

CHAPTER TWO

Police cooperation and Europol

Commentary

The lack of publicly available information on police cooperation between 1976, when the Trevi Group was set up, and the late 1980s reflected the secrecy surrounding EU cooperation. Few questions were asked in national parliaments and the meetings of Ministers, and of officials in the working groups, received scant press attention.

Document 10 below which describes the Trevi structure as applied to the UK did not surface until April 1993.

The documents in this Chapter should be considered in conjunction with the "Palma Document" (no 2) and the Coordinators' report to the Edinburgh Council (no 3) in Chapter One.

10

Home Office Circular 153/77: Conference of EEC Ministers of the Interior

Introduction

Little or no attention was paid to the formation of the "Trevi group" in 1976. Between 1976 and October 1993 the Trevi group worked in secret, with no democratic accountability, to coordinate policies and practices on terrorism, policing cooperation and the exchange of technical skills. It operated through a series of working groups comprised of interior ministry officials and officers from the police and internal security services drawn from the 12 EU member states. A senior officer at Scotland Yard described the process:

"Once you get your proposal agreed around the individual working groups you will get a ministerial policy decision at the end of the current six months. You must remember that the largest club in the world is Law Enforcement - and in Trevi you have that *plus* ministerial muscle." "Interpol", Fenton Bresler, 1992, p161.

The Circular below sets out the arrangements put in place in 1977. For detailed background on the Trevi group see *Statewatching the new Europe: a handbook on the European state*, Statewatch, 1993, Chapter 1, "Trevi, Europol and the new European state".

Home Office Circular 153/77: Conference of EEC Ministers of the Interior

Reference: Home Office note, prepared April 1993

Background

1. Home Office Circular 153/77 was issued to Chief Officers of Police on 2 September 1977. It provided details of the first conference of EEC Ministers of the Interior on law and order issues held in Luxembourg in June 1976 and the outcomes of that conference. It was this conference that established the TREVI forum for European police co-operation.

2. The circular contained descriptions of the official working groups established as a result of the Luxembourg meeting and summarised their initial deliberations as reported to the next meeting of EEC Ministers of the Interior held in London in May 1977. It went on to invite suggestions from Chief Officers as to any police matters which might usefully be raised by the United Kingdom in future discussions.

3. The circular also outlined practical arrangements, within the UK, to facilitate cooperation to counter terrorism with the relevant authorities in other EC states.

SUMMARY OF KEY INFORMATION IN HOME OFFICE CIRCULAR 153/77

1. As a result of a UK initiative at the European Council in Rome in December 1975, it was agreed that the relevant Ministers in the 9 EEC countries should meet to consider how to employ the existing framework of the European Community to facilitate closer cooperation and exchanges of experience on those lay and order matters not already covered by EEC treaties and institutions. The first such Ministerial meeting took place in June 1976 when the Home Secretary represented the United Kingdom at a conference of EEC Ministers of the Interior in Luxembourg.

2. At that meeting a number of proposals were agreed that were intended to strengthen European cooperation in particular areas. Five official level working groups were convened to develop the proposals. The proposals covered:

- i. the exchange of information on terrorist activity and the provision of mutual assistance during incidents;
- ii. the exchange of scientific and technical knowledge on police work and training;
- iii. cooperation in the field of civil aviation security;
- iv. cooperation in the field of nuclear safety and security;
- v. cooperation in dealing with disasters, fire prevention and fire fighting.

In order to ensure an emphasis on practical cooperation, these working groups included, as appropriate, representatives from European police, security and fire authorities as well as representatives from the various Ministries.

3. The working groups reported to a second Ministerial meeting held in London in May 1977. Groups i and ii were the groups that had focused on matters of police cooperation. They reported as follows:

Group i: Terrorism

The United Kingdom was represented by the Home Office, the Security Service and the Metropolitan Police. It was agreed that member states would:

- i. produce reports outlining the experience gained from the handling of any major terrorist incident;
- ii. exchange information on their arrangements for handling major terrorist incidents, particularly at governmental level, to enhance

cooperation in the event of an incident involving more than one country;

iii. establish central contact points for the exchange of information on international terrorism matters.

In the UK the Security Service was designated as a central contact point on intelligence matters and the Metropolitan Police European Liaison Section as the central contact point on policing matters.

Group ii: Police Technical Matters and Police Training

The United Kingdom was represented by the Home Office, Security Service, Her Majesty's Chief Inspector of Constabulary, the Commandant of the Police College and the Chief Constable of Derbyshire Constabulary.

Each member state provided information on its present technical and training arrangements and agreed to promote the further exchange of information in these fields.

4. The reports of the working groups were considered and endorsed by Ministers at the conference held in London in May 1977. It was agreed that Ministers should meet again in a year to consider the activities of the working groups. Chief Officers would be kept informed of any developments and comments on or suggestions for other matters which might be considered within this framework were welcomed.

11

Resolution of the Council and Ministers of Health of the Member States meeting within the Council of 16 May 1989 concerning a European network of health data on drug abuse

Introduction

This Resolution on gathering data on drugs forms part of the "Trevi acquis".

The "working party composed of representatives from the Member States" referred to is: *CELAD* (Comité Européenne de Lutte Anti-Drogues) a group of drug coordinators, set up in 1989. It worked with the *Pompidou Group* (set up in 1972; the Council of Europe's Cooperation Group to combat drug abuse and illicit trafficking in Europe; membership: 12 EC states plus Austria, Czech Republic, Slovakia, Cyprus, Finland, Hungary, Malta, Norway, Poland, San Marino, Sweden and Switzerland) and the *Dublin Group* (set up in 1990 to liaise with drug producing and transit countries; membership: the 12 EC states, the Commission, Australia, Canada, Japan, Norway, Sweden and the USA).

The *CELAD* group was replaced by the Steering Group II under the K4 Committee in November 1993.

Resolution of the Council and Ministers of Health of the Member States meeting within the Council of 16 May 1989 concerning a European network of health data on drug abuse

Reference:

The Resolution later appeared in the Official Journal C 185, 22.7.89.

THE COUNCIL OF THE EUROPEAN COMMUNITIES AND THE MINISTERS FOR HEALTH OF THE EUROPEAN COMMUNITIES MEETING WITHIN THE COUNCIL,

Having regard to the Treaties establishing the European Communities,

CONCERNED at the increase in drug abuse and its public health consequences,

NOTE the demonstrated usefulness of the existing structures in various Member States for the collection of information on the illicit use of drugs, but that varying legislative and organisational differences render comparisons difficult;

CONSIDER that the work carried out by the Pompidou Group constitutes an important basis for moving ahead towards a possible joint initiative of Member States and that, in order to avoid duplication, future work at the Community level should take account of the activities of the Pompidou Group, the Council of Europe and the WHO;

NOTE the usefulness of an exchange of information among Member States on drug abuse which should assist planning and evaluation of the impact of changes which might occur in the run-up to 1993;

NOTE that Member States which are currently beginning to collect systematic information have expressed a wish for cooperation and assistance to improve comparison possibilities;

CONSIDER it important that reports produced by Member States contain a common nucleus of data as well as complementary information so as to facilitate their interpretation that the collation of such reports could constitute one of the bases for an exchange of information at Community level;

On this basis, INVITE the Commission to:

- draw up a full inventory of work already carried out or planned both by the Member States and by international organisations such as the Pompidou Group and the WHO,

- identify any areas where further work is required,

- present a report to Council indicating, if appropriate, possible initiatives to be taken in this field.

In this work, the Commission will be assisted by a working party composed of representatives from the Member States.

Declaration of Ministers of the Trevi Group

Introduction

This follows the “Palma Document” (June 1989) in the December 1989 and refers to the “new requirements” with the creation of a “European area without internal borders”.

Declaration of Ministers of the Trevi Group

Reference: Paris, 15th of December 1989. Note by the Home Office in response to a Commons parliamentary question.

1. The attached declaration was adopted by Ministers of the Trevi Group at their meeting in Paris on 15 December 1989. It is placed in the Library pursuant to an undertaking to that effect given by the Home Secretary in a Written Answer to a Question by Sir Geoffrey Finsberg on 20 December 1989 (Official Report, col 276), repeated in the House of Lords (Official Report, cols 327-328).

