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Delegations will find enclosed the Joint Europol-Eurojust Annual Report to the Council of the European Union, European Parliament and the European Commission for 2020.



**Joint Europol-Eurojust Annual Report 2020
to the Council of the European Union, European Parliament and
the European Commission**

1. Introduction

In 2020, Eurojust and Europol further developed close cooperation at both operational and strategic level, based on their complementary mandates.

The COVID-19 pandemic affected the implementation of some joint activities, which were initially planned in 2020, and made meeting via videoconferencing a standard practice. Some activities had to be either cancelled (e.g. the staff exchange programme) or postponed (e.g. the Joint Investigation Teams network meeting, postponed to the last quarter of 2020), but overall, both agencies quickly adapted to the exceptional circumstances and managed to achieve considerable results such as:

- An outstanding international operation (EncroChat), involving both agencies, brought a new chapter in the fight against organised crime, as highlighted in the Annex;
- Cooperation between the two agencies in the framework of the SIRIUS Project was further expanded with the conclusion of the new trilateral funding arrangement between the European Commission's Service for Foreign Policy Instruments, Eurojust and Europol. The new funding arrangement, in the form of a Contribution Agreement, reinforces the financial support by awarding 3.5 million Euros, extending the project until mid-2024. Eurojust becoming a co-

beneficiary of the funding and an equal implementing partner within the project is a perfect example of good inter-agency cooperation;

- The first Joint Europol-Eurojust factsheet on the fight against migrant smuggling was published;
- The two agencies adopted a Technical Action Plan on Corporate Communication in December 2020, defining the work and responsibilities of each agency when communicating on major strategic joint products and initiatives.

Case examples in the annex to this report demonstrate the joint efforts and support provided to investigations and prosecutions in the EU Member States.

2. Joint Investigation Teams (JITs)

16th Annual Meeting of the JITs National Experts

The 16th Annual Meeting of the National Experts on Joint Investigation Teams (JITs) took place on 10th November. The meeting was coordinated and chaired by the JIT Network Secretariat with support by Eurojust and Europol. The main topic of this year's meeting was "Solutions for Challenging JITs – JITs in the Digital Era". In the course of the plenary sessions and panel discussions, JITs practitioners exchanged views on possible solutions for challenging JITs as well as challenges linked to the use of modern techniques in the Digital World.

The meeting also provided an opportunity to discuss some of the JITs Network's ongoing projects and possible follow-up activities. Eurojust presented its involvement in the Digital Criminal Justice project from a technical and operational perspective. Digitalisation of Justice is essential in order to ensure swift and effective judicial cooperation. Eurojust is committed to continue working collaboratively with EU institutions and agencies on advances in this field. Eurojust will be engaged in upgrading its Case Management System and in supporting the European Commission

with the establishment of the Secure Communication Channel and the JITs Collaboration Platform. Europol has contributed with presentations on its Virtual Command Post tool and main technological features, and also provided a comprehensive picture on the information management services for JITs enabled by the New Environment for Operations (NEO)¹.

Joint Funding Schemes flyer

Europol and Eurojust worked together to ensure a smooth implementation of the *Memorandum of Understanding on the joint establishment of rules and conditions for financial support to JITs* of 1 June 2018.

For example, Eurojust and Europol have collaboratively produced a Funding Schemes flyer that provides a comprehensive overview of funding opportunities offered by both agencies to law enforcement and judicial national authorities, with the aim of providing initial knowledge and contact points to find out which funding scheme fits best.

The flyer was introduced by Europol on the occasion of the JIT Network Annual Meeting of 10 November. Later, the flyer was circulated to the respective stakeholders and also made available in the webpages of the Agencies.

3. Europol Analysis Projects and Eurojust Contact Points

Third joint meeting of Eurojust Contact Points and Europol Analysis Projects

The third joint meeting of Eurojust Contact Points (CPs) and the Europol Analysis Projects (APs) had been initially scheduled in September; however, due to the COVID-19 restrictions, a physical meeting could not be organised. Both agencies looked into possible alternatives including the organisation of a virtual meeting. However, the two agencies agreed that as personal networking is a key element of this initiative, a virtual meeting

¹ The New Environment for Operations (NEO) is Europol's operational ICT environment

would not have met the expectations of the participants. The meeting was therefore postponed to 2021, should conditions allow for it.

