



## EUROPEAN UNION CRIMINAL POLICY AND JOINT INVESTIGATION TEAMS. THE CASE OF HELLAS

Korontzis Tryfon<sup>1</sup>

### ABSTRACT

*It is common belief that organized crime has enormous social cost as it removes and squander financial and human resources, creates distortions in the common free market, influences the legal economy and action of enterprises, strengthens the corruption and violating human rights. Organized crime acts now on a transnational and cross-border basis, exploits for its benefit globalization, the abolition of border controls within the European Union (EU) and the legislative differences between Member States (MS), in order to accrue more and larger profits. For this reason, should be combated with the same approach by the prosecuting authorities of the MS and on a unified basis.*

*The consequences of this phenomenon, largely affect the obligations of the European Union (EU) versus its citizens and that is why is necessary one coherent political action of institutions for the fight against organized crime, which will have specific and important effects. In this context in this brief study will be examined the role of Joint Investigation Teams (JIT) which have set up in the EU and aiming at a better tackling of organized crime as also and of serious crime, through cooperation among Law Enforcement Agencies (LEA) and judicial authorities.*

**Key Words:** European union (EU), Member states (MS), Criminal policy, Joint investigations teams (JIT), Law enforcement agencies (LEA), Europol, Eurojust, Hellas

### INTRODUCTION

Important point in the European criminal policy for tackling organized crime (Note 1) as also for tackling of serious crime forms in a EU level composed the Treaty of Maastricht [in the Hellenic legal order was incorporated by the Law 2077/1992 (A' 136)]. Specifically with this Treaty was added to the Treaty establishing the European Community, a new chapter (Title VI), with title «Provisions on cooperation in the fields of Justice and Home Affairs». This chapter is basically the start of police and judicial cooperation in an EU level.

<sup>1</sup> Professor in the Hellenic National School of Local Government (ESTA) 228 P.Ralli street, Nikaia, Piraeus, PC 18454, Hellas **E-mail:** [tmkoront@otenet.gr](mailto:tmkoront@otenet.gr)

Consequently with Amsterdam Treaty [in the Hellenic legal order was incorporated by the Law 2691/1999 (A' 47)], proclaimed that EU aim was «to maintain and to develop the Union as an area of freedom, security and justice, in which is ensured the free movement of persons in conjunction with appropriate measures concerning to external border controls, asylum, immigration, and the prevention and combating of crime».

In particular, the bases for JIT was set by articles 30 of EU treaty (ex article K.2) and article 32 (ex article K.1) of the same Treaty, which were replaced by the articles 69F and 69H respectively of the Treaty of Lisbon [in the Hellenic legal order was incorporated by the Law 3671/2008 (A' 129)].

In particular in paragraph 1 of article 69F (Chapter 5) of the Treaty of Lisbon, with title «Police cooperation» is defined: «The Union shall establish police cooperation involving all the Member States competent authorities, including police, customs and other specialized law enforcement services in relation to the prevention, detection and investigation of criminal offences».

Also in article 69H of the Treaty is determined that: «The Council, acting in accordance with a special legislative procedure, shall lay down the conditions and limitations under which the competent authorities of the Member States referred to in Articles 69 A and 69 F may operate in the territory of another Member State in liaison and in agreement with the authorities of that State. The Council shall act unanimously after consulting the European Parliament».

In addition in article 69G paragraph 2 (b) is determined that the tasks of Europol are: «the coordination, organization and implementation of investigative and operational action carried out jointly with the Member States, competent authorities or in the context of joint investigative teams, where appropriate in liaison with Eurojust».

In the Presidency conclusions of the European Council meeting in Tampere on October 15 and 16, 1999, in paragraph 43 was determined: «Maximum benefit should be derived from co-operation between Member States authorities when investigating cross-border crime in any Member State. The European Council calls for joint investigative teams as foreseen in the Treaty to be set up without delay, as a first step, to combat trafficking in drugs and human beings as well as terrorism. The rules to be set up in this respect should allow representatives of Europol to participate, as appropriate, in such teams in a support capacity».