Purpose of the Declaration

2. The Declaration aims to give wider publicity to the measures which Interior and Justice Ministers of European Community Member States are seeking to develop to reinforce co-operation in the fields of law enforcement and security, in view of the growth of international organised crime and the completion of the Single Market after 1992.

Content

3. The preamble to the Declaration recalls the provisions of the Single European Act (amending the Treaty of Rome) as regards the free movement of people, and the Declaration of the European Council in Rhodes on 4 December 1988 that the achievement of Community goals is tied to progress in co-operation against terrorism, drug trafficking and other international crime.

4. Paragraphs 1-4 of the Declaration set out the principles by which Ministers of the Trevi Group intend work on such co-operation to be guided. The implementation of the Single European Act is conceived as an opportunity to enhance the freedom of movement, while the creation of a European Community closed to the rest of the world is rejected. At the same time, Ministers note with growing concern the development of organised crime across frontiers, aided by developments in communications and international travel, which must be countered effectively with updated methods and closer co-ordination of effort. This action must be taken within a context of respect for individual and collective freedoms, human and civil rights, and the rule of law.

5. Paragraph 5 gives priority to developing co-operation in the fight against terrorism, drug trafficking and the other principal aspects of organised crime, including the laundering of proceeds.

6. The remaining paragraphs of the Declaration describe specific measures which Ministers consider to be necessary in order to meet the stated objectives. These include improved exchange of information, including exchanges of liaison officers, co-ordination of drugs intelligence at national and European levels, and the study of a possible common information system to help combat the most serious forms of crime (paragraph 6); co-operation in strengthening the external frontiers of the Community and in supervising the immediate vicinity of shared borders (paragraph 7); the development of appropriate training

programmes and sharing of technical knowledge and experience (paragraphs 8 and 9); and a concerted approach to aspects of co-operation with non-member states of the European Community (paragraphs 10 and 11).

Comment

7. The Government welcomes this statement of common purpose and of a common programme of action in developing co-operation against the unremitting threat of terrorism, drug trafficking and organised crime. In particular, the Government welcomes the concentration on specific, practical measures to advance co-operation. The Government considers that the completion of the Single Market after 1992 provides a helpful focus, but that such work is urgently necessary irrespective of that, for the reasons set out in paragraph 3 of the Declaration. The Government furthermore maintains its clear view that nothing in the Single European Act requires the removal of frontier checks to combat terrorism, drug trafficking and other serious crime, and intends to retain the ability to make such checks to the extent necessary. The Government intends to take a full and active part alongside its Community partners in the work envisaged in this Declaration.

Paris, 15th of December 1989

DECLARATION OF TREVI GROUP MINISTERS

The Ministers responsible for police and security in the twelve EEC Member States having met in Paris on 15 December 1989, being aware of the new requirements for cooperation arising out of the European construction and of the creation of a European area without internal frontiers, within which the free movement of people is assured within the terms of the Single European Act, having in mind the declaration of the European Council in Rhodes (4.12.88) that the achievement of Community goals is also tied to progress in cooperation among governments in fighting terrorism, international crime, narcotics and illegal trafficking of every sort, wishing to establish the guidelines for this cooperation by 1st January 1993, and finally desiring to present to public opinion the spirit and direction of their work and to open to discussion its basic aspects, have adopted the following declaration:

Principles

1. We conceive the implementation of the Single European Act as an opportunity to give wider effect beyond national boundaries to an essential personal freedom which exists within those boundaries, namely the freedom of movement.

2. We utterly reject the idea that this development would result in the creation of a Community closed to the rest of Europe and of the world. In view of the recent events occurring on our continent, we remain convinced more than ever that freedom of human exchanges is an essential factor in enabling individuals and societies to seek fulfilment, and that everything possible should be done to facilitate these exchanges.

3. At the same time we note with growing concern the development of organised crime across frontiers. Terrorists and professional criminals are increasingly adept at exploiting the limits of competence of national agencies, the different between legal systems which exist between countries, and gaps in cooperation between respective services. Crimes such as terrorism, drug trafficking, traffic in human beings, as well as the laundering of profits obtained in these and other criminal activities, are now being planned and organised on a trans-national scale, taking advantage of all facilities offered by the development of communications and international travel. Furthermore, these facilities bring about certain risks with respect to public order and internal security.

The attraction represented by the freedom and prosperity of our societies is itself becoming a source of profit and exploitation of misery for networks of illegal immigration, taking advantage of our wish not to impose over-rigorous controls at frontiers on the vast majority of travellers.

4. We believe that these activities have to be countered effectively, so as not to compromise the greater freedom which we wish to achieve. The

adaptation and modernisation of the measures for protecting the public in Europe are essential in the face of such threats. Modernisation of cooperation, the use of up-to-date technological resources available for communications, collection and transmission of data, and closer coordination in relation to manpower and resources, should be regarded as means which we are prepared to adopt for the benefit of European citizens.

In this perspective, we solemnly renew our commitment towards individual and collective freedoms, human and civil rights and the rule of law, and we declare that our action can only be developed within a context of respect for these basic principles of our democracies.

Areas of cooperation

5. Within the framework of the principles set forth above, we have agreed to give priority to the development of cooperation in the following areas: the fight against terrorism, illicit drug trafficking and the other principal aspects of organised crime, including the laundering of illicit profits. We have asked the competent bodies to examine rapidly the necessary measures.

Communication and exchange of information between national agencies

6. We wish to improve both exchanges and communications between competent national agencies.

6.1 To this end, we will encourage the assignment of liaison officers working with the relevant services of other member States, whenever we consider them useful. In their respective fields of competence, these officers will be responsible for providing advice and assistance, and for exchanges of information, with no executive power. These will be subject to conditions defined by agreements between the States concerned.

6.2 Our national agencies will continue to communicate regularly detailed and up-to-date information on the activities of terrorist groups, on drug trafficking, and on various other forms of organised crime.

We are particularly anxious to encourage rapid exchanges of information, collected by our departments about the activities or composition of terrorist groups which may assist investigations carried out in another State. With this in mind, we will continue to develop the use of the rapid and protected communications network whose creation was decided in London on 25 September 1986.

We will also encourage, where appropriate, the creation of structures to centralise and co-ordinate information and to exchange intelligence. We have already agreed, in particular, to set up national intelligence units on drugs, and shall study the need for the possible extension at European level.

6.3 We consider that the fight against most serious forms of international crime calls for the fastest possible circulation and use of the information gathered by our agencies in the search for criminals. To this end, we are studying the creation of a common information system available to member States, designed to combat the most serious forms of crime. This study will seek notably to determine which categories of offences ought to be covered by the system, and under what conditions. We will ensure that the methods used to operate, manage and control this system serve to preserve the guarantees safeguarding personal liberties and privacy. These guarantees will be defined and agreed by all member States prior to the implementation of the system envisaged.

6.4 In order to make our common actions more effective, we wish to see an effort to bring closer together future legislations regarding law enforcement and security and the fight against organised crime.

Cooperation at frontiers

7. We consider that the implementation of the Single European Act makes it necessary to introduce new forms of cooperation between States, for both external and common frontiers.

7.1 We will endeavour to introduce at external frontiers controls which will safeguard the interests of all member States. With this objective in mind, we are considering the use of every form of useful or necessary cooperation between our agencies for the effective and homogenous supervision of frontier crossings, particularly through coordinating our use of manpower and resources. The supervision of maritime borders and the problems of a specific infrastructure, with which some countries are confronted, will be the subject of a particularly thorough examination.

7.2 We believe that the easing of controls at common frontiers between our States should, where necessary, be accompanied by the reorganisation and coordination of the relevant agencies in their duties at border-crossing areas.

To this end, States that so wish will consider the installation in these areas of common frontier posts and combined mobile units consisting of representatives of the two adjacent States.

We also consider as a matter of priority the improvement of direct means of communication between our services on either side of these frontiers. On a long-term basis, we will endeavour to allocate, at European level, a radio frequency common to all services responsible for public safety.

We will also examine the principle of, and conditions under which, authorization might be granted, for States that so wish, notably by means of bilateral agreements, for the crossing of common land frontiers by our respective agencies when following persons suspected of serious offences, or when in pursuit of individuals have committed flagrant violations of the law.