New Europol Analysis Project for High Risk Organised Crime Groups

In 2020, Europol created a new Analysis Project focused on High-Risk Organised Crime Groups. The purpose of this operational AP is to support competent authorities of the EU Member States, as well as Union bodies, third countries and international organisations in preventing and combating the forms of criminality within Europol's mandate associated with the activities of high risk poly-criminal individuals, organised crime groups and organised crime networks posing increasing security risks for the EU's internal security. In the course of the Steering Committee meeting on Operational Matters of 7 December 2020, the new Europol Analysis Project was introduced to Eurojust, which expressed its interest in associating to it.

Analysis Project Corruption

As of June 2020, with the establishment of the European Financial and Economic Crime Centre (EFECC) and in line with Member States' requests, the remit of the Analysis Project Sport Corruption has broadened its scope from corruption in sports to all forms of corruption. This was done by taking advantage of existing resources, expertise and networks of experts. AP Corruption now offers tailored operational support to all forms of corruption (public and private corruption, sports corruption, grand corruption, business corruption, political corruption and administrative corruption - including corruption in central or local governments, judiciary and law enforcement). During the Steering Committee meeting on Operational Matters on 15 July, Eurojust confirmed that it would align its contact point representation to directly match the new broadened scope of this AP.

4. Eurojust presence at and participation in Europol Centres

The Eurojust SNEs posted to the European Cybercrime Centre (EC3) and the European Counter-Terrorism Centre (ECTC) have proved particularly

effective to enhance cooperation between the two agencies. The former participates also in the weekly EC3 and Europol's Joint Cybercrime Action Taskforce (J-CAT) operational meetings, thus supporting the Taskforce with judicial advice on cybercrime cases. In 2020, Eurojust has appointed a new Liaison Officer to the EC3.

5. Observatory function on encryption

As part of the measures outlined by the European Commission to address the role of encryption in criminal investigations, Europol, in cooperation with Eurojust, has established an observatory function to engage in a forward-looking analysis with respect to encryption. In this context, the two agencies published two reports at the request of the Commission, in 2019 and 2020. The report published in February 2020 contains an update on relevant statements or propositions made with respect to how law enforcement and the judiciary can potentially cope with encryption and its related challenges.

6. Joint Europol-Eurojust factsheet on the fight against migrant smuggling

Eurojust and Europol jointly drafted a factsheet describing the main services offered by both agencies in the fight against migrant smuggling. The factsheet introduces the respective assets and mandates and provides a wide range of information on joint activities including major events, investigations, meetings and case examples. During 2020, Europol and Eurojust have hosted meetings (sometimes virtual) to discuss ongoing and potential supportive activities to counter migrant smuggling. In parallel, Eurojust is actively participating in meetings coordinated by the European Migrant Smuggling Centre, both of strategic and operational nature.

7. Cooperation within the SIRIUS project (state of play)

SIRIUS is an innovative project providing an interactive knowledge-sharing platform accessible to law enforcement and judicial authorities, and aims

to produce and disseminate trainings and guidelines to improve (mainly) EU-US cooperation on cross-border access to electronic information.

The SIRIUS project was created by Europol in October 2017 to respond to the need of EU law enforcement to access electronic evidence for internet-based investigations. Thanks to a close partnership with Eurojust and the European Judicial Network, the SIRIUS project is able to support both the EU law enforcement and judicial community. Europol and Eurojust co-implement the project and share the responsibility for the execution of project activities and deliverables. Europol is in charge of the law enforcement component of the project, while Eurojust focuses on the development and management of the judicial component of the project.

As of December 2020, the two agencies have signed a Contribution Agreement with the European Commission's Service for Foreign Policy Instruments. Through this agreement, Europol and Eurojust became recipients of the funding to expand the scope and duration of the SIRIUS project. In addition, a Service Level Agreement between Europol and Eurojust has been concluded to govern relations in the framework of the SIRIUS project.