From the policy of the EU until now is deduced that are developing two ways of cooperation in order to be effectively the tackling of organized crime and serious forms of criminal activity. The first one which is observed after the Treaty of Amsterdam is the imposition of common criminal sanctions for certain offences. The second one is the establishment of specific institutions, in order to be achieved integrated action in tackling of certain criminal offences and the establishment of rules aimed in a closer cooperation of judicial, prosecutorial and law enforcement authorities of EU MS and EU agencies in order to be achieved this aim.

All these policies which have been developed and are deployed in an EU level are needed, in order to be combated the crime as an international phenomenon. Today, organized crime has a cross-border character, many times exceeding the capability of national LEAs to tackle it and is required international cooperation. Cooperation which will be developed in a tactical, operational and strategic level. Also is needed coordinated action for its analysis and its tackling (Note 2).

This brief study will examine critically the institution of JIT which have developed in the EU legal system, the implementation of these provisions in the Hellenic legal order and their efficiency and finally this study will close by quoting the conclusions reached by this.

## **JOINT INVESTIGATIONS TEAMS**

### **Concept**

A JIT is an investigation team set up on the basis of an agreement between two or more MS and/or other parties, for a specific purpose and limited duration.

The general benefits of a JIT compared to traditional forms of international law enforcement and judicial co-operation, such as "mirror" or "parallel" investigations and letters of request, are briefly summarized below. There will also be many specific advantages to working in a JIT depending on the particular circumstances of the individual case.

Advantages of using a JIT:

- a.-Ability to share information directly between JIT members without the need for formal requests.
- b.-Ability to request investigative measures between team members directly, dispensing with the need for Letters Rogatory (Note 3). This applies also to requests for coercive measures.
- c.-Ability for members to be present at house searches, interviews, etc. in all jurisdictions covered, helping to overcome language barriers in interviews, etc.
- d.-Ability to co-ordinate efforts on the spot, and for informal exchange of specialized knowledge.
- e.-Ability to build and promote mutual trust between practitioners from different jurisdictions and work environments.
- f.- A JIT provides the best platform to determine the optimal investigation and prosecution strategies.
- g.-Ability for Europol (Note 4) and Eurojust (Note 5) to be involved with direct support and assistance.
- i.-Ability to apply for available EU, Eurojust or Europol funding.
- j.-Participation in a JIT raises awareness of the management and improves delivery of international investigations.

## **LEGAL FRAMEWORK OF JITS**

On 29 May 2000, the EU Council of Ministers adopted the Convention on Mutual Assistance in Criminal Matters (2000 MLA Convention) (Note 6). The objective of this Convention is to encourage and modernize co-operation between judicial and law enforcement authorities within the

European Union as well as in Norway and Iceland by supplementing provisions in existing legal instruments and facilitating their application.

In view of the slow progress towards the ratification of the 2000 MLA Convention, the Council adopted on 13 June 2002 a Framework Decision on JIT which the MS were to implement by January 1, 2003. Member States were convinced that the JITs tool in particular would be an important benefit to the law enforcement agencies of the EU.

The concept of JITs arose from the belief that existing methods of international police and judicial co-operation were, by themselves, insufficient to deal with serious cross-border organized crime. It was felt that a team of investigators and judicial authorities from two or more States, working together with clear legal authority and certainty about the rights, duties and obligations of the participants, would improve the fight against organized crime.

### **JITs set up between MS of EU (EU JITs)**

The legal framework for setting up JITs can be found in Article 13 of the 2000 MLA Convention as well as in the Framework Decision. The latter repeats in fact Articles 13, 15 and 16 of the 2000 MLA Convention in almost identical terms; the Framework Decision has been implemented in the MS in different ways. While some countries have adopted specific laws on JITs or have inserted JIT provisions in their respective codes of criminal procedure, others have simply referred to the direct applicability of the 2000 MLA Convention in their legal order. The latter has entered into force in the majority of the Member States. The Framework Decision itself will cease to have effect once the 2000 MLA Convention has entered into force in all Member States.

