### Meeting:
**VISIT BY EUNAVFOR-MED (European Union Naval Force Mediterranean)**

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<tr>
<th><strong>Date:</strong></th>
<th>24 Feb 2015</th>
<th><strong>Time:</strong> 09:30-11:30</th>
<th><strong>Location:</strong> EUROJUST, The Hague</th>
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<th><strong>Reference:</strong></th>
<th>2016/CAU-0117/ST/FC/</th>
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#### External Participants

#### Internal Participants

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1. **Background**

A EUNAVFOR-MED delegation (composed by 1 analyst, 1 legal and 1 policy advisor) contacted Eurojust to seize the opportunity for a working-level meeting next to their participation to the Europol-Interpol Forum on 22 and 23 February 2016.

The aim was to update Eurojust about the state of play of EUNAVFOR-MED mission, discuss some questions which were already sent earlier to the Eurojust CP on Illegal Immigration issues (and forwarded to LS) and explore possible ways to cooperate in the framework of the current letter of understanding dated 1 October 2015.

2. **Summary of the meeting**

The meeting took place in two sessions: the first with LS and CAU and the second with the IT desk (with a CAU representative present during both parts). The following points were mentioned during the meeting:

- **The EUNAVFOR-MED delegation presented the aim of operation SOPHIA** (disrupt human smuggling and trafficking networks in the Mediterranean) and the state of play. Phase 1 of the operation aimed at intelligence gathering and was finished in October 2015. In phase 2a (currently ongoing), EUNAVFOR MED is authorised to conduct boarding, search, seizure and diversion, on the high seas, of vessels suspected of being used for human smuggling or trafficking. This phase is presenting some challenges, as no traffickers/smugglers now operate in international waters. They let migrants by themselves on the boat to be rescued by the naval forces deployed just outside Libyan territorial waters. For this reason, a phase 2b is expected whereby the operation will be enabled to operate in Libyan waters. A legal basis is currently sought to apprehend smugglers directly in Libya waters.

- **Cooperation with partners.** The EUNAVFOR-MED delegation is currently producing intelligence reports and collecting information, which could be of investigative interest. For this reason they are cooperating with Europol and will receive a mobile office with SIENA access. A good cooperation has also been established with Direzione Nazionale Antimafia (DNA) with the signing of guidelines for cooperation and exchange of information in October 2015.
It is important to note that so far the cases relying on information/evidence collected in such circumstances have not yet reached the stage of proceedings where the admissibility of evidence may be challenged. This could affect domestic prosecutions as well as judicial cooperation re cases of illegal immigrant smuggling.

Scope of cooperation with Eurojust. The Italian desk representatives, CAI and LS briefly outlined the recent activities carried out at Eurojust (TG on Illegal Immigrant Smuggling and Tactical Meeting on 4-5 February). Some statistics on Eurojust casework were provided. The issue of exchange of personal data with Eurojust was raised. Eurojust participants explained that, while the Letter of Understanding in force is clear in permitting only the exchange of strategic information, operational data could be exchanged via the IT Prosecutors in Hotspot of Catania, DNA and, subsequently, the IT National Desk at Eurojust. However, the challenge remains how to use the information collected at intelligence level in a judiciary proceeding. Some examples were mentioned to illustrate the current problem. At a more strategic level, the EUNAVFOR-MED delegation saw added value in being in contact with Eurojust to receive advice on some of the issues that may arise if the Operation goes on to Phase 2b. In particular, they expect to face problems of jurisdiction regarding the apprehended smugglers. A summary of all the expected legal issues is being elaborated and will be sent to the Italian desk. On the other hand, EUNAVFOR-MED can provide some useful strategic information on modus operandi, which could be of use when targeting the criminal networks in ongoing investigations.

3. Next steps
All participants to the meeting agreed that, subject to the TG on Illegal Immigrants Smuggling and the College’s consideration, EUNAVFOR MED could be invited to participate to College Plenary Meeting so as to present their mandate, activities, potential and added value.