The Challenges of International Cooperation in Criminal Proceedings in the Light of Harmonization of E.U. Law and States' National Law

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Abstract:

Current issues and realities of the European Union legislation development related to international cooperation in criminal proceedings are analyzed in the article. The content of the European Union competence, its scope while regulating the judicial and police cooperation is revealed.

The authors, in accordance with the currently existing legal provisions, legislative ideas and the prevailing practice of legal cooperation in criminal matters, ask if one of the segments of international cooperation in criminal proceedings – free movement of evidence – corresponds to the initial ideas of the so-called cornerstone - mutual recognition, or, however, the current issues force to admit that this segment is still in search – discovery-search stage.

This Article draws attention to the fact that in reality the harmonisation process of the European Union law and the Member State national law is not as smooth as it is intended to demonstrate in program provisions, declarations and legislative initiatives.

Keywords*: Judicial and police cooperation, principle of mutual recognition, principle of subsidiarity, competence in criminal proceedings.*

1. Principal issues of European Union law and national law harmonisation, regarding international cooperation in criminal proceedings

The context of criminal justice, relationships between European Union member states are viewed as one of the elements in the process of Europeanisation, which makes

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us think of ways to turn this element into an effective and productive tool aimed at strengthening the human rights protection mechanism. The recent dynamic Europeanisation of criminal justice became an object of scientific discussions. It is often viewed apologetically and is highly criticized for the efforts to harmonise and simplify the criminal proceedings of the European Union member states by choosing the quickest and most effective way to achieve the goal.

Establishment of the European Union (hereinafter – EU) and its further growth reveals the development of its regulated areas and competence. The significance of the legislation adopted by the EU institutions and the significance of the decisions made by the Court of Justice of the European Union (hereinafter – the Court of Justice), which explains this legislation, is undeniable for the Member States. It complements the national legal regulation of the Member States. Consequently, over time the criminal justice got into the range of many areas, which are regulated by EU. On the one hand, the aim of coordinating of the sphere, which exclusively belongs to the national law, has the negative shade, on the other hand, in the absence of regulation of the unified international cooperation, investigations of criminal cases with an international element would stagnate.

All these issues are becoming more important as the increasing need to regulate the quite sensitive assessed area of law is observed. Although Member States have provided the EU institutions the right to adopt the legislation, which is binding for Member States and thereby have limited their sovereign rights in certain areas, Member States seek as much as possible to maintain their traditions, culture and national identity.

1.1. General overview of the mechanisms for international cooperation in criminal proceedings under the EU legal regulation context: free movement of evidence

The origins of the EU can be seen from the foundation of the European Coal and Steel Community. The primary reason for creating of the European Coal and Steel Community was cooperation and acting collectively in the economic and social fields. These objectives are declared in the Treaty establishing the European Coal and Steel Community of 18th April 1951. This Treaty is considered to be the significant impulse towards European integration. The purpose of the Treaty establishing the European Economic Community and the Treaty establishing the European Atomic Energy Community, which were signed in Rome on 25th March 1957, was to create the common market, based on freedom of movement of goods, people, the capital and services.

As regards the basics of the criminal justice in the EU, it is indispensable to mention the European Union, i.e. the Maastricht Treaty of 7th February 1992, which was not limited to the incentive of harmonious and sustainable economic and social progress, but the discussion was started about implementation of common foreign and security policy, judicial and police cooperation in criminal proceedings while preventing and combating terrorism, trade of illicit drugs and other complicated forms of international crime. The three-pillar system according to which the EU acted was created by this Treaty. It is clear that the outline of the Community changed while expanding the regulatory spheres, incorporating criminal justice issues. At that time such a step was considered as a very big achievement

According to the Treaty of Amsterdam of 2nd February 1997, even more ambitious objective was raised – to create conditions for the free movement of persons while ensuring safety and security of the nations in accordance with the provisions of this agreement creating space of freedom, security and justice. This agreement is significant also because the third pillar has been called the basis of judicial and police cooperation in criminal proceedings after this agreement. Thus, the EU's intentions to take practical actions aligning Member States' criminal justice have gained momentum.