### **JITs set up between EU MS and third States**

JITs can be set up with and between countries outside of the EU, provided that a legal basis for the creation of such JITs exists. The legal basis can take the form of:

- a.- An international legal instrument.
- b.- A bilateral Agreement.
- c.- A multilateral Agreement.
- d.- National legislation [e.g. Article(s) of the Code of Criminal Procedure].

The following international legal instruments are already available and might provide a suitable legal basis for a JIT between an EU MS and a third State:

- a.- The Second Additional Protocol to the Council of Europe Convention on Mutual Assistance in Criminal Matters of 20 April 1959 (Article 20).
- b.- UN Convention against Transnational Organized Crime, 15 November 2000 (Article 19) [as far as concerns Hellas was incorporated into the national legal order by the Law 3875/2010 (A' 158)].
- c.- The Convention on mutual assistance and co-operation between customs administrations (Naples II Convention), 18 December 1997 (Article 24).
- d.- Police Cooperation Convention for Southeast Europe (PCC SEE), 5 May 2006 (Article 27).
- e.- Agreement on Mutual Legal Assistance between the European Union and the United States of America; (Article 5 and national implementation thereof).

### **Requirements for a JIT**

Article 13(1) of the 2000 MLA Convention and Article 1 of the Framework Decision of 13 June 2002 on JIT approach the JIT concept not so much from the seriousness of a crime but rather from the crime's international and cross-border dimension.

Article 13(1) of the 2000 MLA Convention states that JITs may, in particular, be set up where:

a.- A Member State's investigations into criminal offences require difficult and demanding investigations having links with other MS.

b.- A number of MS are conducting investigations into criminal offences in which the nature of the case necessitates co-ordinated and concerted action in the MS involved.

JITs will usually be considered when investigating more serious forms of criminality. However, when considering setting up a JIT, national legislation and operational guidelines should be checked to determine whether the creation of a JIT is subject to a seriousness threshold or any other qualifying criteria.

That said, JITs may also prove useful in the investigation of smaller cross-border cases. This is because a JIT can facilitate co-operation in the specific case and also prepare the groundwork for future JITs by building mutual trust and providing experience in cross-border co-operation.

Requests for setting up a JIT may often come from a MS but could also often come from Europol and Eurojust. In some MS this initial request must be in the form of a Rogatory Letter.

It is recommended that investigators, prosecutors, magistrates and/or judges from the Member States considering the creation of a JIT, together with delegates from Eurojust and Europol, meet to discuss the matter *at the earliest opportunity* before a formal proposal and agreement is made. As some countries have implemented domestic administrative rules which, for example, stipulate notification of the competent ministries in the preparatory stage, the early involvement of all competent persons is of the utmost importance so as not to jeopardize or delay the whole process (Note 7).

### **JOINT INVESTIGATIONS TEAMS AND EUROJUST**

Eurojust's mission according to article 85 paragraph 1 of Lisbon treaty is: «shall be to support and strengthen coordination and cooperation between national investigating and prosecuting authorities in relation to serious crime affecting two or more Member States or requiring a prosecution on common bases, on the basis of operations conducted and information supplied by the Member States' authorities and by Europol» (Note 8).

Additionally according to the same article Eurojust tasks may include:

(a) the initiation of criminal investigations, as well as proposing the initiation of prosecutions conducted by competent national authorities, particularly those relating to offences against the financial interests of the Union,

(b) the coordination of investigations and prosecutions referred to in point (a),

(c) the strengthening of judicial cooperation, including by resolution of conflicts of jurisdiction and by close cooperation with the European Judicial Network.

These regulations shall also determine the practical arrangements for the participation of the European Parliament and the national parliaments of the Member States in the evaluation of Eurojust's activities.

In the same article paragraph 2, is determined that: «the prosecutions referred to in paragraph 1, and without prejudice to Article 69 E, formal acts of judicial procedure shall be carried out by the competent national officials».

The role of Eurojust in the establishment and successful motivating of JIT is decisive. As reveals from the institutional framework of its establishment and its function, is provided the possibility through its National Members but also as a collective body to invite the competent national authorities to set up JIT where they deem is necessary (art. 4 paragraph 1 of Law 3663/2008). Eurojust provides administrative support as the coordination meetings take place at its premises in The Hague at Netherlands.

