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from :	Presidency
to :	Police Cooperation Working Party
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Subject :	Reinforcing police cooperation in the areas surrounding the internal borders of the EU

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**A. Issues under consideration**

**1. The area under threat**

One of the European Union's objectives is to provide its citizens a high level of security in the area of freedom, security and justice.

The creation of a European zone devoid of internal borders, in which people, goods and capital can circulate freely, has led to the internationalisation of security issues with which the Member States' police services are faced.

This internationalisation of security issues is on the one hand expressed in a change in the nature and scale of cross-border crime in the areas surrounding the internal borders of the European Union. Besides various forms of serious and organised crime, these areas have also experienced an increase in offences under general criminal law (break-ins, carjacking, homejacking, etc.). One of the main characteristics of these offences is that they directly and aggressively infringe on the lives of the European citizens in these areas. These breaches lead citizens to believe that there is a security vacuum in the area surrounding the internal borders.

The internationalisation of the security issue is on the other hand becoming clearly evident in the internationalisation of breaches of public order and safety during major events. Examples include the riots in Sweden (Gothenburg), the riots unleashed by anti-globalists in Italy (Genoa), during the European Summit in Belgium (Laken) and the football riots in Belgium during the 2000 European championship. It transpires that foreign rioters in particular play a significant role in causing these riots.

## 2. Intensified cross-border cooperation and assistance in the field of Public Order and Safety

The European objective of offering citizens a high level of security, requires police services to effectively respond to the problems as described above. It is therefore essential that the police cooperation within the European Union be intensified in these areas. This will primarily depend on the police services patrolling the internal borders being offered the opportunity to set up a sound means of cross-border cooperation to support day-to-day police care. And secondly, it is essential to the maintenance of public order and safety that the Member States be able to call upon a European coordination & assistance facility.

## 3. Current bottlenecks

The need for the aforementioned cooperation at the internal borders as well as setting up of an assistance facility has already been expressed on several occasions in the past. However, one has to conclude that it is difficult to put these ideas into practice<sup>1</sup>. The primary bottlenecks preventing this are (1) the exchange of information (including intelligence), (2) executing duties and powers (including carrying arms), (3) differences in labour law aspects pertaining to police officers (liability under both criminal and civil law), (4) coordination in setting up cross-border police cooperation (5) mutual trust, language, culture and (6) training.

These problems cannot be solved within the existing national and European frameworks.

Given the objective that European citizens should be able to rely on a high level of security in the area of freedom, security and justice, the Netherlands' Presidency considers it necessary to take steps to resolve these bottlenecks.

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<sup>1</sup> Please consult the report on the seminar Policing without frontiers 8770/04 ENFOPOL 46

## **B. Operational objectives**

In concrete terms, the Presidency considers it necessary to create the following circumstances.

1. Police services should cooperate in providing day-to-day police care at the internal borders, and should be able to provide structural assistance in maintaining public order and safety during major events at the request of the competent authorities.
2. The cooperation referred to in point a) should be set up and coordinated by an effective coordination & assistance facility. With a view to simplifying the scheduling aspects related to cooperation, an international calendar of events will have to be kept.
3. During the course of this cooperation, the police services should be appointed a minimum package of duties, powers, provisions and preconditions. These all lie (non-restrictively) in the area of:
  - The necessary recognition of the police officers. Agreements will have to be concluded with regard to wearing national uniforms, including bearing the corresponding arms.
  - Agreements will have to be concluded concerning the use of the service weapon (in self-defence).
  - Joint patrols.
  - Continuing the immediate protection of persons whenever they enter the territory of the guest state.
  - Area and access checks.
  - Police duties in the area of traffic (power to direct traffic).
  - Requesting people's ID.
  - Intervening in cases where perpetrators are caught in the act.
  - Directly exchanging the information required within the context of the operational objective of cooperation.
4. Clarity will have to be established with regard to the labour law aspects of cross-border police action for the police officers. This applies largely to arranging those aspects pertaining to liability under criminal and civil law.
5. Clarity will also have to be established with regard to the (allocation of) costs incurred as a result of cross-border actions.

6. Training courses should be made available, which are suitably aligned with various forms of international police cooperation. These should devote primary attention to mutual trust, language and culture.

### **C. New initiatives**

In the opinion of the Netherlands' Presidency, the aforementioned provisions should be made in a manner that recognises the Member States' sovereignty in this field, while corresponding to the applicable national legislation of the guest nation in question. This would best serve the objective of successfully tackling the bilateral problem that usually lies at the root of such issues. Viewing the matter from this perspective, the Presidency is considering the preparation of an initiative, on the basis of which it might be agreed:

1. That all Member States comply with the necessary preconditions that would enable police services to (a) cooperate in providing day-to-day police care at the internal borders and (b) offer one another structural assistance in maintaining public order and safety.
2. With a view to achieving the aim set out in point 1, the Member States will have to implement measures that will enable the aforementioned cooperation (including duties and powers). A model agreement may be drawn up with a view to implementing the measures required to achieve the desired level of European security.
3. That a network of contact points be appointed for cross-border cooperation. In this capacity, it will be given the task of (a) compiling and maintaining a European calendar of major events, (b) compiling a list of the exceptional assistance facilities available in the Member States, (c) drawing up recommendations with regard to how international assistance might be provided in the area of public order and safety within the European Union in a well-structured and unambiguous manner and (d) to report on the progress concerning the agreement referred to in point 1.

### **D. Proposal**

The Member States are asked for their comments to the proposed solution described above, aimed at improving cross-border cooperation and assistance in the area of public order and safety. The Member States shall also be given the opportunity to make further proposals.