Due to the ongoing COVID-19 pandemic, the 2020 SIRIUS Conference was held as an online event. On 2-4 December 2020, three virtual events were co-organised by Eurojust and Europol, gathering almost 1,000 participants from judicial and law enforcement authorities, as well as representatives from TikTok, Facebook, WhatsApp and Twitter, to address issues and challenges in relation to the cross-border data acquisition.

Another important deliverable of the project was the second edition of the *Sirius EU Digital Evidence Situation Report*, published on 1 December 2020. This flagship document provides an overview of the EU Member States' situation on the retrieval of electronic information held by online service providers, as well as its use in criminal investigations in 2019. The report was jointly drafted by Europol, Eurojust and the European Judicial Network.

8. Reciprocal access to information

The Europol and Eurojust Regulations have mirroring provisions (Art. 21 of the Europol Regulation and Art. 49 of the Eurojust Regulation) to grant each other hit/no hit access to the respective information systems. A Europol-Eurojust sub-group on reciprocal hit/no hit access and secure communication was established to steer discussions in this field. Meetings to draft the process description took place on 10 January, 26 April, 15 May, 7 July and 30 November 2020. Discussions between the two agencies are taking into consideration new legislative and policy initiatives adopted by the Commission in December 2020 to modernise the EU justice systems, such as the **Communication on the digitalisation of justice in the EU**. The Communication includes recommendations from the Digital Criminal Justice Study initiated by DG Justice to address the challenges faced in judicial cooperation and enhance further the possibilities for legal professionals working in the field of criminal justice. The study was a collaboration between the Commission, EU Agencies and bodies together with Member States, in the context of which Europol and Eurojust, collaborated closely. Both agencies are also aligning their discussions with the task force on mutual hit/no hit access established by the Commission, which sees the participation of Eurojust, Frontex, EPPO, OLAF and Europol. The Europol-Eurojust sub-group agreed on keeping regular meetings to update each other on the progress made.

9. Communication Strategy

The Steering Committee meeting of July 2020 reiterated the importance for the two agencies to agree on a joint approach on communication, defining the work and responsibilities of each agency when communicating on major strategic joint products and initiatives.

As a result, a *Technical Action Plan on Corporate Communications between Europol and Eurojust* was endorsed at the Steering Committee meeting of December 2020. The agreement aims at establishing and maintaining close cooperation between the respective Corporate Communications teams, to increase effectiveness in communicating operations and initiatives involving

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both agencies. The above goal will be achieved through the timely exchange of information and the aligned coordination of activities. The Action Plan stresses that external communications shall be done jointly whenever relevant, possible, or appropriate. Both parties agree that regular exchanges, as appropriate, are essential to further the corporation and enhance and monitor the development of the provisions of this technical Action Plan.

10. Meetings

a. High-level Meetings

In 2020, the Executive Director of Europol and the President of Eurojust virtually met on the occasion of the Heads of Justice and Home Affairs (JHA) Agencies meeting organised by the Eurojust Presidency of the JHA Network in July (i.e. informal meeting of the Heads of Justice and Home Affairs Agencies) and November.

b. Steering Committee

The Eurojust-Europol Steering Committee (SC) is meeting bi-annually on strategic and operational matters. Besides the meetings between Europol ED and the President of Eurojust, the SC is the most important format to address issues of common concern or interest with regard to cooperation between the two agencies. In 2020, Europol hosted a SC meeting on 15 July and another meeting was organised by Eurojust (via VC) on 7 December.

Among the topics discussed at Steering Committee level, it is worth stressing the presentation of the newly created European Financial and Economic Crime Centre (EFECC) at Europol, which introduced its structure and foreseen activities in the July SC meeting. On that occasion, the two agencies agreed on strengthening co-operation in the area of financial crime.

c. Exchange programme

The exchange programme could not be implemented in 2020, due to the COVID-19 restrictions limiting access to the respective Headquarters. It will be resumed as soon as conditions allow for it.

d. Operational meetings

Due to the COVID-19 pandemic, most operational and coordination meetings took place online.