Technical Training and Progress

8. We consider that the modernisation of measures for protecting the public demands special attention and new concentration on training. There can in effect be no European projects without the commitment of those concerned. Our schools and training colleges must arrange exchanges of students and teachers in order to improve proficiency in foreign languages, widen information for everybody on the organisation and methods of law enforcement agencies, and on the legal and administrative systems of our State. In this respect, we will encourage basic and advanced training activities and courses for officials in our respective administrative departments.

9. We believe that technical and scientific progress provides new and more efficient ways to combat the most serious forms of international crime. We will encourage our agencies to exchange information and experience on new technology and methods. We are continuing, in particular, to build up a series of central collections of reference material, at the European level, for this purpose.

Relations with third countries

10. We will develop the network of liaison officers posted to countries which are not members of the European Community, with the aim of making the fight against illegal drug traffic more effective, and we shall examine the possibility of extending this cooperation to other forms of crime. These officials may, in certain cases, be authorised to act on behalf of several member States according to arrangements made and agreed between the States concerned.

11. We will keep like-minded non-member countries informed of policy developments following this declaration where such contacts appear useful or constructive for the achievement of our common goals.

13

Programme of Action relating to the reinforcement of police co-operation and of the endeavours to combat terrorism or other forms of organised crime

Introduction

The "Programme of Action" is described as a "synthesis of arrangements between police and security services" in relation to "terrorism, drug trafficking or any forms of organised crime including organised illegal immigration". It demonstrates, like the "Palma Document" (Document 2) the intertwining of policing, customs, immigration and anti-terrorism.

Programme of Action relating to the reinforcement of police co-operation and of the endeavours to combat terrorism or other forms of organised crime

Reference: original report, June 1990

Programme of Action relating to the reinforcement of police co-operation and of the endeavours to combat terrorism or other forms of organised crime

This document proposed a synthesis of the arrangements considered between police and security services with a view to more effective prevention and repression by those services of terrorism, drug trafficking or any forms of crime including organised illegal immigration.

The competent Ministers of the member States are convinced of the need for new requirements for revised co-operation arrangements following the inauguration of the Single European Act and the necessity to reinforce security at their external frontiers and are desirous of collaborating to ensure that the responsibilities resulting from this co-operation are equally shared between the member States.

This summary document adopted by the competent Ministers of the Member States is a reference text which presents the various measures considered to need further study for their implementation, by the TREVI Working Groups, without prejudice to the legal aspects that might later be required for their implementation. It is considered that several of these provisions could not be introduced without international agreement.

JUNE 1990

CHAPTER I - AREAS OF CO-OPERATION

Paragraph 1

1.1 While respecting the legislation of member States and without prejudice to existing international agreements - in particular regarding the International Criminal Police Organisation (ICPO-Interpol), the member States hereby undertake to develop multilateral co-operation between their police and security services in the following areas without prejudice however to the security services maintaining their links.

Paragraph 2

Combating Terrorism

With regard to the fight against terrorism, multilateral co-operation between the European Communities' member States shall be reinforced by the following provisions:

2.1 The appropriate central departments shall intensify their regular exchanges and permanent updating of detailed information concerning the activity of terrorist groups, their techniques, logistic supports, their financing and the incidents they provoke. The summary of this information shall be the subject of a permanent procedure for assessing terrorist threats against member States.

2.2 In order to improve current security standards in areas particularly threatened by terrorist acts, and in particular airports, railway stations, ports and, possibly, ferry-boats, and in order to be able to adapt these standards to the development of terrorist threat, the appropriate departments shall meet regularly to pool their experience and knowledge concerning the protection of land, air and sea transport.

2.3 In order to facilitate the search for terrorists, while respecting national laws and the provisions of international law, the member States hereby agree to adopt the following measures:

- when they consider such action necessary, the member States shall appoint liaison officers whose terms of reference and status shall be defined at Paragraph 9;

- "Wanted" posters used by any member State may be displayed at frontier posts and, after translation if this is required, in public places on the territory of the other States, subject to their agreement;

- should the competent services of any member State receive information concerning a terrorist act or group considered likely to assist the investigations being conducted by departments in one of more of the other States, it shall be communicated to them without delay;

- police experts from member States shall prepare the model and methods for use of common international wanted notices;

- Member States shall undertake to afford one another mutual assistance in investigations being conducted by their appropriate departments concerning terrorist activities aimed directly at the interests of several member States; in such a case, they shall facilitate the missions and contacts of the officials responsible for investigations and such cooperation shall take place without prejudice to the procedures in force with regard to mutual assistance in judicial matters.

2.4 The rapid and protected communications system which the TREVI Group Conference of Ministers decided to establish in London on 25 September 1986, gives priority to the circulation of the information mentioned in sub-paragraphs 2.1. and 2.3 above. The Member States shall also set up a system for encryption of the documents communicated.

2.5 The Member States will try to set up central co-ordination structures that will constitute the contact point for States in the fight against terrorism.

2.6 The Member States shall examine the legal means required to allow the appropriate police departments to conduct investigations into the financing of terrorist activities.

Paragraph 3

Combating Drug Traffic

3.1 In the area of the fight against drug trafficking, the Member States shall develop their co-operation as follows:

- by intensifying the regular exchange and permanent updating of detailed information relating to drug trafficking, the methods used for its prevention and law enforcement, and all the data pertaining to the drugs

phenomenon, through the channels of appropriate national bodies and departments;

- by establishing in the Member States a network of liaison officers familiar with drug-related matters, whose mission and status are defined at Paragraph 9;

- by reinforcing and co-ordinating surveillance at their external sea, land and air frontiers in the conditions provided under Paragraph 11.

3.2 Those Member States which do not already have such units shall examine the methods whereby national drugs intelligence units can be established.

Member States shall conduct a study on the need for and the conditions under which it would be possible to set up a European drugs intelligence unit.

3.3 In addition, Member States shall attempt, by means of bilateral and multilateral agreements, to implement other forms of co-operation for combating drugs, as provided by the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, adopted in Vienna on 19 December 1988, particularly in its Article 9.

Within this framework, they shall notably develop:

- co-operation in the investigations mentioned in point (b) of Article 9 of the Vienna Convention,
- where necessary, the use of joint teams,
- training and research programmes for their specialised personnel.

3.4 Member States shall undertake to afford one another mutual assistance for police investigations into matters concerning drug trafficking in which the interests of several Member States are directly involved.

Such cooperation shall develop without prejudice to the procedures in force with regard to mutual assistance in judicial matters.

3.5 The Member States of the European Communities shall take the measures necessary to carry out, in the appropriate manner, controlled deliveries on their territories so as to facilitate the dismantling of the trafficking networks implicated in such operations. Each controlled delivery operation shall be the subject of a special decision taken by the member States and shall be carried out in conformity with the arrangements made with their appropriate departments.

3.6 The Member States of the European Communities shall exchange information on the actions and programmes undertaken with the production, consumption and transit countries, as well as on the requests made by these States. They shall do everything possible to co-ordinate the programmes for co-operation, police techniques, training for specialised personnel and the assignment of liaison officers to these countries.

Paragraph 4

Combating Organized Crime

4.1 With regard to the fight against organized crime, the competent agencies involved shall proceed, within the framework of organized multilateral co-operation and without prejudice to the exchange of information relating to previously arranged agreements, to regular exchanges and permanent updating of rapidly acquired and detailed information concerning:

- various forms of organized crime, in particular as far as armed attack is concerned, and crimes connected with the traffic of individuals, arms and explosives or dangerous products, valuable pictures, works of art, cultural property, forged currency, vehicles as well as the laundering of illicit profits.

- cases of organized crime in which the interests of one or more of the member States are directly involved.

Paragraph 5

Combating Illegal Immigration

5.1 With regard to the fight against illegal immigration, co-operation between the relevant departments shall include in particular the exchange of information to assess the scope of the phenomenon: the development of migratory flows, the discovery of clandestine immigration networks, the identification of aliens reported for the purposes of refusal to entry to a member State and of aliens considered likely to compromise public order, the techniques used in the manufacture of travel documents.

