

Issue in focus number 1

“Cross-border controlled deliveries from a judicial perspective”

1. Introduction

This Issue in focus provided brief background information for the discussions during Workshop No. 1 “Cross-border controlled deliveries from a judicial perspective” in the context of the strategic meeting on drug trafficking held by Eurojust on 29 and 30 September 2014.

Following a short explanation of the reasons for the selection of this topic and the methods followed to prepare the background information (Section 2), this paper is structured into two main sections focusing on:

- **Section 3** - Analysis of the replies to the **questionnaire on controlled deliveries to all Member States** and Norway to identify main issues encountered in judicial cooperation in this field and to gather the views of the national authorities on the role played by Eurojust and Europol in controlled deliveries
- **Section 4** - Analysis of the replies to a **question asked of all Eurojust National Members** to establish whether they have exercised their powers to authorise and coordinate controlled deliveries in accordance with Articles 9c(1)(d) and 9d(a) of the Eurojust Decision.

Additionally, the **Annex** to this Issue in focus includes a table that was drafted by collating selected information from the replies to the questionnaires and by information available from other sources (Europol, the EMCDDA and the EJN). This compendium covers two main areas:

- Whether a Mutual Legal Assistance (MLA) request is required (before or after the controlled delivery);
- Which authority should be contacted (central or not).

The potential usefulness of this work was discussed by the practitioners participating in the strategic meeting and further validated after the strategic meeting in view of its distribution among interested practitioners.

2. Background, scope and methods

The Implementation Report concluded that Eurojust has limited experience as regards the involvement of its National Members in authorising and coordinating controlled deliveries. On 28 January 2014, the College of Eurojust considered the findings of the Implementation Report and decided that Eurojust should identify methods of increasing assistance to Member States in the area of controlled deliveries, in particular by gathering and disseminating best practice and obstacles in judicial cooperation in this area. As a consequence, on 18 March 2014, Eurojust circulated the two questionnaires mentioned above, the replies of which are analysed in the following two sections.

Further efforts were made to elaborate a practical compendium from the replies to the questionnaires and the available sources (see Annex) that could be used by prosecutors to facilitate cases of cross-border controlled deliveries.

Speaker Identification A Judicial Perspective

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