An example is the Eurojust virtual meeting on Migrant Smuggling of 12 November 2020, which intended to provide a platform to exchange views among practitioners using an interactive and practice-oriented approach to enhance cooperation among members of different judicial authorities. The meeting was attended by practitioners (prosecutors and investigative judges) from the Member States and Norway, Eurojust Liaison Prosecutors from North Macedonia, Norway, Switzerland, Serbia and Ukraine, as well as representatives from the Europol's European Migrant Smuggling Centre (EMSC) and the European Commission.

e. Other meetings

Eurojust regularly attends the meetings of the Heads of Europol National Units (HENUs), as an observer, and is invited to all strategic EMPACT meetings.

Other examples of joint meetings taking place in 2020 include:

- On 9 January 2020 a delegation of the European Counter Terrorism Centre - ECTC (Head of Department, Head and Deputy Head of the Counter Terrorism Operations Unit and a representative of the Expertise & Stakeholder Management Unit) met with the Eurojust Counter Terrorism Team (CTT) chair, who was accompanied by the Deputy chair, the Head of Operations Department and the new Liaison Officer of Eurojust deployed to the ECTC.
- Eurojust was invited to participate in the 4th Global Conference on Criminal Finances and Money Laundering organised by the Tri-party Working Group – EUROPOL, INTERPOL and Basel Institute- in November 2020.

- ECTC attended Eurojust's expert workshops on violent right-wing extremism and terrorism, taking place on 26 November - 3 December 2020 via videoconference.

11. Conclusions

Eurojust and Europol recognise the need for strong operational partnership as an essential element in the fight against organised and serious cross-border crime and terrorism.

Despite the difficult circumstances in 2020, both agencies retain their commitment to close and effective collaboration in support of their respective mandates.

Moreover, both agencies are aware of the fact that the proposal for the Recast of the Europol Regulation, which was launched by the Commission in December 2020, might offer new opportunities for cooperation.

New solutions developed in 2020 to comply with the COVID-19 measures, such as an increased use of digital communication tools to carry out strategic and operational meetings, may be well used in the future to ensure agile cooperation.

ANNEX

1. DISMANTLING OF AN ENCRYPTED NETWORK

French and Dutch law enforcement and judicial authorities, Europol and Eurojust have delivered impressive results through a joint investigation team to dismantle EncroChat, an encrypted phone network widely used by criminal networks.

Throughout 2020, the joint investigation made it possible to intercept, share and analyse millions of messages that were exchanged between criminals to plan serious crimes. For an important part, these messages were read by law enforcement in real time.

The information gathered has been relevant in a large number of ongoing criminal investigations, resulting in the disruption of criminal activities including violent attacks, corruption, attempted murders and large-scale drug transports. Certain messages indicated plans to commit imminent violent crimes and triggered immediate action. The information are being further analysed as a source of unique insight, giving access to unprecedented volumes of new evidence to severely tackle organised criminal networks.

In early 2020, EncroChat was one of the largest providers of encrypted digital communication with a very high share of users presumably engaged in criminal activity. User hotspots were particularly present in source and destination countries for cocaine and cannabis trade, as well as in money laundering centres. The interception of EncroChat messages came to an end on 13 June 2020, when the company realised that a public authority had penetrated the platform. EncroChat then sent a warning to all its users with the advice to immediately throw away the phones.

Given the widespread use of the encrypted telephone solution by EncroChat among international criminal networks around the world, French authorities decided to open a case at Eurojust, the EU Agency for Criminal Justice Cooperation, towards the Netherlands in 2019. Further developments in the investigations led to organising the processing of the data, which was

captured on the basis of the provisions of French law and with judicial authorisation, through the frameworks for international judicial and law enforcement cooperation.

The data was in first instance shared with the Netherlands. Eurojust facilitated the creation of a joint investigation team (JIT) between the two countries and with the participation of Europol in April 2020.

Europol has been actively involved in the investigations led by France and the Netherlands since 2018, relating to the provision and use of encrypted communication services by organised crime groups. Europol established an Operational Task Force (OTF) for law enforcement cooperation including 13 countries. Through its role as an information hub and its extensive analytical and technical support system, Europol was able to create and provide a unique and global insight on the scale and functioning of organised crime as a result of this investigation. This will help law enforcement to fight organised crime in the future more successfully.