Every MS has the ability to appoint its national representative in order to take part in JIT and in such case would not represent Eurojust but the MS from which originates. Eurojust has the ability as a collective body to take part in a JIT, determining in this case the member who will represent Eurojust, something which is provided in article 9 paragraph 3 of 2002/187/JHA of 28 February 2002, which defines: «Each Member State shall define the nature and extent of the judicial powers it grants its national member within its own territory. It shall also define the right for a national member to act in relation to foreign judicial authorities, in accordance with its international commitments. When appointing its national member and at any other time if appropriate, the Member State shall notify Eurojust and the Council General Secretariat of its decision so that the latter can inform the other Member States. The latter shall undertake to accept and recognise the prerogatives thus conferred insofar as they are in conformity with international commitments (Note 9). It is noted that in Hellas does not exist such provision in Law 3663/2008 with which was incorporated this decision into the national legal order.

The national members of Eurojust, their deputies and their assistants may be members of JIT when the State from which they have been appointed, as provided in article 9 paragraph 6 of the above mentioned decision as was amended by decision 2003/659/JHA of 18 June 2003 and decision 2008/426/JHA of 16 December 2008 on the strengthening of Eurojust.

In notable concerning JIT, is the fact that Eurojust after signing memorandum of cooperation with OLAF on fraud offences or other affecting to the EU financial interests, when one of the two organizations involves in JITs for such offences, should inform the other agency and proposes to the MS that established JIT to invite, respectively and the other body (Note 10).

Eurojust's relations with Europol are governed on the basis of a memorandum of cooperation which was signed between them and will be described below (Note 11).

## JOINT INVESTIGATIONS TEAMS AND EUROPOL

The Council decision of 6 April 2009 establishing the European Police Office (Europol) [(2009/371/JHA), L 121/37] is provided the following:

In the article 5 (with title «Tasks») paragraph 1.d is determined that one of Europol's task is: «to ask the competent authorities of the Member States concerned to initiate, conduct or coordinate investigations and to suggest the setting up of joint investigation teams in specific cases».

In the article 6 with title «Participation in joint investigation teams» are determined the following:

«1. Europol staff may participate in supporting capacity in joint investigation teams, including such teams set up in accordance with Article 1 of Council Framework Decision 2002/465/JHA of 13 June 2002 on joint investigation teams (OG L 162, 20.6.2002, p. 1), in accordance with Article 13 of the Convention of 29 May 2000 on mutual assistance in criminal matters between the Member States of the European Union (OJ C 197, 12.7.2000, p. 3), or in accordance with Article 24 of the Convention of 18 December 1997 on mutual assistance and cooperation between customs administrations (OJ C 24, 23.1.1998, p. 2), in so far as those teams are investigating criminal offences in respect of which Europol is competent under Article 4 of this Decision.

Europol staff may, within the limits provided for by the law of the Member States in which a joint investigation team is operating and in accordance with the arrangement referred to in paragraph 2, assist in all activities and exchange information with all members of the joint investigation team, in accordance with paragraph 4. They shall not, however, take part in the taking of any coercive measures.

2. The administrative implementation of participation by Europol staff in a joint investigation team shall be laid down in an arrangement between the Director and the competent authorities of the Member States participating in the joint investigation team, with the involvement of the national units. The rules governing such arrangements shall be determined by the Management Board.

3. The rules referred to in paragraph 2 shall specify the conditions under which Europol staffs are placed at the disposal of the joint investigation team.

4. In accordance with the arrangement referred to in paragraph 2, Europol staff may liaise directly with members of a joint investigation team and provide members and seconded members of the joint investigation team, in accordance with this Decision, with information from any of the components of the information processing systems referred to in Article 10. In the event of such direct liaison, Europol shall at the same time inform the national units of the Member States represented in the team as well as those of the Member States which provided the information thereof.

5. Information obtained by a Europol staff member while part of a joint investigation team may, with the consent and under the responsibility of the Member State which provided the information, be included in any of the components of the information processing systems referred to in Article 10 under the conditions laid down in this Decision.