Paragraph 6

Technical and Scientific Police

6.1 In order to improve the effectiveness of measures taken to combat various forms of illegality and criminality mentioned in this agreement the competent services shall arrange co-operation for technical and scientific policing. They shall arrange for exchange of information and experience with regard to techniques, methods and appropriate criminalistic research developed in this area.

Exchanges shall in particular cover the methods of combating new forms of criminality (fraudulent use of stolen and forged credit cards and cheques, data processing fraud, etc.).

6.2 The competent services will contribute to the formation of European central collections of objects, substances, products and documents; they shall have access to these collections.

Paragraph 7

Cooperation in Training

7.1 With the object of developing improved reciprocal information regarding the organization and methods of police services or on the legislation procedures and regulations of Member States, police training schools and colleges shall arrange for regular exchange of students and instructors. These exchanges shall cover both initial and advanced training programmes.

7.2 With the same object, arrangements shall be made for exchanges of officers for the purpose of study or training within the relevant administrative forces and services.

Paragraph 8

Extension of Co-operation

8.1 The member States shall enlarge, when appropriate, co-operation defined to include other subjects concerning their public order and internal security. This co-operation may, for example, include exchanges of information on methods of combating serious disturbances of the public order.

CHAPTER II - METHODS OF COOPERATION

Paragraph 9

Exchange of Experts and Liaison Officers

9.1 Within the framework of co-operation defined in this document, exchanges of experts between member States are organised as required, and notably by means of bilateral agreements.

9.2 Member States which so wish may exchange liaison officers who shall be assigned to departments designated by mutual agreement. The details of the procedures of such exchanges may be contained in bilateral or multilateral agreements concluded between the States concerned. Member States shall conduct a study as to the conditions which might apply to such exchanges.

The task of liaison officers is to exchange information with and to give assistance to the relevant departments in the State to which they are transferred and the State transferring them, acting as advisors and assistants but with no executive power.

In the performance of these duties, the officers shall remain under the authority of their own national administration. They shall act in strict observance of the law and general directives of the State receiving them. At the request of the State sending them on mission, they may be granted the status of members of the administrative and technical personnel of their country's diplomatic mission. In such cases, they shall enjoy the privileges and immunities pertaining to that status, as provided by the Vienna Convention of 18 April 1961 on diplomatic relations, in particular by its Article 37.2.

9.3 Member States which exchange liaison officers may, if they wish, grant these officers - with respect for international conventions and subject to the internal regulations and procedures of each State - direct or indirect access to data existing in the files held by the departments to which they are assigned; access shall be granted through the legally qualified channels of the visited State. The liaison officer shall take every precaution to ensure that the security of the information is respected.

The liaison officer and, where necessary, the State benefiting from the information collected, undertake to respect any special conditions laid down by the State receiving the liaison officer with regard to the use of the information. Member States adopting these procedures shall specify their methods of application in bilateral agreements.

9.4 With a view to attaining the objectives defined for the various areas of co-operation covered by this paragraph, member States shall study, with reference to national legislation in force, the question of access to and use of computerised information systems established by their police departments. With this in mind, they shall take account of the work already accomplished in the area of exchanging data in the context of other international agreements concluded between two or more parties.

Paragraph 10

Liaison Officers posted to countries that are not members of the European Community

10.1 As necessary, member States shall take steps to develop in countries which are not members of the European Community a network of liaison officers performing tasks similar to those described in Paragraph 9.2. Member States shall inform one another of their plans before posting liaison officers, whose mission and status shall be the subject of special agreements between all the States concerned.

10.2 The liaison officers posted by member States to a State that is not a member of the European Community, shall provide one another with assistance in the accomplishment of their duties, in accordance with the agreements concluded by each State with the non-member State concerned.

10.3 When a member State does not have a liaison officer of its own in a State that is not a member of the European Community, it may request that the liaison officer of another member State be authorised to act on its behalf also.

Such arrangements shall be made with the consent of the State to which the liaison officer is assigned and shall be subject to provisions laid down in an agreement concluded by all the Member States concerned.

Paragraph 11

Control at External Frontiers

11.1 To ensure effective and standard control at external frontiers, the member States may, by means of special agreements, co-ordinate the deployment of their personnel and facilities and develop the forms of co-operation they consider appropriate. Such co-operation could involve, inter alia, the exchange of officers specialised in immigration problems.

11.2 During operations covered by this paragraph, visiting officers shall act in strict observance of the law and general directives of the State receiving them.

Paragraph 12

Police co-operation in common frontier zones

12.1 In order to improve police co-operation and surveillance of common frontier areas, the member States shall look further into ways of:

- improving the effectiveness of trans-frontier controls;
- exchanging information on incidents involving public order in the frontier zone;
- co-ordinating the action of the patrols in each of the adjacent States;
- organising on a concrete basis the fight against illegal immigration networks.

12.2 The member States may decide:

- to conclude bilateral agreements for the installation of joint stations consisting of representatives of the police forces of both States, responsible in particular for facilitating trans-frontier communications;
- to set up, under identical conditions, mobile joint control units acting under the authority of the State on whose territory they are operating and receiving their instructions from the units to which they are attached.

12.3 Visiting officers serving in the joint units described in subparagraph 12.2 above shall act in strict observance of the law and general directives of the State receiving them.

Paragraph 13

Trans-frontier Observation and Pursuit Rights

13.1 The interested member States are examining the principle of, and the conditions under which, the crossing of common land frontiers by their respective agencies could be authorised. This examination shall include in particular circumstances where persons having committed flagrant violations of the law are being pursued or where the authors or possible authors of serious offences are being followed.

The procedure for such crossings will be the subject of special bilateral or multilateral agreements is applicable.

Paragraph 14

Communication Methods

14.1 Member States shall create in accordance with the relevant international agreements and taking account of local circumstances and technical facilities in frontier areas, direct liaison methods by telephone, radio, telex, and other means of communication.

14.2 Member States shall study ways of allocating one or more common frequencies to police services within Europe.

Paragraph 15

Study of Common Information System

15.1 Member States shall study the development of a common information system designed to collect data and descriptions of persons and objects for purposes within the scope of this document.

The services having access to the system in individual member States shall be a question for discussion and agreement in the course of this

study.

15.2 Methods of operation in management control and supervision of the system ensure, through suitable agreed methods, guarantees offered to inhabitants for protection of personal civil liberties and privacy in relation to automated treatment of personal character data.

These provisions shall cover notably the object and conditions of use of data, right of access and correction, installation of control authorities, right of appeal, periods of data conservation and responsibility of member States.

During the study referred to in sub-paragraph 15.1 above regard shall be had to the principles adopted by the European Council, meeting in Strasbourg in December 1989, that the procedures on co-operation between administrations first ensure the protection of individuals with regard to the use of personalised data banks. Likewise, account shall be taken of the provisions of the Council of Europe Convention for the protection of individuals with regard to automatic processing personal data adopted at Strasbourg on 28 January 1981 and provisions of Recommendation No R (87) 15 regulating the use of personal data in the police sector adopted on 17 September 1987.

15.3 Member States not yet having national legislation governing the computerization of data of a personal character shall undertake to institute the necessary measures to guarantee observance of the provisions as stated above.

CHAPTER III - IMPLEMENTATION OF COOPERATION

Paragraph 16

Trevi Ministers' Conference

16.1 The implementation of the cooperation outlined in this document shall be examined each half year during the conference of the Trevi Ministers.

The Trevi Ministers' Conference shall also be convened if the circumstances require, to deal with questions of a particularly urgent character.

At the conclusion of each conference, the progress and results of cooperation covered by this document shall be brought to the knowledge of the Ministers of Foreign Affairs of the member States, within the framework of the European political cooperation.

Paragraph 17

Technical Methods

17.1 Technical methods for implementation of this document may be the subject of bilateral or multilateral agreements between the member States.

Paragraph 18

Final Provisions

18.1 If one of the member States considers that the cooperation specified in this document is likely to affect adversely its public order, security or national independence, it can decide for a period which it shall determine to refuse this cooperation in whole or in part or subject it to certain conditions or obligations.

