1. **Introduction**

This report presents the main issues discussed during the meeting which took place on 1 March 2017 between Eurojust and EUNAVFOR MED at the Eurojust’s premises.

2. **Executive summary**

- This is the third time Eurojust and EUNAVFOR MED met to discuss possible ways to foster their strategic cooperation in light of the applicable legal framework;
- EUNAVFOR MED gave a presentation of its core mandate and the state of play of its activities, which are still carried out in international waters;
- EUNAVFOR MED is also engaged in supporting tasks, including capacity building and training of Libyan Costal Guard and Navy, as well as contributing to information sharing and implementation of the UN arms embargo on the high seas off the Libyan coast;

- When discussing cooperation with Eurojust, and the possibility for Eurojust to be actively involved in the Project “European Observatory on Human Traffickers and Migrant Smugglers”, it was clarified that our legal framework does not permit the exchange of personal data and case related information with EUNAVFOR MED. However, the exchange of strategic information on IIS cases which might have operational value is permitted and should be encouraged. Eurojust also underlined that relevant information from EUNAVFOR MED could be channeled either via National Desks (from competent national authorities) or from Europol.

- At the end of the meeting, Eurojust suggested a number of follow up activities, including a round-table in Catania to discuss on concrete issues that might lead to more effective
investigations and prosecutions, as well as inviting EUNAVFOR MED at the next Eurojust Strategic Meeting of 15 June to promote a better awareness by judicial authorities of its mandate and tasks.

3. **Meeting report**

opened the meeting with a presentation about the current state of play of EUNAVFOR MED Operations Sophia.

Operation Sophia is one element of a broader EU comprehensive response to the migration issue, which seeks to address not only its physical component, but also the root causes of migration flows.

The mission’s core mandate is to undertake systematic efforts to identify, capture and dispose of vessels and enabling assets used, or suspected of being used, by migrant smugglers or traffickers, in order to contribute to wider EU efforts to disrupt the business model of human smuggling and trafficking networks in the Southern Central Mediterranean and prevent the further loss of life at sea. The Operation has entered ‘phase 2’, which entails boarding, search, seizure and diversion, in international waters, of vessels suspected of being used for human smuggling or trafficking. Even though search and rescue is not part of its core mandate, Operation Sophia has a legal responsibility under international law to save lives endangered at sea. As of today, around 33,746 people have been saved.

underlined the importance of having the right legal framework to act, with a view to ensuring that there will be an appropriate judicial follow up to the military and judicial activities currently carried out by EUNAVFOR MED.

In this respect, she informed participants that Eurojust already started to exchange views with the ICC on how to further step up cooperation in relation to smuggling and terrorism cases. Furthermore, she also reported that last October Libya appointed as the Eurojust Contact Point to facilitate judicial cooperation between Member States and Libya.

All participants agreed that there is a need to look at short-medium-long term solutions which might be available.
In an effort to develop an effective multi-disciplinary response to the phenomenon, EUNAVFOR MED has started a dialogue with a number of stakeholders, including NGOs, to identify and propose solutions to common issues and challenges.

EUNAVFOR MED is also engaged in two supporting tasks, which are the capacity building and training of the Libyan Navy Coastguard and the contribution to information sharing and implementation of the UN arms embargo on the High Seas off the coast of Libya.

With regards to the training, since October 2016 EUNAVFOR MED is involved in capacity building and training of the Libyan Coastguard and Navy to enhance their capability to perform coastguard functions and improve their ability to perform search and rescue activities in territorial waters.
EUNAVFOR MED has already trained 89 coast guard trainees (among which three crews of Patrol Boats), and plans to train more in the future (possibly up to 500) at sea and ashore. This has been so far a very successful initiative, which has also helped to build confidence and increase trust.

With regards to the implementation of the arms embargo, this activity started in September 2016 and is based on UNSC Resolution 2292(2016). The latter, amongst the others, authorizes EUNAVFOR MED to board, inspect, divert suspect vessels on the high seas, provided that the consent of the vessel’s flag state is obtained, or good faith efforts have been made to obtain such consent; and authorize seizure and disposal of weapons and related material. In this way, EUNAVFOR MED aims to contribute to broadening security in Libya by supporting national authorities in establishing stability and governance, which in turn should bring to a reduction of illicit traffics (including migrant smuggling and human trafficking).

gave a very brief presentation of the Project “European Observatory on Human Traffickers and Migrant Smugglers” which seeks the involvement of all key players in this field, such as Frontex, Europol and Eurojust. One of the aims of the observatory is to promote an exchange of information amongst all relevant stakeholders to foster intelligence analysis and criminal investigations.

agreed on the importance of fostering a multidisciplinary approach to fight this heinous crime, with all relevant actors playing their role in accordance with their mandate and legal possibilities. With regards to the Observatory, she stressed the vital importance of involving in primis national authorities. In this respect, she explained how the Eurojust’s mandate and legal framework excludes the possibility of exchanging case-related information and personal data with EUNAVFOR MED. However, relevant information channeled to Europol by EUNAVFOR MED might then be transferred by Europol to Eurojust, thanks to our cooperation agreement.

They also have a Europol mobile office in their vessels and a SIENA connection to share information in a secure environment.

also stressed the close relationship between Eurojust and Frontex, which is confirmed by our involvement in the RTF in Catania and Lesbos with dedicated judicial contact points.

Eurojust stressed that the final aim is to ensure a proper judicial follow up to criminal investigations and bring OCGs to justice.
4. **Meeting conclusions and way forward**

At the end of the meeting the following conclusions were reached:

1. Even though it is not possible for Eurojust to share with EUNAVFOR MED case related information and/or personal data in light of the applicable legal framework, Eurojust will share strategic information on smuggling cases which might have operational value.

2. On the other hand, information gathered by EUNAVFOR MED and which might need judicial follow up at EU level can be sent either to Eurojust National Desks via competent national authorities or directly from Europol;

3. At this stage Eurojust cannot actively participate in the activities of the Observatory Project, but it will follow with interest its progresses and a possible participation might be considered at a later stage;

4. Suggested organizing a round-table discussion with the participation of all competent national authorities present in the Italian hotspot in Catania (in particular, Frontex, EASO, Europol, EUNAVFOR MED with representatives from the DNA and the Prosecutor Office in Catania) to brainstorm on concrete issues that might lead to more effective investigations and prosecutions of OCGs in charge of smuggling activities.

5. To promote a better awareness by judicial authorities of EUNAVFOR MED’s mandate and activities and to build mutual trust, will liaise with the to suggest EUNAVFOR MED’s participation in the next Eurojust Strategic Seminar of 15 June 2017.

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2 The was consulted on 2 March and agreed on EUNAVFOR MED’s participation in the strategic meeting of 15 June 2017. EUNAVFOR MED delegation has already been informed and a formal invitation and save the date message will soon be sent.