6. During the operations of a joint investigation team, Europol staff shall, with respect to offences committed against or by them, be subject to the national law of the Member State of operation applicable to persons with comparable functions».

In article 7 titled «Requests by Europol for the initiation of criminal investigations» in paragraphs 1 and 2 are determined the following:

«1. Member States shall deal with any request by Europol to initiate, conduct or coordinate investigations in specific cases and shall give such requests due consideration. The Member States shall inform Europol whether the investigation requested will be initiated.

2. Before making a request for the initiation of criminal investigations, Europol shall inform Eurojust accordingly».

In addition, in accordance with article 6 of the agreement of cooperation between Europol and Eurojust (Note 12) is provided the opportunity for both parties to jointly involved, after request of one or more MS in the establishment of a JIT and to support the national judicial authorities and LEAs in the preparatory discussions for JIT establishment.

In the preliminary stage, the two organizations can support the MS, providing legal advice as also experience from participation in an earlier JIT.

As already has been noted both organizations can detect cases where can be set up a JIT and to ask from MS to act accordingly (Note 12).

It must be also mentioned and that is very important the fact that is provided financial assistance by Eurojust for these meetings while operational meetings can be financed by Europol.

## **JOINT INVESTIGATION TEAMS IN THE HELLENIC LEGAL ORDER**

Hellas with Law 3663/2008 (A´ 99) complied to the Council Decision 2002/187/JHA of 28 February 2002 (OJ L63/1, 06.03.2002) with which was established Eurojust officially as a body of EU, which has legal personality and with primary mission the improvement of judicial cooperation between the M-S (Note 13).

In the second chapter of this law are determined the conditions for the function of a JIT in the EU frame, with purpose the jointly investigation - in a pre-trial stage – of the crimes: drugs trafficking and psychotropic substances, trafficking in human beings and terrorist actions (Note 14).

With the relevant provisions, Hellas complied with the Council framework decision of 13 June 2002 concerning JIT. This EU practice consists a continuation of EU initiatives as expressed by the Tampere European Council on 15-16 October 1999 (paragraph 43 conclusions) and article 13 of the Convention established by the Council (article 34 of the EU convention) on mutual assistance in criminal cases between MS (OJ C 197, 12-07-2000).

The limited function of the JIT only for the investigation of the above mentioned crimes is specifically mentioned in point 6 of the preamble of the framework decision. The provisions which are described in the law contain specific arrangements that were deemed necessary for the



harmonization of national law. Otherwise are in force the provisions of the Hellenic Penal Procedure.

More specifically:

In article 13, is given the definition of the term JIT and is specified the particular purpose in order to be set up. Subject of a JIT is the conducting of investigations in one or more EU MS in order to be elucidated the specific crimes as mentioned before. The establishment of a JIT is aiming in particular to investigate these crimes, since this presuppose the legal assistance of other MS or a coordinated and concerted action by the MS.

In article 14 are specified conceptually certain terms such as «agreement», «investigation», «head», «posting member», «third State» in order to become clear the conceptual content.

In particular, taking under consideration the content of the term «investigation», it should be noted that the JIT may set up for the achievement not only for the objectives of the proeliminary examination or main investigation, but also and those of the preliminary examination.

In article 15 is determined the procedure for the establishment of a JIT according to the provisions of paragraph 1 and 2 of article 1 of the framework decision. The provision of paragraph 1 of this article sets out the basic terms: JIT is setting up each time by written agreement between the MS, after the submission of a request of a MS. In this agreement must be determined the specific purpose and the duration of JIT operation, which may be extended by mutual agreement of the MS, if something like that is necessary for the completion of the investigation.

In paragraph 2 of this article is defined the Public Prosecutor of the Court of Appeal as the competent Hellenic authority for both the receipt and the submission of such request as also and for the conclusion of the relative agreement. If in case that the investigation is going to take place at the seats of several Appeals Courts the competent authority is the Public Prosecutor of the Supreme Court.

In paragraph 3 are determined the elements which must be included in the application, so that surrounds the legitimate type.

With article 16 is specified the regulated object of the above mentioned written agreement.