14

The development of Europol: Report from Trevi Ministers to the European Council in Maastricht

Introduction

The first of three documents (nos 14, 16 and 19) are concerned with the development of the Europol Drugs Unit (EDU) as a precursor to Europol. The EDU itself grew out of a UK initiative in the second half of 1989 under the Spanish Presidency to set up a European Drugs Intelligence Unit. This document makes clear that it was always the intention - publicly denied - that the EDU was intended to cover all types of crimes: "the scope of Europol can be progressively widened.." (para 5).

The development of Europol: Report from Trevi Ministers to the European Council in Maastricht

Reference: Report from TREVI Ministers to the European Council in Maastricht, December 1991

THE DEVELOPMENT OF EUROPOL

Report from TREVI Ministers to the European Council in Maastricht. BACKGROUND

1. At its meeting in Luxembourg on 28/29 June 1991 the European Council noted the proposals submitted by the German delegation for the establishment of a community-wide police organisation - "Europol". The Council agreed on the objectives underlying these proposals and instructed that they should be examined further so that initial proposals for the establishment of Europol could be submitted to its December meeting in Maastricht.

CONTEXT

2. Following the Palma document of 1989, TREVI Ministers decided on a detailed Programme of Action, out of which a number of items have been developed or are under detailed study eg European Information System (EIS), the co-ordination of Drugs Liaison Officers; collections of data for drugs, explosive substances and fingerprints; recommendations on police-cooperation in general and specific measures for co-operation in frontier zones, on transborder observation and pursuit. A far-reaching TREVI decision (Dublin 1990) was to establish a European Drugs Intelligence Unit.

THE PURPOSE OF EUROPOL

3. The European Council, recognising the threat of illegal drug trafficking and international organised crime to Member States, stressed the need for the speedy establishment of the key features of Europol, a central organisation to facilitate the exchange and coordination of criminal information, and the development of intelligence between Member States in respect of crime extending across the borders of Member States, whether originating outside Europe or not. Subsequent development of Europol would be a matter for discussion between Member States.

THE DEVELOPMENT OF EUROPOL

4. To ensure the speedy development of the ideas of the European Council in Luxembourg it is proposed that the first step in developing Europol should be the creation of a Europol Drugs Unit. This would allow the new organisation to build on the considerable detailed and careful work already completed by Trevi in connection with the European Drugs Intelligence Unit, an initiative launched by the UK under the Spanish Presidency. It would also ensure that from the outset Europol addressed a problem of considerable concern to all Member States. An organisation of this nature will have the capacity to analyse information at a European level and to disseminate this in support of the operations conducted by Member States. Work in support of a Europol Drugs Unit has reached the point that a detailed programme of action directed at its formation can now be drawn up and passed to a project team for implementation.

5. Following the establishment of the Europol Drugs Unit as a first step, the scope of Europol can be progressively widened so that the experience gained in establishing the drugs capability can be applied to other relevant types of crime which pose a threat to Member States. If the new organisation is to be effective its growth will need to be handled with care. Criteria will need to be established to enable decisions to be made as to which forms of criminality, other than drug trafficking, should be dealt with by Europol and in which order. Without wishing to prejudge the outcome of future work it is likely that money laundering and aspects of organised crime linked to drug trafficking would be included at an early stage in the responsibilities of Europol.

Proposals for these developments have been elaborated in a report by a Trevi working group and have been appended to this document.

The first phase of Europol suggested at the European Council - a mechanism for the exchange and development of information/intelligence and the enhancement of cooperation - can be achieved in a short time scale, but will demand energy and quality both at national and international level.

It will be necessary to ensure that the arrangements made for the establishment of the drugs unit do not circumscribe the subsequent development of Europol.

Given the mandate of the European Council on the German proposals ("the adoption of appropriate preparatory and provisional measures") the proposals are concentrated on that aim. Further phases of Europol can be discussed later and on the basis of treaty. The decisions would then be developed on:

- the quality of the newly developed organisation
- the established need for expanding the functions of Europol
- the future structuring of European cooperation in the field of the police and judiciary.

THE ORGANISATION OF EUROPOL

6. The purpose of Europol, is to aid effective policing both within and between Member States. The accountability of the organisation would pass through the existing structures to the Ministers of Justice and Interior.

7. The central European body, staffed by Member States, would require organisational support through the formation of national criminal intelligence units in each country. Work already completed within TREVI has addressed many of these issues in some depth.

LOCATION OF EUROPOL

8. With regard to the location of Europol three possibilities were discussed. Germany and Italy offered to locate Europol in Wiesbaden and Rome respectively; their offers included a number of facilities. Some Ministers were of the opinion that it is advisable to house Europol - with due regard to its independence - in the Interpol Headquarters.

The TREVI Ministers considered however, that the choice of a location for Europol may coincide with choices that are to be taken with regard to locations of a number of institutions and that this can best be decided by the European Council. The meeting underlines that progress of the preparations is best served by a rapid decision especially when the aim is

to actually start at the end of 1992.

NEXT STEPS

9. If the European Council is content to proceed as suggested above the next steps will be for Trevi Ministers to have drawn up a detailed programme for action for the establishment of the Europol Drugs Unit, and to put in hand work for the implementation of the programme leading to the establishment of this unit at the end of 1992 if the conditions described in this paper can be met. At the same time, to ensure the swift expansion of Europol, work should proceed to identify the criteria against which decisions can be taken as which types of crime can be brought within the ambit of Europol. The unit can gradually be developed from the beginning of 1994.

10. Member States will at the same time proceed with the development of the national criminal intelligence units which are essential to support the central organisation.

CONCLUSION

11. The European Council is invited to agree to this paper and request Ministers of Justice and Interior to develop the necessary steps as outlined in this paper.

15

Meeting of Trevi Group Ministers, June 1992

Introduction

Press release on the meetings of the Trevi Ministers from the Portuguese Presidency. Following the agreement on the Maastricht Treaty (Treaty of European Union) in December 1991, which included the demise of the Trevi group, its meetings began to be publicised more.

Meeting of Trevi Group Ministers, June 1992

Reference:
Portuguese Presidency
Press Release
Statewatch translation

MEETING OF TREVI GROUP MINISTERS
Lisbon, 11 and 12 June 1992

Chair
M.J. DIAS LOUREIRO
Minister of the Interior of Portugal

Ministers met in Lisbon on the 11th and 12th June 1992, under the Chairmanship of the Portuguese Minister of the Interior, Mr. Manuel Joaquim DIAS LOUREIRO. Present at the meeting were the Ministers of the member states, as well as the Vice-President of the Commission of the European Communities, and the representative of the General Secretariat of the Council. An informative meeting of the TROIKA also took place, with the Ministers and top civil servants of countries with observer status (Austria, Switzerland, Sweden, Norway, the United States, Canada and Morocco).

I. TREVI

1. In the first part of the meeting, following the items on the agenda, Ministers made a general analysis of work carried out by the different groups, and took note of progress achieved during the Presidency of Portugal.

2. The second part of the meeting was devoted to evaluating the programme of action, especially as regards:

- analysis of the terrorist threat
- finance of terrorism
- money-laundering
- mutual assistance in enquiries
- the right of observation and pursuit across borders
- the European Information System
- cooperation in the technical-scientific domain
- the network of liaison officers and persons privileged to take part in discussions
- telecommunications
- digital recordings
- training of police officers of all ranks
- police cooperation with the countries of Eastern Europe
- surveillance of road traffic
- surveillance of sports events
- vehicle crime
- environmental crime
- illicit trafficking of works of art

Resolutions and recommendations relating to several of these subjects have been approved on this occasion, Ministers charged the different working groups with carrying out analysis and study of the aspects of the programme of action which have not yet been concluded.

3. In the third part of the meeting, specific aspects relating to the effects of the Maastricht decisions, and the creation of the following, were addressed:

EUROPOL

This topic has been the subject of special treatment, in order to follow up the decisions taken at the Maastricht summit, and to meet the deadlines set for the successive coming into being of EDU and EUROPOL.

Ministers analysed four essential questions:

- guidelines for the creation of EDU/EUROPOL;
- the legal basis of EUROPOL;
- the project team;
- location of EUROPOL

The document presented by Portugal was approved; this document provides the outline orientation for setting up EDU/EUROPOL, which will be the first contribution to the future general convention on EUROPOL.