The absence of the border control of the EU countries facilitated the free movement of people and capital, meanwhile possibilities for criminals to act more freely across borders were extended. This meant that the same criminal offence could be done in the territory of several states, the citizens of several states could do the offence, the data, which are significant for investigation of the offence could be gathered in the jurisdiction of different countries and justice[3]. It is obvious that when the international element is in the criminal case, it is inevitable that one state delivers various requests for legal assistance to the other foreign state[4] in order that the implemented criminal proceeding would not get into the situation with no way out (lat. – *faucibus premor*).

So, when the emerging threats were realized, the measures were taken to implement the objective to cooperate effectively and efficiently during investigation of criminal cases. Of course, such cooperation was possible only by recognizing the principles of mutual assistance and mutual recognition. The latter principle is considered to be the cornerstone of international cooperation during investigation of criminal cases.

Measures, which are based on the principle of mutual legal assistance, are reflected in the European Convention on Mutual Assistance in Criminal Matters[5], also in the Schengen Agreement[6], which complements it[7]. Meanwhile elements of mutual recognition could be seen even from the European Council's meeting in Tampere, 1999, during which the objectives were raised for assurance that the international cooperation in the fight against crime among the EU Member States, would be based on the mutual recognition principle as the foundation implementing the Community and the Member States' interests. The ideas, which initially sounded as the ideological ideas, gained momentum and the Council adopted a Programme of Measures to Implement the Principle of Mutual Recognition in Criminal Matters in 2001[8]. Ensuring that the evidence

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[3] Belevičius, L. Tarptautinis teisinis bendradarbiavimas ir Europos Sąjungos baudžiamasis procesas: aktualijos, perspektyvos, lūkesčiai. *Baudžiamojo proceso tarptautiškumas: patirtis ir iššūkiai*. Mokslo studija. 2013 01 170*

[4] Jurka, R. Tarptautinis bendradarbiavimas baudžiamajame procese: įrodymai ir jų priimtinumas Europos Sąjungoje. *Baudžiamasis procesas: nuo teorijos iki įrodinėjimo (prof. dr. Eugenijaus Palskio atminimui)*. Vilnius Mykolo Romerio universitetas, 2011, p. 89-128.

[5] European Convention on Mutual Assistance in Criminal Matters of 20 April 1959. at: https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016800656ce

[6] Convention Implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic, on the Gradual Abolition of Checks at their Common Borders. Available at: http://www.refworld.org/docid/3ae6b38a20.html

[7] Convention established by the Council in accordance with Article 34 of the Treaty on European Union, on Mutual Assistance in Criminal Matters between the Member States of the European Union, 29 May 2000. Available at: http://eur-lex.europa.eu/legal-content/LT/TXT/?uri=CELEX%3A42000 A0712(01)

[8] The programme of measures to implement the principle of mutual recognition of criminal decisions envisaged in point 37 of the Tampere European Council Conclusions and adopted by the Council on 30 November 2000. *Official Journal C 12 E, 15/1/2001 P. 10*.

would be acceptable, prevention of their destruction, facilitation of the execution of search and seizure, the quick use of evidence in the criminal case were provided in this programme.

On the 13th of June, 2002 there were adopted Council Framework Decision 2002/584/JHA on the European arrest warrant and the surrender procedures between Member States also 22nd July 2003 Council Framework Decision 2003/577/JHA on the execution in the European Union of orders freezing property or evidence[9], the main purpose of which was to secure evidence and confiscate property, which is easily movable, also, transfer the evidence to the other Member States. The subsequent documents of the EU fostered the international cooperation. Namely, it is pointed out in the paragraph of the judicial cooperation in criminal proceedings of the Hague Programme[10], 2005, that the further improvement of the judicial cooperation in criminal proceedings is essential for foresight of adequate further activities of law enforcement authorities of the Member States and Europol investigation. Also, the attention to the mutual recognition is emphasized, affirming, that the detailed program of the measures, which are designed to implement the mutual recognition principle of judicial decisions in criminal matters, that includes the judicial decisions in all stages of criminal procedure or otherwise related with these processes, for example, the evidence collection, the adequacy, collision of jurisdictions and *ne bis in idem* principle[11] and the execution of final sentences of imprisonment or other (alternative) sanctions, should be finished and the attention should be paid to the additional offers of this area.