In paragraph 1 is determined the required minimum of the written content of this agreement by the competent authorities of the MS for the establishment of a JIT.

In paragraph 2 is predicted that in cases in which is being involved as MS Hellas the competent prosecutor will determine the participants in the JIT.

In article 17 are specified the preconditions of information making worthy which can be divided into two sub cases.

In paragraph 1 is predicted the ability of providing information to team by a member of the JIT, in case that these information are already available in the MS from which has been posted. This ability has been implemented for the purposes of criminal investigation within the lawful limits of jurisdiction of the State and its national law.

In paragraph 2 of the same article are defined restrictively the purposes for which the information which are collected during the function of the JIT may be used.

In article 18 is regulated more specifically the law which will be enforced in the case that JIT will act within the limits of the Hellenic territory. Expressly provided that are enforced the provisions of the national law. The members of the team act under the direction of the competent public prosecutor, who operates as head of the team, taking into consideration and the conditions which have been set in the written agreement for the establishment of the team.

In paragraph 3 are specified the capabilities of the posted member in the JIT frame function.

More specifically these capabilities concern: (a) the personal presence during the whole investigation within the meaning of article 14b of this law, (b) to undertake the conducting of a separate inquiry act and (c) the submission to the competent authorities of the MB from which is coming to carry out investigation, if this is deemed as necessary for the achievement of the purpose of the JIT.

In article 19 is defined that during the operation of a JIT in the territory of another MS of EU, is enforced the law of that State.

In paragraph 2 is predicted the capability of the Hellenic posted member in the JIT to submit a request to the competent Hellenic authorities in order to carry out a defined investigation on the territory of the Hellenic territory. The request is examined according to the Hellenic law.

In article 20 is predicted the possibility of participation of EU bodies officials in the JIT. Expressly is determined that this is allowed if is provided the relative possibility of the written agreement for setting up a JIT. The official has only the right of personal presence.

In article 21 is predicted the possibility of a request submission for legal assistance in a MS which is not participating in the JIT, or to a third State, when something like that is deemed as necessary for the achievement of JIT purpose. This request shall be submitted by the competent public prosecutor, as defined in article 15 (2) of this law, in implementation of the relevant provisions which are in force between the MS or between Hellas and the third State.

In article 22 are assimilated the documents which are written by a member of the JIT coming from another MS with those which are written by national official, concerning the possibility of their making worthy evidence.

In article 23 are assimilated the officials of the competent authorities of the MS with the nationals officials, in order to be implemented and for them the national provisions in case that is committed an offence by them (with any form of participation) or against them.

In article 24 are regulated matters relating to the civil liability in the cases of causing damage by the officials who are participating in the JIT.

## CONCLUSIONS

As reveals from the above mentioned provisions which have been developed at both national and European level, has expressed the EU desire for coordinated tackling of organized crime and serious form of crimes having a cross-border and transnational character. This is because in modern

times and in the context of globalization, only a part of the criminal activity is being investigated or prosecuted in the country where the activity is detected.

Automatically is created the need in order to be tackled comprehensively the criminal activity, the prosecutorial and judicial authorities of that country to know investigations or prosecutions which have been developed in other countries for the same crime and as consequence to exist concerted action in order to be tackled the criminal activity effectively. This need is covered by JIT institution.

As reveals from the statistics of Eurojust's annual reports for the years 2006-2011 the establishment of JIT is continuously growing and in the recent year's part of them are financed by the European Agency. The increase in the number of JITs also suggests that law enforcement and judicial executives use Eurojust as a reference point in deciding when JITs might be appropriate. This aspect was reinforced in 2011 by the establishment of the JIT Network Secretariat at Eurojust Eurojust assisted executives of LEAs and judicial authorities in JIT procedures in various ways, such as in drafting, amending and extending JIT agreements. From its frequent dealings with JITs, Eurojust has also developed expertise that allows to advise about potential legal obstacles and to help prevent other difficulties.

In addition exempt its advice to these executives, Eurojust has evaluated and supported JITs financially and logistically. In 2011, Eurojust continued its JIT Funding Project, entitled supporting the Greater Usage of JITs, based on the grant received from the European Commission under the programme Prevention of and Fight against Crime 2007-2013. The project has become a valuable element in helping ensure that financial constraints do not discourage the use of JITs in fighting organized crime groups.