Consensus was reached on the need to draw up a convention in order to allow EUROPOL to come into operation in January 1993.

Germany was charged, on the Council's decision, with chairing the project team to be based in Strasbourg. A decision on the location of EUROPOL should, according to the Council, be taken at the next meeting of the European Council in Lisbon.

4. Finally, Ministers exchanged their impressions on subjects of current interest, and expressed satisfaction at the good level of cooperation noted in the course of the work. The meeting concluded with a presentation of the plans and objectives of the next Presidency, that of the United Kingdom.

II. MEETING OF THE TROIKA WITH THIRD COUNTRIES (OR COUNTRIES WITH OBSERVER STATUS) (UNITED STATES, CANADA, NORWAY, SWEDEN, AUSTRIA, SWITZERLAND AND MOROCCO)

This meeting was an opportunity to inform participants of the state of

progress of subjects dealt with in the plenary meeting, and to study information of common interest, especially in the areas of the fight against drug trafficking, terrorism and high-level international crime.

16

The establishment of Europol

Introduction

The creation of the Europol Drugs Unit is seen as the first step towards "widening" the "types of crime to be covered. The UK headed the Trevi Ad Hoc Working Group on Europol.

The establishment of Europol

Reference: original report, June 1992

Report from TREVI Ministers to The European Council in Lisbon

BACKGROUND

1. At its meeting in Luxembourg on 28/29 June 1991 the European Council noted the proposals submitted by Germany for the establishment of Europol. At the Council's instruction these proposals were examined by the sub-group of TREVI Working Group III which had been established to consider the establishment of a European Drugs Intelligence Unit.

2. The results of this work were reported by TREVI Ministers to the European Council meeting in Maastricht in December 1991. It was proposed that work should be set in hand to establish Europol as a central organisation, without operational powers, to facilitate the exchange and coordination, of information and the development of criminal intelligence in respect of crime which extends across the borders of Member States. The first step in the development of Europol would be the creation of a Europol Drugs Unit, after which the scope of Europol would be progressively and carefully widened to include other relevant types of crime which pose a threat to Member States. It was emphasised that the speedy progress of the preparations for Europol was dependant upon an early decision on the location of Europol.

SUBSEQUENT WORK

3. The Maastricht Summit meeting endorsed the proposals and instructed that the work be taken forward by a TREVI Ad Hoc Working Group on Europol, chaired by the United Kingdom. The Ad Hoc Working Group has carried out detailed work both on the establishment of a Europol Drugs Unit and also on the possible future expansion of Europol to cover areas of criminality other than drugs.

THE EUROPOL DRUGS UNIT

4. A detailed examination of the principal aspects of the Unit has been carried out, covering such matters as the information and data protection requirements, communications and equipment, staffing and management, financing and accountability. Although there is much further work to be done, the essential features of the Europol Drugs Unit are emerging. In particular, it is proposed that the Unit be comprised of a nucleus of staff to be appointed jointly by Member States, including the Directors and Deputy Directors of the Unit and support staff, with in addition Member States sending law enforcement officers with appropriate experience to work on secondment in the Unit. Work is in hand to determine an

acceptable formula for the financing of the central costs such as accommodation, equipment and the core staff.

5. As mentioned, there remains a considerable amount of work to be done to establish the Europol Drugs Unit. Much of this concerns technical and specialised matters. It is therefore proposed that a full-time project team be established as soon as possible to take forward the work, reporting to the Ad Hoc Working Group.

The Trevi Ministers have agreed to give the leadership of the project team for the creation of Europol to Germany. They make note that Germany has decided that this team would work in Strasbourg. The Ministers unanimously affirm that this location does in no way prejudice the headquarters of Europol, to be decided by the European Council.

In parallel with the work to be undertaken by the project team, the Ad Hoc Working Group Europol must draw up a convention which will confer the legal basis of the EDU/Europol. This convention will be based on the document submitted by Portugal and approved in the Council of TREVI Ministers in Lisbon, intended to set out the principles of guidance for the institutionalisation of the EDU/Europol. The convention will include, inter alia, data protection, accountability, finance and the legal status of staff.

LOCATION

6. The TREVI Ministers feel that a decision should urgently be taken regarding the future headquarters of the EDU/Europol, otherwise it might not be possible to comply with the date decided on in Maastricht (Jan '93) for the commencement of its operation. The TREVI Ministers therefore feel that it is extremely important that the European Council should decide on the location of Europol, taking into account existing candidatures.

THE SUBSEQUENT EXPANSION OF EUROPOL

7. At the same time as its preparation for the establishment of the Europol Drugs Unit, the Ad Hoc Working Group has taken forward work to facilitate the subsequent expansion of Europol. In particular, criteria have been developed which are now to be used to assess other areas of criminality which it might be appropriate for Europol to cover. Work is also proceeding to ensure the development of a National Criminal Intelligence Service in each Member State, to support the operation of Europol itself.

CONCLUSION

8. The European Council is invited to agree to the continuation of the work outlined in this document, and be made aware of the establishment, in the immediate future, of a project team for the Europol Drugs Unit, as the first step for the development of EUROPOL.

The European Council is also invited to accept that the legal basis of the EDU/Europol will be a Convention drawn up in accordance with the document submitted by Portugal to the Council of the TREVI Ministers in Lisbon, which sets out the principles of guidance.

The European Council is requested to take a decision on the location of the future seat of Europol.

17

Minutes of the meeting of Trevi Ministers, June 1993

Introduction

One of the rare, available, sets of minutes of the Trevi Ministers meetings. It is hard to see why such Minutes were not released, and why they were denied to national parliaments.

Minutes of the meeting of Trevi Ministers, June 1993

Reference:

3 November 1993
The Council
9693/93 ENFOPOL 3
RESTREINT
MINUTES

of: the meeting of TREVI Ministers
on: 2 June 1993 in: Copenhagen

Delegations will please find herewith the minutes of the meeting of TREVI Ministers, held in Copenhagen on 2 June 1993.

TREVI MINISTERS

Minutes of the meeting held in
Copenhagen on 2 June 1993

Item 1 Welcome and opening of the meeting

The Chairman welcomed Ministers and their delegations to Copenhagen.

Item 2 Adoption of the agenda: The agenda was adopted.

PART 1 ITEMS TO NOTE

Item 3 Minutes of the Senior Officials' Meeting held in Copenhagen on 11 and 12 May 1993

France had submitted an addition to the text of the minutes and asked for two related corrections of the minutes. The Presidency undertook to revise the minutes accordingly.

Item 4 Minutes of the Ministerial Meeting held in London on 1 December 1992

The minutes were noted.

Item 5 Minutes of the Extraordinary TREVI Ministers' Meeting, held in Kolding, on 6 May 1992

The minutes were noted.

PART II TREVI WORKING GROUPS

Item 6 Ad Hoc Working Group on Europol

Item 6.1 Ministerial Agreement on the Establishment of the Europol Drugs Unit

The Chairman congratulated Ministers on their signature of the

Ministerial Agreement and thanked delegations for their cooperativeness.

As Ministers decided to make the Ministerial Agreement public, the Chairman stated that the Agreement would be forwarded to the Committee on Civil Liberties and Internal Affairs of the European Parliament.

Greece announced that it had decided to put itself forward as a candidate for the permanent headquarters of Europol.

Item 6.2 Report from TREVI Senior Officials to TREVI Ministers

In accordance with the invitations in the Report, Ministers

- agreed to draw the attention of the European Council to the urgent need for a decision on the location of Europol;

- approved the paper on the accountability of the Europol Drugs Unit

- approved the draft budget and the advance work programme ; and

- noted the progress on the work towards a Convention establishing Europol.

With regard to the recommendations to Ministers to make decisions concerning the future of the Project Team and the post of caretaker Coordinator, several delegations found it more appropriate - and best in accordance with the "step-by-step approach" adopted at the extraordinary Meeting of TREVI Ministers on 6 May 1993 in Kolding - to postpone these decisions until the meeting of the European Council on 21 and 22 June 1993 had been held.

