



## Working document No 1

# Informal Meeting of the Ministers of the Interior on the Future of Europol and EU Law Enforcement Cooperation

1 October 2009 in the Hague, Netherlands

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## *Identifying Europol's Role in a Europe that Protects*

1. The objective of this paper is to trigger a discussion on the new role for Europol and how the Member States can support this. Europol celebrated its 10th anniversary on 1 July 2009, commemorating the formal start of its activities on 1 July 1999. On this day, Europol could begin work formally following the ratification of the Convention and all 9 accompanying acts. It succeeded the “Europol Drugs Unit” that had been set up in 1992 through a Ministerial agreement and a subsequent Joint Action under the Third Pillar in 1993.
2. Bringing the Europol Convention to life has been a challenging endeavour. It has required establishing a structure and working processes not only in The Hague but also in every Member State. However, history has shown that the architects of Europol were perhaps ahead of their time in constructing operational capabilities suited to meet the modern demands of the EU law enforcement community. Ten years later, and after the entry into force of the three protocols to the Convention in April 2007, the main objective of the organisation have not changed: hard work and the application of unique tools to support the Member States authorities to make Europe safer from terrorism and serious international crime threats.
3. In the meantime Europol has developed one of the most advanced information management frameworks in the EU: powerful data sets, sophisticated IT tools, highly qualified criminal analysts and a strong data protection and security regime. More than 600 Europol staff and Liaison Officers drawn from every major law enforcement agency in every Member State bring operational life to the Europol idea through the unique concept of the Liaison Bureaux and the Europol National Units. The operational support provided by the organisation through its analysis capabilities and operational expertise makes a genuine difference “on the ground”



in over 8000 cases against organised crime and terrorism networks each year. All this operates on a daily basis in the framework of the EU Architecture for Internal Security that places Europol in a central role, capable of coordinating operations with Member States and other EU agencies with which it has concluded cooperation agreements. Europol is also the coordinator and analytical source of information from Member States leading to the production of the Organised Crime Threat Assessment (OCTA), which provides the pan-European picture of the criminal trends in the EU upon which the Council adopts EU priorities for the fight against organised crime. Europol also produces the yearly overview of terrorist incidents in the EU.

4. On 20 December 2006, the Commission issued a proposal for a Council Decision establishing Europol to replace the Europol Convention. The Council adopted the final text on 18 April 2008. The new legal framework will enter into force on 1 January 2010. Europol will grow even stronger under this new regime by acquiring certain new functions and capabilities, while the governance of the organisation will experience substantial improvements notably with new decision-making procedures applicable to the organisation. Europol will be funded from the Community budget providing the European Commission and the European Parliament with a greater involvement in the future development of the organisation, thereby increasing transparency and accountability.
5. The adoption of the new legal regime will also bring operational benefits to Europol. It will act under a widened mandate, from “organised crime” to “serious international crime”. It will pioneer new techniques to fight crime and terrorism, and promote the widespread application in Member States of existing techniques, for example in the seizure of criminal assets. Europol will also have the possibility of establishing new systems for processing personal data while strengthening its data protection regime. Cooperation with private entities and companies will become easier than is the case today. Alongside this, Europol is responding to an increasing demand for strategic and operational analysis to meet specific regional requirements around key locations in the EU that function as important criminal hubs. It will develop its capabilities to identify a targeted list of the most prominent criminal and terrorist groups active in the EU and offer a stronger central coordination function to facilitate joint operations against these groups by MS authorities, stimulating greater use of JITs in particular. In support of this, Europol will improve its analysis services and grow as a central



criminal information hub for the EU, managing information flows between Member States and cross matching data repositories to identify new operational leads. At the point of delivery these support capabilities of Europol will be streamlined to offer Member States a better operational service on a 24/7 basis.

6. An eventual renewed institutional framework of the EU will have a potentially strong impact on the tasks and responsibilities of Europol. The new Headquarters made available by the Netherlands, being the Host State, as of 2010 will also provide the organisation with state-of-the-art facilities to run its activities.
7. Against this background, the Presidency invites the Ministers to address the following questions:
  - What should be Europol's concrete role in the EU Architecture for Internal Security?
  - How can Europol strengthen its unique capabilities to provide added value and operational support to the Member States in the areas of criminal analysis, information exchange and operational coordination?
  - How could Member States support the delivery of these objectives?