Council Framework Decision on the European evidence warrant for the purpose of obtaining objects, documents and data for use in proceedings in criminal matters was adopted on 18th December 2008[12] (hereinafter – EEW). Although the EEW regulation opened the way for free movement of evidence among the EU states, however, at the same time, restrictions, which do not ensure the thorough international cooperation, are specified. It is visible from the content of the EEW mechanism, that the EEW is issued only for obtaining existing collected evidences, which are in the executing State. The latter order has become an obstacle to the collection of new evidences that are not collected in the executing State.

Seeing the EEW mechanism shortcomings, the European Council adopted the Stockholm Programme[13] on 11th December 2009, which declared the objective to

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[9] Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence. *Official Journal L 196, 02/08/2003 P. 0045-0055.* Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32003F0577

[10] The Hague programme: strengthening freedom, security and justice in the European Union. Official Journal 2005/C 53/01. Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri= CELEX:5 2005XG0303(01)

[11] The *ne bis in idem* principle is often viewed as a prohibition to impose a repeated punishment for the same crime, also as a prohibition to initiate repeated criminal prosecution for the same crime or all of the above prohibitions in their entirety. The *ne bis in idem* principle is found in *Lex Talionis*. It has never been forgotten within the framework of the European Union criminal justice and is gradually gaining in importance.

[12]Council Framework Decision 2008/978/JHA of 18 December 2008 on the European evidence warrant for the purpose of obtaining objects, documents and data for use in proceedings in criminal matters. Official Journal 2005/C 350/72. Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32003F0577

[13] The Stocholm Programme – An open secure Europe serving and protecting citizens. Available at: http://eur-lex.europa.eu/legal-content/LT/TXT/PDF/?uri= CELEX:52010 XG0504 (01)&from=EN.

optimise the admissibility of the evidence in criminal proceedings, which take place in the EU Member States. The shortcomings, which were mentioned above, are taken into consideration, one of the shortcomings was the negative attitude of the States to the unconditional application of the mutual recognition principle. Feeling such concerns of the States, the European Council promotes mutual trust, calls for all necessary measures that the measures, which were agreed on the European level, would be moved into the national law. Of course, the shortcomings are specified in the program too, suggesting that the current legislation does not create a unified system. The attention is drawn to the fact that "A new approach is needed, based on the principle of mutual recognition but also taking into account the flexibility of the traditional system of mutual legal assistance. This new model could have a broader scope and should cover as many types of evidence as possible, taking account of the measures concerned"[14]. In this way, the European Council called for the detailed, comprehensive system, which would essentially replace the legal instruments, that are used in this area, including the European arrest warrant and the EEW, include more types of evidence, as it is possible, consolidate the deadlines of implementation and the basics of non-recognition and non-enforcement would be sufficiently limited.

Soon afterwards, i.e. on 23rd June 2010 the group of European Union Member States – Austria, Belgium, Bulgaria, Estonia, Spain, Slovenia and Sweden presented to the European Council the initiative regarding the European Parliament and the Council directive for the European Investigation Order in the criminal matters[15]. The uniqueness of this initiative was that it was oriented not only for obtaining of evidence, which were collected in advance in other Member States but for performing the steps in finding, collecting and obtaining evidence. Using the tools that are offered by this initiative, it is aimed to break the deadlock, when many documents create the fragmented application of the mutual recognition principle, setting such objectives: to accelerate the procedure, ensure the admissibility of evidence, simplify the procedure, maintain a high security level of fundamental rights (especially procedural rights), reduce financial costs, increase mutual trust of the Member States, intensify their cooperation and maintain features of legal culture of the national systems and the Member States. According to this initiative, it was offered to replace all existing documents using "the European Investigation Order", which would be applied to all types of evidence.

It seems that the objective for achieving that international cooperation would be more efficient and faster, becomes more and more realistic. The European Parliament and the Council adopted the Directive 2014/41/EU regarding the European Investigation Order (hereinafter EIO) in the criminal proceedings on 3rd April 2014[16]. The advantage of this Directive is that rules are set for execution of the investigation tool on the purpose of collection of the evidences in all stages of the criminal procedure, including the stage of the course of the proceeding. *Inter alia*, this Directive provides perhaps the most important thing for international cooperation that EIO should be issued for execution of one or several specific investigative measures in the state, which

[14] The Stocholm Programme, *supra* note 16, 3.1.1 p.