JIT also cover important activities that constitute the concept of organized crime and occupy two or more States. Such activities are: fraud, fraud, corruption, car theft, drug trafficking, trafficking in human beings.

Essential prerequisite for making the institution of JIT effective and efficient and in the mean time to be the EU criminal policy which is developed in the framework in which are enrolled JIT also efficient, is needed beyond the establishment of the necessary legal framework, to be created the appropriate atmosphere of confidence.

Trust between the judicial, prosecutorial and LEAs authorities of the MS, which will allow the rapid exchange of information and close cooperation in order to exist effectively combating of organized crime. Also should be comprehensible by the competent judicial, prosecutorial and LEAs that by the establishment of JIT is not abrogated national sovereignty, but is developing the cooperation between the MS towards to a single purpose relating to EU citizens and that is tackling organized crime.

An important role to that plays the expert meetings in the framework of the relevant network for JIT which has been developed. The exchange of experiences and best practices in the context of these meetings (seven meetings have been carried out so far), undoubtedly leads to the acceptance by all of this legal instrument which have been developed in a EU level. A mechanism that leads to the formation of a single European culture in the important area of tackling organized crime, strengthening the area of security and justice in the EU. At the same time is strengthened in the direction of European integration and the mechanism of police cooperation, together with respect for fundamental rights.

Concerning the implementation of JITs in the Hellenic legal order, it should be noted that the Hellenic Judicial, prosecuting authorities and LEAs have not make use of JITs as until now have not requested the establishment of a JIT. This element is of a great importance and should be concern by the competent authorities in Hellas, as a major European institution has become inactive.

In addition as reveals from the provisions of Law 3663/2008 JIT establishment concerning the offences committing is restrictive, as it refers to crimes related to terrorist acts (terrorism), drug trafficking and trafficking in human beings. Although this restriction is provided in the preamble to EU council framework decision which had been incorporated in the Hellenic legal order, must be extended and to other offences which are observed in Hellas and have an international dimension, such as illegal immigration, the smuggling of tobacco products, money laundering etc.

Possibly the expansion of the number of crimes for which can be set up JIT, will lead the Hellenic competent authorities to take advantage of this institutional framework. An institutional framework that provides the opportunity to be tackled the organized crime and important forms of criminality through concerted action, appropriate measures and means, while in the mean is providing the financing of developing activities in the context of JIT.

Finally speculation reveals the fact that while in the Framework Decision of JITs in section six of the preamble are referred explicitly limiting the crimes for which it can be established JIT as have been mentioned before, many MS as can be shown in the annual reports of Eurojust with the assistance of this have conducted JIT for crimes which are not included in the specific legal framework such as money laundering, illegal immigration, fraud, corruption, etc.

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#### Notes

Note 1. For the determination of the term organized crime see Korontzis, T. (2012). The role of the Hellenic Coast Guard in the Hellenic internal security and in combating the phenomenon of organized crime. **International Review of Social Sciences and Humanities**, Vol. 3, issue 1, p.p. 210-227.

Note 2. See Friedrichs, D. (2008). Transnational Crime and Global Criminology, Definitional, typological and contextual conundrums. *Social Justice* 1/2008, p.p. 4-17.

Note 3. See Law 4218/1961 (A' 171), «Ratification of the European Convention "European Convention on Mutual in Criminal Cases"».

Note 4. For Europol see Korontzis, T. (2012). The contribution of EUROPOL and FRONTEX in combating the phenomenon of illegal immigration in Hellas. *Review of European Studies*, Vol. 4, issue 1, p.p. 188-202, (doi:10.5539/res.v4n1p188) and Korontzis, T. (2011). European Police Office: EUROPOL. *Ethnikes Epalxeis*, issue 97, p.p. 50-51 (in Hellenic).

