Kingdom shall ensure that Eurojust and the competent authorities of the United Kingdom cooperate in relevant fields of activity. Furthermore, a liaison prosecutor has been seconded to Eurojust. This ensures the continuation of the close working relationships with the other national desks at Eurojust. The United Kingdom's liaison prosecutor may participate in meetings with regard to strategic matters, as well as participating in and organising meetings with regard to operational matters, such as coordination meetings.

## Annex 2: Eurojust tools to enhance cross-border cooperation

In the corruption cases analysed in this report, Eurojust provided the following types of legal and practical assistance.





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