[15] Proposal for a Council Directive regarding the European Investigation Order in criminal matters detailed statement. Available at: http://www.statewatch.org/news/2010/jun/eu-coucil-investigation-order-det-statement-9288-add2-10.pdf

[16] Directive 2014/41/EU of The European Parliament and of The Council of 3 April 2014 regarding the European Investigation Order in criminal matters. Available at: http://eur-lex.europa.eu/legal-content/LT/TXT/?qid=1408184536208&uri=CELEX:32014L0041

implements EIO, in order to collect evidence. It should be added that obtaining of the evidence, which have already been received by the executing authority, is included. It is declared in the Directive that the majority of the attention should be paid to enforceable investigation instrument in the EIO. However, the prerogative is left for the issuing authority to decide by itself, what investigation measure should be applied.

So, although the adopted provisions of the directive raise many controversial questions, which should be discussed more widely, the significance of this document to the international cooperation is undeniable. It can be stated that the adopted document requires a lot of efforts of the Member States in order that aims and objectives, which are stated in it, would become the efficient practice. This document must be transposed into national law compulsorily until 22nd May 2017, transferring to the Commission the text of the provisions, according to which the obligations imposed under this Directive are transposed to the national law.

It is clear that the initial objectives, which formed during the course of the operation of the European Union for the efficient, smooth and productive cooperation while investigating the criminal matters, become a reality. However, such reality forces to think about how far and how deep these areas can be "controlled" by the European Union.

2. The challenges for legal regulation of judicial and police international cooperation

The EU Member States are increasingly concerned about the EU initiatives, which extend regulation in the area of judicial and police cooperation. The former third pillar was not distinguished by the supranational principle in the area of judicial and police cooperation in criminal proceedings. This means that this pillar was based on cross-border cooperation. The fundamental objective of this cooperation – to make decisions by consensus of the institutions, which represent the Member States. The decisions could not be taken by a majority of votes while resolving issues which have been assigned to this pillar. Instead, coordination, cooperation and consultation principles have been applied for resolving of the third pillar's issues.

The situation has changed over time. The EU competence in the area of the criminal procedure law gradually expanded. For example, in Part 1 of Article 5 of the EU Treaty it is pointed out that the establishment of spheres of competence of the Union is based on the principle of conferral. It means that the Union shall act only within the limits of competence, which was conferred by the Member States achieving the objectives, which were stated in the Treaties. All competence, which is not conferred to the Union in the Treaties, is controlled by Member States. However, it is to be noted that implementation of the Union competence is based on subsidiarity and proportionality principles. For this very reason the subsidiarity principle is derived considering "the principle of conferral", i.e. it can be applied only in such case, when the EU has the competence to act in the respective area[17].

The principle of proportionality is of particular importance, when the EU institutions decide to take one or another decision in a particular area. In this case, it is

[17] Report from The Commission annual report 2013 on subsidiarity and proportionality. Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52014DC0506

necessary to evaluate if the content and the form of it do not exceed the issues, which are necessary to achieve the objectives of the Treaties. So, for evaluation whether those principles actually work in the area of judicial and police cooperation, it is necessary to reveal the regulation of this area.

As it is stated in the Article 82 of Treaty on the Functioning of the European Union, judicial cooperation in criminal matters in the Union shall be based on the principle of mutual recognition of judgments and judicial decisions and shall include the approximation of the laws and regulations of the Member States in the areas referred to in Paragraph 2 and in Article 83. The Paragraph 2 of current Article states, that to the extent necessary to facilitate mutual recognition of judgments and judicial decisions and police and judicial cooperation in criminal matters having a cross-border dimension, the European Parliament and the Council may, by means of directives adopted in accordance with the ordinary legislative procedure, establish minimum rules. Such rules shall take into account the differences between the legal traditions and systems of the Member States. They shall concern: (a) mutual admissibility of evidence between Member States; (b) the rights of individuals in criminal procedure; (c) the rights of victims of crime; (d) any other specific aspects of criminal procedure which the Council has identified in advance by a decision; for the adoption of such a decision, the Council shall act unanimously after obtaining the consent of the European Parliament.

