

VISEGRAD DECLARATION

OF THE PROSECUTORS GENERAL OF
THE VISEGRAD GROUP MEMBER STATES

SEPTEMBER 4, 2018

1. The Establishment of the European Public Prosecutor's Office

The Prosecutors General of the Visegrad Group Member States still follow with interest the creation of the European Public Prosecutor's Office as an institution serving the enhanced protection of the financial interests of the European Union. At the same time, they declare, that establishing the European Public Prosecutor's Office, on the one hand, should not weaken the already existing and well operating institutions of the international judicial cooperation, but on the other hand, they acknowledge that there are several questions which are still waiting to be answered.

The Prosecutors General of the Visegrad Group Member States emphasise that complementarity and synergy are key aims of activity of all involved persons, including Eurojust while combating criminal activities against the financial interests of the European Union. Therefore they support the conclusion of cooperation agreements between the European Public Prosecutor's Office and the European Union agencies (in particular Eurojust). These agreements they consider to be useful, particularly in terms of reaching agreement on details of their cooperation. Avoiding duplicity in activities should ensure mutually beneficial cooperation.

They deem it highly necessary to support and keep the operation and capacity of Eurojust intact, having particular regard to the fact that Eurojust plays a central role in the cooperation in criminal matters falling outside of the competence of the European Public Prosecutor's Office.

The Prosecutors General of the Visegrad Group Members States encourage the European Public Prosecutor's Office and the Member States of the European Union which do not participate in the European Public Prosecutor's Office to find a way of cooperation which complies with the fundamental principles of the European Union, the common objectives of judicial authorities and the constitutional principles of the Member States.

2. The Fight against Terrorism

The Prosecutors General of the Visegrad Group Member States are aware of the danger the newly appeared payment instruments and techniques, e.g. virtual payment instruments ensuring anonymity and the use of prepaid cards impose. Therefore, they take actions by using all possible tools of the judicial cooperation to prevent the above instruments and techniques from serving illegal and terrorist purposes.

For the purpose of successful detection they establish the closest cooperation in the field of sharing financial and communication information with and among each other. They enhance and facilitate the contact keeping of financial information units and law enforcement bodies between each other as well as with judicial authorities by all available tools.

The Prosecutors General of the Visegrad Group Member States in this area particularly appreciate the potential of harmonization on the basis of the Directive on Combating Fraud and Counterfeiting of non-cash Means of Payment and the 4th AML Directive and its amendment that is being currently prepared.

The Prosecutors General of the Visegrad Group Member States keep in mind that the undercover instruments which can serve as irreplaceable evidence for these criminal offences in the course of criminal proceedings have key importance in preventing and avoiding terrorist activities. The Prosecutors General of the Visegrad Group Member States are committed to judicial cooperation relating to the common application of undercover instruments, and they respect each other's needs regarding the use and admissibility of the evidence obtained by these instruments.

The Prosecutors General of the Visegrad Group Member States consider the detection, freezing and confiscation of assets and sources which are intended to support terrorism as a priority objective. In this context, they express their intention to apply the legal tools used for the securing and confiscation of assets in the widest possible way. The Prosecutors General of the Visegrad Group Member States also draw attention to the importance of proper coordination

between Financial Intelligence Units, police and judicial authorities as far as tracing and seizure of assets deriving from this kind of criminality is concerned.

They continue to emphasize specialization in the fight against terrorism and the training of experts working in this field. They welcome and support strengthening the network-type based, quick and direct information flow and communication between prosecutors working in the field of fighting against terrorism and members of law enforcement bodies.

3. The Fight against Cybercrime

The Prosecutors General of the Visegrad Group Member States, following the activities and conclusions of the 11th and 12th Consultative Forum of Prosecutors General, taking into account conclusions of the Council of the European Union in the field of cybercrime, results of the 7th round of mutual evaluations of the Member States of the European Union, results of the impact study of the Commission and the drafts of legislative acts on the provision of electronic evidences, declare their determination to pay special, increased and joint attention to all forms of cybercrime. In this context, they give priority to attacks against information systems which are parts of critical infrastructures, attacks against information systems made by criminal organizations, cybercrimes against intellectual property as well as to fight against child pornography on the internet, blackmail and ransomware attacks and the misuse of darknet and virtual names for criminal activity.

The effective fight against cybercrime requires a new approach from prosecutors which can keep pace with the rapid development of information technology and is familiar with technological innovations used by criminals. Close cooperation with law enforcement authorities and IT experts, sharing best practices and continuous training are essential preconditions of success and efficiency.

In this respect, Prosecutors General of the Visegrad Group Member States appreciate the importance of the European Judicial Cybercrime Network (EJCN). In order to increase its practical contribution to the prosecution authorities, they expect a sufficient support for its operation from the authorities of the European Union. At the same time they wish to deepen the cooperation of national networks of prosecutors to fight cybercrime, which will allow a better understanding of the problems of judicial authorities in this field in the states of the Visegrad Group.

The Prosecutors General of the Visegrad Group Member States express their readiness to ensure that evidence necessary for the identification of users and for making internet contents inaccessible are shared for the purpose of taking effective actions against cybercrimes as well as

for the purpose of a timely international cooperation between each other and with other EU Members States. They do this by respecting the Budapest Convention on Cybercrime (2001) and Directive 2013/40/EU of the European Parliament and of the Council of 12 August 2013 on attacks against information systems.