Note 5. See COUNCIL DECISION, of 28 February 2002, setting up Eurojust with a view to reinforcing the fight against serious crime, (2002/187/JHA) [OJ L 63, 6.3.2002, p.p. 1-13], COUNCIL DECISION 2003/659/JHA of 18 June 2003 amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime [OJ L 245, 29.9.2003, p.p. 44-45], COUNCIL DECISION 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust and amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime [OJ L 138, 4.6.2009, p.p. 14-32].

Note 6. Council Act of 29 May 2000 establishing in accordance with Article 34 of the Treaty on European Union the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union (OJ C 197, 12.07.2000 p. 3).

Note 7. See «Joint Investigations Team Manual», issued by the Council of the European Union, 15790/1/11, Rev 1, 04.11.2011 and Framework Decision 2002/465/JHA on joint investigation teams (OJ L 162 20.06.2002). Also Kapplinghaus Jørgen. JOINT INVESTIGATION TEAMS: BASIC IDEAS, RELEVANT LEGAL INSTRUMENTS AND FIRST EXPERIENCES IN EUROPE. 134TH INTERNATIONAL TRAINING COURSE VISITING EXPERTS' PAPERS. Retrieved July 12, 2012 from [http://www.unafei.or.jp/english/pdf/RS\\_No73/No73\\_07VE\\_Kapplinghaus2.pdf](http://www.unafei.or.jp/english/pdf/RS_No73/No73_07VE_Kapplinghaus2.pdf).

Note 8. Concerning the relationship between Eurojust and the countries of Southeast Europe, see Patsavelas, I. (2006). The role of Eurojust in the judicial cooperation in the European Union. The cooperation with the countries of South-Eastern Europe. Poiniki Dikaiosyni 6/2006, p.p. 15-22 (in Hellenic).

Note 9. The establishment of JIT (number) according to Eurojust annual reports for the period 2006-2011 are as follows: 2006 (2), 2007 (10), 2008 (21), 2009 (7), 2010 (20) 2011 (33). The number of JIT which were funded for the period 2009-2011 also according to Eurojust annual reports are as follows: 2009 (5) 2010 (10) and 2011 (16). Retrieved September 18, 2012 from <http://www.eurojust.europa.eu/doclibrary/corporate/Pages/annual-reports.aspx> . On the same site is available more information.

Note 10. Retrieved September 12, 2012 from [http://eurojust.europa.eu/doclibrary/Eurojust-framework/agreements/Practical%20Agreement%20on%20arrangements%20of%20cooperation%20between%20Eurojust%20and%20OLAF%20\(2008\)/Eurojust-OLAF-2008-09-24-EN.pdf](http://eurojust.europa.eu/doclibrary/Eurojust-framework/agreements/Practical%20Agreement%20on%20arrangements%20of%20cooperation%20between%20Eurojust%20and%20OLAF%20(2008)/Eurojust-OLAF-2008-09-24-EN.pdf)

Note 11. Retrieved September 13, 2012 from [http://eurojust.europa.eu/doclibrary/Eurojust-framework/agreements/Agreement%20between%20Eurojust%20and%20Europol%20\(2010\)/Eurojust-Europol-2010-01-01-EN.pdf](http://eurojust.europa.eu/doclibrary/Eurojust-framework/agreements/Agreement%20between%20Eurojust%20and%20Europol%20(2010)/Eurojust-Europol-2010-01-01-EN.pdf)

Note 12. Since mid-January 2011, the JITs Network has had a [secretariat](#) of its own to promote the activities of the Network and to support the National Experts in their work which is hosted at Eurojust. Retrieved September 13, 2012 from <http://www.eurojust.europa.eu/Practitioners/networks-and-fora/Pages/jits-network.aspx>.

Note 13. It should be noted that COUNCIL DECISION 2003/659/JHA of 18 June 2003 amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime [OJ L 245, 29.9.2003, pp. 44–45] and COUNCIL DECISION 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust and amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime [OJ L 138, 4.6.2009, p.p. 14–32] have not been incorporated in the Hellenic legal order.

Note 14. Concerning the LEAs in Hellas see Korontzis, T. (2012). The prosecution of economic crime in Hellas. International Journal of Humanities and Social Science, Vol. 2, No. 5, p.p. 221-227.