As can be seen above, the list of issues, which can be influenced by the EU is not finished, so, if the need arises, minimum rules can be set for the issues, which are not defined in the Treaty regarding actions of the EU. But still it is provided that the acceptance of the minimum rules in the scope of above mentioned issues does not prevent from maintenance or instituting higher-level protection of persons by the States Members. This shows that the possibility is left for the States Members to provide higher standards of the protection of individuals in their national law.

Treaty on the Functioning of the European Union is not limiting only on judicial cooperation. Article 87 Paragraph 1 of this Treaty states, that the Union shall establish police cooperation involving all the Member States' competent authorities, including police, customs and other specialised law enforcement services in relation to the prevention, detection and investigation of criminal offences. For implementing this provision it is stated, that the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may establish measures concerning: (a) the collection, storage, processing, analysis and exchange of relevant information; (b) support for the training of staff, and cooperation on the exchange of staff, on equipment and on research into crime-detection; (c) common investigative techniques in relation to the detection of serious forms of organised crime. By the way, Paragraph 3 of current Article states, that the Council, acting in accordance with a special legislative procedure, may establish measures concerning operational cooperation between the authorities referred to in this Article. The Council shall act unanimously after consulting the European Parliament.

Subsidiarity and proportionality principles in the discussed scope of EU legal provisions create an illusory image. It is determined by the certain ambiguity of legal provisions. For example, since the area of freedom, security and justice depends on shared competence[18], the subsidiarity principle is valid, this principle provides the right

[18] Treaty on the Functioning of the European Union, the 26th, October, 2012, OJ, C 326, 26/10/2012, p. 53.

of the States Members to act in the areas of that competence, if they manage to perform it independently. Meanwhile, the EU starts to act only in case when the States Members cannot achieve the objectives of the intended action properly on the central, regional and local level and on the Union level regarding the extent of the intended action or the impact the objectives could be achieved better.

So the question arises if the EU must take measures and regulate, harmonise one or the other areas especially judicial and police cooperation? Although the guidelines what should be assessed for regulation of the issues of the certain area are specified in Article 5 of the Protocol No 2 of the EU Treaty, they are only of evaluative nature. It can be said, that when the EU expresses concern about the particular matter, it is presumed, that the states cannot adjust their own legal systems and the EU starts acting in accordance with the same principle of subsidiarity. It is obvious that Member States have quite limited possibilities to oppose to the initiated legislative processes. The jurisprudence of the Court of Justice indicates it. In one of the brand new cases[19] the Court of Justice has stated, that „It follows that the principle of subsidiarity cannot have the effect of rendering an EU measure invalid because of the particular situation of a Member State, even if it is more advanced than others in terms of an objective pursued by the EU legislature, where, as in the present case, the legislature has concluded on the basis of detailed evidence and without committing any error of assessment that the general interests of the European Union could be better served by action at that level." Although this case was not related to the judicial and police cooperation, from this case it is possible to judge about the common EU position regarding its competence limits.

The EU tone is not so strict in the area of the judicial and police cooperation in criminal matters. Rather, this tone is limited. The EU expands the competence in this area with caution, i.e. it tries to indoctrinate the aforementioned mutual recognition principle. The latter principle is considered to be the foundation of all pursued effective cooperation in criminal matters. However, this principle becomes only, at best, a dream, at worst - a nightmare. The question arises, if this principle really enhances mutual confidence between Member States? Confidence in this case consists in the fact, that when the requesting Member State submits the application for information provision, data collection and presentation, the executing State would not doubt the legitimacy of such request. The executing State, completely trusting the legal system of the requesting State, eventually the judges, should refuse even to perform such control of the request. Meanwhile, upon receipt of information from a foreign country, the question regarding legality and permissibility of receiving of this information should not arise. Thus, mutual trust is implemented in the case, when the states assess the information, which is gathered in its state or in the foreign country equally, substantially as uniformly legitimate.

