

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

WJ Hussar



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Table of Contents Speaker Identification A Judicial Perspective

1. Understanding the eBook Speaker Identification A Judicial Perspective
 - The Rise of Digital Reading Speaker Identification A Judicial Perspective
 - Advantages of eBooks Over Traditional Books
2. Identifying Speaker Identification A Judicial Perspective
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Speaker Identification A Judicial Perspective
 - User-Friendly Interface
4. Exploring eBook Recommendations from Speaker Identification A Judicial Perspective
 - Personalized Recommendations
 - Speaker Identification A Judicial Perspective User Reviews and Ratings
 - Speaker Identification A Judicial Perspective and Bestseller Lists
5. Accessing Speaker Identification A Judicial Perspective Free and Paid eBooks
 - Speaker Identification A Judicial Perspective Public Domain eBooks
 - Speaker Identification A Judicial Perspective eBook Subscription Services

- Speaker Identification A Judicial Perspective Budget-Friendly Options
- 6. Navigating Speaker Identification A Judicial Perspective eBook Formats
 - ePub, PDF, MOBI, and More
 - Speaker Identification A Judicial Perspective Compatibility with Devices
 - Speaker Identification A Judicial Perspective Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Speaker Identification A Judicial Perspective
 - Highlighting and Note-Taking Speaker Identification A Judicial Perspective
 - Interactive Elements Speaker Identification A Judicial Perspective
- 8. Staying Engaged with Speaker Identification A Judicial Perspective
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Speaker Identification A Judicial Perspective
- 9. Balancing eBooks and Physical Books Speaker Identification A Judicial Perspective
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Speaker Identification A Judicial Perspective
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Speaker Identification A Judicial Perspective
 - Setting Reading Goals Speaker Identification A Judicial Perspective
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Speaker Identification A Judicial Perspective
 - Fact-Checking eBook Content of Speaker Identification A Judicial Perspective
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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