Necessary preparations by the applicant countries’ police for accession to the europol and schengen implementing convention

by

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structure

Schengen implementing convention
EUROPOL & EU police cooperation
other issues of particular importance
  involvement of other law enforcement & security services as well as of the ministry of justice/judicial authorities
  Attention for Recent and continuously developing specific EU acquis (since 1998)
  Judicial cooperation in criminal matters
  Loyal cooperation with regard to key strategic horizontal JHA issues
Schengen implementing convention (SIC)

Priority for police
setting up Sirene office/nsis
As part of a single national law enforcement contact point (integrated office bringing together: SIRENE office, NSIS, Europol office, interpol NCB)

Other police-relevant SIC-provisions
Largely inseparable from eu jha acquis
Importance of involving other law enforcement IN IMPLEMENTATION
e.g. Customs for declarations on cross-border hot pursuit and observation

Europol & eu Police co-operation

Implementation recommendation no 19
amsterdam oc action plan

national central contact point has to be designated

procedures with regard to exchange of information and other forms of law enforcement co-operation

relation between police and judicial authorities has to be clarified
Co-operation jha (art 29 TEU)

Directly between member states
- Within the Schengen framework
  - In general (articles 39-46)
  - In border regions
    - Through operational contact points
    - Creating/using joint commissariats
- Within the EU framework
  - e.g. via liaison officers (also for customs?)

Through europol
- Pre-agreement period
  - Starting negotiations
  - Signing an agreement
- Pre-accession period
  - Bring national procedures in line (work & information flow)
  - (re)Establishment europol national unit
- Post-accession period (EU membership)

Information management
- Effective/Efficient
- Fast
- Reliable
- Multi-lingual
- Conducted on a 24 hour day basis

Security measures
- Europol-Schengen requirements
  - Administrative security
  - Security of the personnel
  - Security of the information
  - Physical security
  - Software security
  - Communication security
  - Users security
Intelligence

Shift balance in investigations from ex post hoc (reactive) approach to proactive approach

Eu framework

- no common EU framework
- intelligence within the EU is a (historical) balance between need for intelligence, availability intelligence (legal references), need for data protection

Europol intelligence model

- prepare for future analytical work
- develop strategic & tactical intelligence
- intelligence units
- intelligence manager

Information technology & systems

Considerable work has been done

- clear information and workflow
- Comprehensive, non-fragmented strategy

based on EU LE requirements

- EURODAC (database asylum-illegal immigration)
- fADO (EUROPEAN IMAGE ARCHIVE SYSTEM)
- TECS (The Europol Computer System)
- cis
- SIRENE/SIRPIT & NSIS
- European Judicial Network
- Future Eurojust database

Need for an International le co-operation division as a link between

- On the one hand: National data systems
- On the other: Tec's, cis, sis, ...
Additional institution building
special units: Cyber crime, Illicit arms trafficking, offences against children

Organised crime
Bring oc strategy in line with both
amsterdam action plan
strategy for beginning of new millennium
bring statistical data collection and analysis in line with EU requirements
improve intelligence and investigative capacity of the police
Bring anti-money laundering strategy in line with new eu recommendations
e.g. Council decision on co-operation fiu’s & revised ec directive

Tampere
Special european council 15-16 october 1999
Translation into national strategy
Focus on national crime prevention programmes & participation on high level at EU seminars
priority should be given to cooperation with Europol (negotiations, increase of intelligence capacity, ...)
appointment and training chiefs of police (max 3 par country) in view of the participation to the European Task Force of chiefs of police
Judicial cooperation

Police powers
- Often similar to « traditional » prosecutors’ powers

Recent (post 1998) and future EU acquis
- Awareness/knowledge fairly low/limited

Urgent action needed
- 2000 mutual assistance convention (controlled deliveries, international undercover operations, cooperation multinational investigation teams, interception of gsm & satellite telecommunications, conduct of hearings by video or telephone conference, direct sending & service of requests, …)

Urgent action needed (2)
- Negotiations on Follow-up convention on mutual assistance (french presidency)
- Negotiations on implementation of principle of ‘mutual recognition of « judicial » decisions, inter alia
  - Obligation to take account of earlier final judicial decisions (criminal record; decisions to prosecute, to grant immunity …)
  - Recognition of procedural judicial decisions taken in pre-trial, investigation stage

- Negotiations on setting up of eurojust
  - EUROPOL or eurojust Database on pending investigations/prosecutions?
Loyal cooperation with regard to key strategic horizontal JHA issues

Third pillar/JHA strategy unit
Overall information & training strategy
National security plan

Third pillar strategy unit

Possible problems

Higher policy level
   (relatively) Good coordination on eu jha issues
Level of law enforcement services and other bodies working in the jha area
   Considerable segmentation
   single agency approach
   Coordination & maximisation of synergy needed for effective implementation third pillar strategy
   multi agency approach
Recommendation

Establishment of a third pillar strategy unit

Under the political supervision of the jha ministers/ministries

Headed by a third pillar implemenTation director

Full time function

Higher law enforcement official or judicial authority

Charged with drawing up an overall implemenTation plan and managing a team with four heads of function

Four heads of function

Information technology

Integrated implementation of iT and various databases and telecommunication systems (eurodac, fado, tecs, sirene/sirpit, nSIS, EJN, it infrastructure in border regions,...)

Institution building

Interagency relations & relations law enforcement/judicial authorities

Finance

Problem of Single agency financial policy

allocation & management of funding on a prioritised basis to key third pillar issues

Human resources, information & training

Secondment of LEGal attachés & liaisons officers to eu mission/bodies/member states

Implementation of overall information & interagency training strategy
Overall information & training strategy

Information strategy

Public information/awareness
- General public eu awareness
- Specific EU JHA Public awareness
  - Often Needs to be raised
  - Issues: schengen/SIS (passenger flows), rise in number of asylum seekers, ...
  - Means: tv-spots, distribution flyers, ...

Institutional information
- Active cross-institutional strategy for information and documentation brokerage
- Documentation management center
Training strategy

Possible problems
- Single agency training policy
- Generally Limited expertise on jha issues within different agencies
- No multidisciplinary training

Need for comprehensive training strategy (center)
- Multidisciplinarity trainers/-ees
- Phased training within strict time schedule
  - Core group - modular groups
  - Central - decentral
  - English – mother tongue
- Link documentation management center

National security plan

Good practice
- to place law enforcement-related activities within framework of a National security plan
- Danger that such approach is missing & priorities are set by LE agencies
- High level input by political & administrative system necessary
  - National security plan – departmental level – board/agency level – unit level
- Balance between national/eu-driven priorities important