Mutual recognition as a way to overcome conflicts of exercise of jurisdiction in criminal proceedings that are simultaneously ongoing in several member states is to be viewed as a way to affect the national law and as a feature characteristic of the European Community and recognised to be a cornerstone of judicial cooperation that stipulates an important shift towards a more flexible legal regulation. The science of European criminal justice says that the principle of mutual recognition on the European Union level is characterised by the fact that it enables court decisions in criminal cases to be directly enforced throughout the Community. Mutual recognition enables to believe that

[19] Judgment of the Court of Justice of the EC of 18 June 2015, case C-508/13, para 54.

there is no need to adapt the final decision of the national court of the member state that passed it to the national laws of the member state which will recognise and enforce it[20]. Scientific literature also says that the origins of mutual recognition stem from the development of the Community's internal market, especially with the decision of the European Union Court of Justice in the case of *Cassis de Dijon* dealing with the *free movement of goods* within the Community. The court said that mutual recognition is perceived as one of the key regulatory principles of the Community law ensuring that all fundamental rights are entrenched. Based on this precedent, K. Karsai developed the theory of free movement of court decisions in criminal cases[21] and claimed that all decisions in criminal proceedings of international nature must be based on this theory to avoid cases when proceedings themselves become a burden to member states and the entire Community, because the theory helps make the best use of the proceedings as an economic, effective and quick tool. Based on this idea it is possible to claim that the conflict of exercise of jurisdiction in criminal proceedings must also be based on free consultations, good will and mutual trust.

The jurisprudence of the European Court of Justice states that Member States have to trust each other's criminal justice systems and that each of them must recognize the criminal law that exists in the other state even if the results (consequences) would be different after applying rules of the existing law of their state[22]. However, still remembering the conclusions of the Tampere meeting, their essential idea was that mutual trust cannot be regarded as a condition[23].

In summary, it is possible to affirm, that competence of the EU expands according to one or another form. Limits of competence in the area of the judicial and police cooperation depend on integrity and persistence of each Member State in order to preserve their national identity[24] and thereby the rational approach to the undeniable need to communicate efficiently and smoothly in order to ensure the safety and well-being of every Member State separately and all citizens generally.

Conclusions

1. It is possible to affirm undeniably that harmonisation of the European Union law and the national law of Member States in the criminal proceedings of international cooperation is not identical in the contexts of aspiration and reality. Although the legislative ideas actually illustrate perspectives of effective cooperation, however the real implementation of these ideas often becomes only one more intermediate step towards further searches.

2. Theoretical and practical provisions of free movement of evidence allow to state that in the perspective this issue should become the issue not of efforts of the national

[20] Jimeno-Bulnes, M. European Judicial Cooperation in Criminal Matters. *European Law Journal* 9(5) (2009), p. 623.

[21] Karsai, K. The Principle of Mutual Recognition in the International Cooperation in Criminal Matters. *Зборник радова Правног факултета у Новом Саду* 1-2 (2008), p. 949.

[22] Judgment of the Court of Justice of the EC of 11 February 2003 – Joined Cases C-187/01 and C-385/01 – Gözütok & Brügge, para. 33.

[23] Gless, S.: Free Movement of Evidence in Europe. In: DEU, T. A. – INCHAUSTI, F. G. – HERNEN, M. C. et al.: El Derecho Procesal Penal en la Union Europea. Madrid : Colex, 2006, p. 130.

[24] Jurka, R. Europos teisės įtaka Lietuvos baudžiamajam procesui. *Baudžiamojo proceso tarptautiškumas: patirtis ir iššūkiai. Mokslo studija*. Vilnius, 2013, p. 14.

law of the Member States but the issue of creation and implementation of the legal decisions of the European Union. It is possible to affirm that the enthusiasm of the European Union in this area not "unfortunately" but "finally" became the required passkey dealing with challenges of the European Community in the fight against crime.

3. The discussed legal mechanisms, which help to ensure the idea of free movement of evidence, perhaps, are not the end of a long search. The legal regulation on the implementation of the European Investigation Order, which currently is at the appropriate apogee and one of the most promising steps in law, is determined not only by apologetics or criticism, it is determined by implacable desire to search for constructive, realistic and effective improved mechanism in international cooperation.

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