It was decided that Ministers would meet again in Copenhagen on 29 June 1993 to further prepare the establishment of the Europol Drugs Unit. In the event that the European Council in Copenhagen should fail to take a decision on the location of Europol, TREVI Ministers will then also endeavour to reach an agreement on a temporary location for the Europol Drugs Unit.

Item 6.3 Draft Report on Europol from TREVI Ministers to the European Council in Copenhagen

It was agreed that the Presidency should amend the report to the European Council in accordance with conclusions reached under items 6.1 and 6.2.

Item 7 Working Group I

Item 7.1 Document on External and Internal Threat Assessment. Ministers noted the Summary and Analysis of the TREVI document on the External and Internal Threats from Terrorism to the countries of the European Communities.

It was agreed that the Presidency should forward a copy of the Summary and Analysis part to the EPC Working Group on Terrorism.

Item 7.2 Violent Acts against Foreigners

Following the recommendations from Senior Officials, Ministers decided to expand the mandate of TREVI Working Group I to include the more organised aspects of violent acts against foreigners. This will allow Working Group I to initiate an exchange of information and experience concerning the problem under the Belgian Presidency, also with a view to being in a position to contribute to the implementation of the initiative launched by Justice and Interior Ministers at their Meeting in Kolding on 6 and 7 May 1993.

Item 8 Working Group II

Item 8.1 Interception of Communications.

Ministers

- took note of the debriefing of the experts' group on interception of

telecommunications ;

- approved the recommendation of the experts' group concerning GSM and Visitors Location Register (VLR) ; and

- approved the establishment of formal contacts with third countries on the issue of interception of telecommunications according to the memorandum submitted by the Presidency.

Item 8.2 Policing of Road Traffic

Ministers noted the recommendations put forward by Senior Officials. In this respect Ministers stressed the importance of Working Group II efforts in the area of road traffic to concentrate on the police aspects of this subject.

Item 8.3 Police co-operation with the countries of Eastern Europe

The document put forward by the Presidency was noted. The Netherlands proposed that conferences for each separate Eastern European country and its donor countries be organized in order to coordinate the activities.

Ministers agreed that the Netherlands proposal be further examined by Working Group II after the completion of the Working Group's ongoing work on the subject.

Item 9 Working Group III

Item 9.1 Money Laundering

Item 9.2 Environmental Crime

Item 9.3 Motor Cycle Gangs

The recommendations from Senior Officials to Ministers on items 9.1, 9.2 and 9.3 were agreed without comment.

Item 9.4 New Items for Working Group III

- a. Data Protection
- b. Prostitution

Following proposals from the Netherlands and Belgium respectively, Ministers agreed to place both items on the agenda of Working Group III.

PART III OTHER MINISTERS' BUSINESS

Item 10 Presidency's press release

The Chairman circulated a draft of the Presidency press release from the meeting and undertook to adjust the press release in accordance with comments made by delegations.

Item 11 Any other Business

Item 11.1 Calendar of the Belgian Presidency

There were no comments on the calendar.
Close of the Meeting.

Belgium thanked the Presidency for its chairmanship and hospitality. The Chairman wished Belgian Colleagues success during the next 6 months, thanked delegations and interpreters and closed the meeting.

18

Minutes of the extraordinary meeting of Trevi Ministers in Copenhagen on 29 June 1993

Introduction

Just weeks after agreeing the Ministerial Agreement on the creation of the Europol Drugs Unit the Ministers are discussing, in secret, an extension of its roles - a fact denied in public.

Minutes of the extraordinary meeting of Trevi Ministers in Copenhagen on 29 June 1993

Reference:

3 November 1993
9691/93
ENFOPOL 1
RESTREINT

MINUTES

from : the extraordinary meeting of TREVI Ministers
dated: 29 June 1993 in Copenhagen

Delegations will please find herewith the minutes of the extraordinary meeting of TREVI Ministers, held in Copenhagen on 29 June 1993

TREVI MINISTERS

Minutes of the extraordinary meeting held in Copenhagen on 29 June 1993

Item 1: Welcome and opening of the meeting.

1. The Chairman welcomed Ministers and their delegations to Copenhagen.

Item 2: Adoption of the agenda.

2. The agenda was adopted.

Item 3: Location of Europol Drugs Unit.

3. Ministers took note of the fact that no decision on either a temporary or permanent location of the EUROPOL Drugs Unit - or any of the other EC institutions - was made by the European Council in Copenhagen.

4. Ministers also noted a letter of 28 June 1993 from the Netherlands Ministers for Justice to the Presidency in which the Netherlands Government expresses the view that, following the European Council in Copenhagen, any decision on the location of the EUROPOL Drugs Unit should be taken at a coming meeting of the European Council.

5. The Netherlands delegation confirmed that it was their government's position that TREVI Ministers were no longer authorised to decide on a temporary location for EUROPOL and that consequently the Netherlands could not take part in any decision by TREVI Ministers to that effect.

6. Several delegations did not agree with such an interpretation of the results from the European Council in Copenhagen, since the conclusions from the Council do not make any reference to the question of the location of EUROPOL/EUROPOL Drugs Unit or any of the various

other EC institutions.

7. The Chairman concluded that irrespective of how the results from the European Council were to be interpreted, the different positions of Member States made it impossible for the present for TREVI Ministers to reach agreement on a temporary location for the EUROPOL Drugs Unit. Consequently, Ministers had to restrict themselves to once again reminding the European Council of the urgency of a decision on the location of EUROPOL and to inviting the next European Council to take this decision.

Item 4: Future of Europol Project Team

8. Ministers approved the continuation of the Project Team for a maximum of another six months, and amended the mandate of the Project Team as follows:

The Project Team will continue developmental work for the pre-conventional phase of EDU, particularly in the areas of intelligence and data processing (see Annex B to these minutes); and provide professional advice to the Ad Hoc Working Group on technical and practical matters related to the drafting of the convention establishing EUROPOL.

The Ad Hoc Working Group will provide the Project Team with precise tasks; particularly in the area of intelligence and data-processing.

The Project Team will also undertake, under the guidance of the Ad Hoc Working Group, to prepare general situation reports and crime analyses on the basis of non-personal information supplied by Member States and from other sources.

9. As regards finance, Ministers decided that from 1 July 1993 all Member States will contribute to the financial costs of the Project Team in Strasbourg according to the GNP key. In this connection a draft budget, which has been calculated on the premise that the Project Team will retain its existing members, was noted by Ministers. This draft budget is appended as Annex A to these minutes.

10. Following interventions from France, Germany, and Italy it was agreed to emphasise that in the light of the amended and extended mandate of the Project Team all Member States should consider seconding liaison officers and/or crime analysts to the Project Team in Strasbourg. It was further stressed that the profile and composition of officers already seconded to the Project Team should similarly be reconsidered in the light of the amended mandate.

Item 5: Appointment of the Caretaker Co-ordinator and recruitment procedures to be followed for the provisional phase.

11. In accordance with the "step by step approach" adopted at the Extraordinary TREVI Ministers Meeting on 6 May 1993 in Kolding and at the TREVI Ministers Meeting on 2 June 1993 Copenhagen, Ministers agreed to postpone appointment of the Caretaker Coordinator until a decision on the location of the EUROPOL Drugs Unit has been taken.

12. Ministers approved the recruitment procedures presented (see Annex C of these minutes) for the provisional phase for the appointment of the Coordinators. Ministers tasked TREVI Senior Officials to implement these recruitment and selection procedures for senior management during the provisional phase of the EUROPOL Drugs Unit.

Item 6: Strengthening of European co-operation in the field of violent extremism against the background of the recent activities by militant Kurds.

13. Germany, who had requested that this item be put on the agenda, gave an account of the recent events concerning the occupation of and attacks on Turkish institutions and diplomatic representations in Germany by militant Kurds.

14. Ministers decided to intensify co-operation and the exchange of information on the PKK and connected organisations through TREVI Working Group I.

Item 7: Any other business

15. There was no discussion under this item.

Annex A

[Editor's note: Details the financial contribution of each member state]

Annex B

Administrative/Financial/Personal Issues

Preparation of:

- detailed conditions for employment of personnel
- administrative and financial guidelines
- a business plan
- performance measurement

Intelligence/International Coordination Issues

- information requirements
- definition of relationship between EUROPOL and other organisations
- preparation of guidelines on extending the activities of EUROPOL to other areas of crime
- guidelines covering links between EUROPOL and existing liaison officer networks
- criminal analysis guidelines

Data processing

Produce a detailed long term strategy for IT requirements and recommendations for hardware and software study the technical feasibility of establishing links with other systems.

