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LIMITE

**SIS 8
EUROPOL 9
COMIX 80**

NOTE

from : Presidencies of the Working Parties on EUROPOL and SIS
to : Working Party on SIS (EU/Iceland and Norway Mixed Committee)

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Subject : Access by EUROPOL to the Schengen Information System (SIS)

Background

At its meeting on 15 January, the SIS Working Group asked the Presidency to examine the case for giving EUROPOL access to the SIS.

Following contact with the Chairman of the Working Party on EUROPOL, the two Chairmen present the following considerations to the Working Party on SIS as an aid to discussions held in the Working Group in order to propose to the higher groups that EUROPOL be given access to the SIS.

Introduction

Effective action against international organised crime, backed by the "Action Plan" of the Council, the Commission and the Treaty of Amsterdam, calls for use of rapid information and intelligence mechanisms and the normal use of systems already established within the European Union.

To this end, recommendation 36 in CRIMORG 80 of 21 June 1999 stated that Europol should be provided with access to the SIS.

Operational necessity

As Europol works on a wide range of operational projects, its analysts can make checks on people, vehicles and other objects in the SIS system. There is no doubt that in the context of its strategic and operational work, Europol needs to check whether the data it obtains in the course of its duties appear in other European Union information systems; such checks could be of mutual benefit to Europol and the Member States.

Data obtained could enhance quantitatively and qualitatively Europol's products and services, or in any case obviate unnecessary extra effort.

On-line access to the SIS would greatly assist operative work in the following respects:

- Identifying related or relevant activities in the Member States which facilitate direct coordination or requests for supplementary data.
- Allowing additional interesting data to be gathered for operative analysis in the field of analysis files.
- Ensuring that data that can be kept within the European framework are properly exploited.

Furthermore, bearing in mind the topicality of the material, giving Europol access to the SIS is necessary and urgent as regards the crime of falsifying money and other means of payment including the euro, as a variety of information on registered bank notes is already included in the system.

Strategic necessity

Strategic analysis is of unquestionable interest to Europol and allows forecasts to be made using the following techniques:

- Identifying and comparing changes in different levels of crime over a period of time.
- Identifying possible relationships between relevant variables which have an impact on the crime rate.
- Comparing ethnic and demographic trends.

In order to carry out a complete strategic analysis including risk assessments in the field of crime, Europol needs to have the greatest possible access to European databases. The SIS is a fundamental part of this database to be consulted and must be taken into account by Europol when carrying out any kind of evaluation.

As a final point, financial consequences would be minimal if the point of access were financed from the common budget.

On the basis of the above, if rapid and full development of Europol's operational activities is desired when assuming its tasks in dealing with organised international crime, access to the SIS database in the following forms is essential:

- Phase one: immediately
 - Consult all information in the SIS.
 - Partial downloading of data in order to carry out analyses and statistical studies.
- Phase two: subject to further authorisation from the MS.
 - Possibility of updating SIS by adding, deleting and modifying information.

Member States should therefore be given use of all the legal and technical mechanisms within their reach in order to remove any obstacles created by the initiative in practice. This measure would be easy to apply given the information already available and the added benefit of the minimal costs involved, while proving very useful to Europol in its increasing needs in combating organised crime.

The above points should be submitted to the SIS Working Group for a decision on the advisability of meeting the requests for phase one, and if it approves, for a proposal to the higher groups on the adoption of the legal and technical mechanisms necessary for their implementation.

In addition, the SIS-TECH Working Party should be given a mandate to study the best way of providing access to EUROPOL's headquarters and national offices.