A large number of suspects have been arrested in several countries that, while not participating in the JIT, were particularly affected by the illegal use of these phones by individuals active in organised crime, including in the UK, Sweden and Norway. Many of these investigations were connected with international drug trafficking and violent criminal activities.

At the same time, numerous operational meetings for the daily coordination between the law enforcement entities of the JIT partners and other countries took place at Europol, partly during COVID-19.

Eurojust intensively facilitated judicial cooperation through extensive use of European judicial cooperation instruments, such as European Investigation Orders. Throughout the investigation, the JIT members organised five coordination meetings at Eurojust to bring all involved parties together in a secure environment, identify parallel or linked investigations, decide on the most suitable framework for cooperation and solve potential conflicts of jurisdiction.

While the activities on EncroChat have been stopped, this complex operation shows the global scope of serious and organised crime and the

connectivity of criminal networks, which use advanced technologies to cooperate on a national and international level. The effects of the operation will continue to echo in criminal circles for many years to come, as the information has been provided to hundreds of ongoing investigations and, at the same time, is triggering a large number of new criminal investigations across the European continent and beyond.

2. OPERATION LOS BLANCOS

Operation LOS BLANCOS is a large scale international operation involving judicial and law enforcement authorities in 10 countries, Europol and Eurojust. Initiated by the Italian State Police in 2015 under the direction of the Public Prosecutor's Office of Florence, a Joint Investigation Team (JIT) was set up between Italy and the Netherlands with the assistance and financing of Eurojust and Europol. Op. LOS BLANCOS is considered the biggest of its kind ever against Albanian-speaking organised crime.

The operation resulted in the complete takedown of the Albanian-speaking 'KOMPANIA BELLO' criminal group, one of the most active cocaine-trafficking networks in Europe.

During the Joint Action Day on 15 September, a joint Operational Command Room was set up at Europol's HQ to coordinate the different actions taking place simultaneously across all the countries involved. A Europol expert was also deployed to Florence to provide appropriate operational support to the Italian authorities, ensuring swift analysis of new data as it was being collected during the action and adjusting the strategy as required. Judicial coordination was provided from a coordination centre at Eurojust, with real-time involvement of prosecutors and investigative judges for execution and adaptation of the mutual legal assistance requests needed to carry out the cross-border actions.

As a result of this JAD, 20 individuals were arrested. The suspects have been placed in pre-trial detention for international narcotic substances trafficking, illegal possession and distribution of drugs and brutal assaults, including murder. These arrests follow those of 84 other members of this

criminal group early on in the investigation in Italy, Ecuador, the Netherlands, the United Kingdom, Switzerland and Germany. Close to 4 tonnes of cocaine and over €5.5 million in cash have been seized over the course of this investigation.

3. CYBERCRIME NETWORK PHISING BANK CREDENTIALS

A joint operation between Estonia, Lithuania and Romania, supported by Europol and Eurojust, led to the dismantling of an organised crime group involved in fraud, phishing and money laundering.

The criminal organisation launched phishing attacks via text messages and emails impersonating legitimate banking institutions. The messages contained links to fake banking websites, through which the suspects created either new Smart ID accounts or collected bank account credentials and passwords from their victims. The criminal group used these credentials to make unauthorised wire transfers to several bank accounts they controlled in various EU countries.

The investigation revealed that the criminal network stole more than €200 000 from almost 600 victims, 500 from Estonia and 100 from Lithuania. The damages could have been higher had it not been for Estonian and Lithuanian banks flagging suspicious transfers of almost €450 000 in total. Europol supported the operation by facilitating information exchange and providing analytical support. On the action day, Europol deployed an expert to Romania to cross-check in real-time operational information against Europol's databases and provide leads to investigators in the field.

Eurojust facilitated the cooperation between the judicial authorities involved in the case and in 2019 set up a Joint Investigation Team between Estonia, Lithuania, Romania and Europol.