Further developments

Testing of communications between EDU and Member States, testing of working methods and practices for EDU, which could include potential ELOs to receive on-site training

RECRUITMENT PROCEDURES FOR THE PROVISIONAL PHASE FOR THE APPOINTMENT OF THE COORDINATOR AND ASSISTANT COORDINATORS

Introduction

1. TREVI Ministers are invited to approve the proposed recruitment procedures for three senior management posts for EDU in the provisional phase, when analysts will have been added to the team of EUROPOL Liaison Officers, and the Unit will need an additional Assistant Coordinator to oversee its intelligence work.

Recruitment

2. It will be open to every Member State, with the exception of the host country for The EDU, to apply for any of the three senior management posts. The Presidency will send a formal invitation to Member States. This will include a job description, essential qualifications necessary for the posts and a deadline for curricula vitae of candidates. It will be open to the caretaker Coordinator and the caretaker Assistant Coordinator to apply for the posts and to be considered under the same procedure.

Selection - Coordinator

3. Candidates whose applications meet the essential qualifications for the post will be interviewed. This could be by the full meeting of TREVI Senior Officials, who will consider each candidate on the basis of his/her interview and curriculum vitae. Alternatively, TREVI Senior Officials may wish to appoint a smaller interview panel.

4. Each candidate will be considered against a set of weighted criteria, agreed in advance of the interview by TREVI Senior officials.

5. TREVI Senior Officials will report on the selection process to TREVI Ministers and recommend one or more candidates for appointment to the post of Coordinator.

Selection - Assistant Coordinator (Administration) and Assistant Coordinator (Intelligence)

6. Candidates whose application meet the essential qualifications for each of the assistant posts will be interviewed by a panel decided on by TREVI Senior Officials. They will also be interviewed on the basis of weighted criteria agreed on in advance by TREVI senior officials.

7. Recommendations of one or more candidates will be made to TREVI Senior Officials by the panel for appointment to each post.

8. TREVI Senior Officials will be required to agree:

- job descriptions for each post;
- essential qualifications; and
- weighted interview criteria.

Recommendations

9. TREVI Ministers are invited to agree the recruitment and selection procedure, and to task TREVI Senior Officials with implementing the recruitment and selection procedure for the senior management in the provisional phase.

19

Ministerial agreement on the establishment of the Europol Drugs Unit

Introduction

The creation of Europol was first formally put forward at the European Council in Luxembourg in June 1991. This "Ministerial Agreement" of June 1993 was superseded in March 1995 - with exactly the same text - by a Joint Action adopted by the Council of Justice and Home Affairs Ministers. Neither the Agreement or the Joint Action were subject to national parliamentary ratification.

Ministerial agreement on the establishment of the Europol Drugs Unit, signed in Copenhagen on 2 June 1993

Reference: original text, 1993

The TREVI Ministers

Considering that the European Council at its meeting in Luxembourg on 28 and 29 June 1991 noted proposals for the establishment of a central European criminal intelligence office (Europol), agreed on the objectives underlying these proposals and instructed that they be examined further;

Considering that the TREVI Ministers submitted to the European Council on 4 December 1991 a report concerning the development of Europol with the unanimous agreement that Europol should be established, beginning with a drugs intelligence unit, and thereafter developed in the near future;

Considering that the European Council at its meeting in Maastricht on 9

and 10 December 1991 agreed on the creation of a European Police Office (Europol), the initial function of which would be to organise the exchange of information on narcotic drugs at the level of the Community's twelve Member States and instructed the TREVI Ministers to take such measures as were needed to allow it to be set up at an early date;

Considering that the European Council at its meeting in Lisbon on 26 and 27 June 1992 called for the preparation of the Convention necessary for the establishment of Europol;

Considering that the preparation and subsequent entry into force of the Convention will take some time;

Considering the urgent problems posed by international illicit drug trafficking, associated money laundering and organised crime and the Ministers' call, at their special meeting on 18 September 1992, that Europol's first phase, the Europol Drugs Unit be in place by January 1993;

Considering it necessary to organise the establishment of a Europol Drugs Unit and to have a form of cooperation in advance of a full Convention on Europol coming into force;

Have decided as follows :

The Ministers of each Member State will send one or more liaison officers to a central location on or after 1 July 1993 in order to constitute with the liaison officers of the other Member States a cooperation team to be known as the Europol Drugs Unit.

The Unit is to act as a non-operational team for the exchange and analysis of intelligence in relation to illicit drug trafficking, the criminal organisations involved and associated money laundering activities affecting two or more Member States.

The objective of the Unit will be to aid effective action by the police and other law enforcement agencies within and between Member states, against the above mentioned criminal activities.

For this purpose, participants in the Unit will perform, each of them acting in accordance with the provisions of their national laws and any instructions given by or on behalf of their competent ministers, the following tasks:

(a) to exchange information (including personal information) between Member States in furtherance of specific criminal investigations of drug-related offences;

(b) to prepare general situation reports and crime analyses on the basis of non-personal information supplied by Member States and from other sources.

The activities of the Unit will be without prejudice to other forms of bilateral and multilateral cooperation in relation to combatting illicit drug trafficking and other related activities, nor to the competencies of the European Community.

Treatment of Information

Concerning illicit drug trafficking and other drug-related criminality including money laundering, the liaison officers will, within the limits of national legislation, legal rules and any instructions given by or on behalf of their competent ministers, communicate information in furtherance of specific criminal investigations of drug-related offences, the development of intelligence as well as strategic analysis. In order to fulfil these tasks, the liaison officers will have access to their relevant respective national criminal information and intelligence. The Ministers emphasise the necessity of protecting all information from unauthorised access and destruction, including ensuring the physical protection of data processing systems and links.

Requests for information made to the Unit by the police or other law enforcement agencies are to be channelled through one or a limited number of national central authorities which will also be responsible for the receipt and the passing on of any response from the Unit.

Data Protection

Personal information will be communicated on the basis of exchanges between the liaison officers, each of them acting in accordance with the provisions of national laws, and also any relevant legal rules and Ministerial instructions, concerning the processing of personal information, and respecting any conditions expressed by the delivering state in respect of the use of such information. Any exchange of information between the requesting and the delivering Member State will take place solely on a bilateral basis via their respective liaison officers. Should the delivering state, in the course of dealing with a request, discover any information in connection with a drug-related offence relevant to another state, this information may be made available to the State in question via the liaison officers of the states involved in accordance with national legislation.

The transmission of personal information to non-Member States or to international organisations by the liaison officers will not take place.

To the extent required by their national legislation on data protection, the liaison officers will keep - exclusively for the purposes of data protection - a record of the personal information they have transmitted, as described above. Furthermore no personal information will be stored centrally, whether automatically or otherwise, in the Unit.

The Ministers invite their national data protection authorities to supervise the activities of their liaison officers in respect of national legislation on the protection of personal data. They particularly invite their national data protection authorities to check whether the Unit's common database (if any) contains only non-personal data.

Finance

The cost of maintaining officers sent to the Unit from Member States, and their necessary equipment, will be borne by their respective Ministers. Other costs of establishing and maintaining the Unit, which are to be met initially by the host country, will be defrayed jointly by the Ministries. Within the limits of their budgetary rules and annual procedures, each Ministry's voluntary annual contribution for this purpose will be determined on the basis of the country's gross national product (GNP) , according to the scale used for the determination of the GNP element of the own resources that finance the budget of the European Communities. In each year the GNP of each Member State for the preceding year will be the basis used.

The foregoing record represents the agreement reached between the TREVI Ministers upon the matters referred to therein.

This Agreement shall enter into force on the day following decision by the competent authorities on the temporary or permanent site of Europol Drugs Unit/Europol.

This Agreement will come into effect for Ireland when the terms of the Agreement have been approved by Dail Eireann.

Signed in duplicate at Copenhagen 2nd June 1993 in English and French languages, both texts having equal validity.

[Signature on behalf of each country]