



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 23 April 2004

8770/04

ENFOPOL 46

NOTE

from : Netherlands delegation
to : Police Cooperation Working Party

Nos prev. docs: 15732/03 ENFOPOL 119 COMIX 744, 5313/1/02 ENFOPOL 8 COMIX 29
REV 1, 9834/1/01 ENFOPOL 60 REV 1

Subject : Policing without frontiers
- Conclusions and recommendations of the seminar Policing without frontiers
(Maastricht, 11-12 March 2004)

Background and objectives

The EU Member States regard the Union's territory as one in which peace, security, and justice should prevail. But ensuring these conditions can be difficult, especially on the internal borders between Member States. Now that internal border controls have disappeared, criminals can cross unnoticed and unhindered from one Member State to another. No wonder cross-border crime is increasing rapidly in internal border areas.

What is more, open borders are having a growing impact on the maintenance of public order and safety. Examples are the problems arising from drug-related crime, international sporting contests, and ideologically motivated demonstrations at high-profile events.

At the same time, the internal borders make it difficult for the police to fight cross-border crime effectively. As a result, many people living in internal border areas are coming to feel that they live in a security vacuum. In many places, the blurring of the border is accentuated by construction either side of it.

We must therefore boost cooperation between the police in internal border areas. Ireland and the Netherlands, as EU presidency and future presidency, both intend to do so in 2004. To this end, the European Policing Without Frontiers Seminar was held in Maastricht (the Netherlands) on 11 and 12 March. It was attended by 100 delegates from 15 countries.

Several forms of cross-border police cooperation were discussed at the seminar. Delegates took part in debates and interactive voting sessions in search of ways of improving cross-border police cooperation in the EU, especially in internal border areas. They reached the following conclusions and recommendations.

Conclusions and recommendations

1. The nature and extent of cross-border crime have changed in recent years, and are no longer dominated by serious and organised crime. Other (less serious) forms of crime and breaches of public order and safety are also increasingly international. In order to realize a European zone of peace, safety and justice, cross-border cooperation between and among police forces must be organised in such a way as to respond effectively and efficiently to this expansion in tasking.
2. It is a challenge for European police services to effectively respond to an expansion of tasking. Within current European and national legislation, and regulations cross-border police cooperation in the form of general policing as well as in providing back up in maintaining public order and safety, is particularly troublesome.
3. Constraints the police encounter in cross-border cooperation partly depend on the specific form of cooperation. Solving these problems requires a customised approach.

4. Despite the conclusions under conclusion 3 there are cross-cutting issues common to the various forms of cross-border policing. Mainly these issues pertain to:
 - a. exchange of information (including intelligence),
 - b. competencies (including carrying and using means of force),
 - c. issues involving employment law (both civil and criminal liability),
 - d. coordination in realizing and implementing cross-border cooperation,
 - e. language and culture and
 - f. training.

5. The crux of the matter is finding solutions to the problems listed in conclusion 4. In the search for solutions the following conditions should be respected:
 - a. The regional nature of the problems of cross-border police cooperation should be reflected. All police services involved have an important role to play.
 - b. It is essential to build on existing forms of cross-border policing, especially best practices.
 - c. Maximum use must be made of existing tools such as legislation and regulations presently in force, information and other systems as well as institutions including Europol, Interpol and CEPOL. This toolbox should be extended.
 - d. Identification of all issues relevant to improving police-cooperation is of paramount importance. Particularly important here is the further analysis of such issues as types of crime and breaches of public order and safety. On the basis of such analysis cross-border policing should be established with a view to realising their full potential.
 - e. In cross-border police cooperation it is important to establish a good balance between policy, implementation (police and public prosecutors), legislation and culture.
 - f. Any solution so identified must specifically target the urgent need for enhancing on the ground cross-border police cooperation.

6. As a solution to practical policing problems, as described in conclusion 4, policy makers should work towards bi- and multilateral arrangements, in close consultation with the practitioners. Networks can play an important role here. Furthermore, existing bilateral and multilateral treaties can serve as a model.

What next?

Given the common interest in this problem, the Netherlands delegation seeks to draw attention to these conclusions and recommendations. It has also announced that the future Netherlands presidency will launch an initiative on cross-border police cooperation in the EU. The intention is to remedy the sticking points identified during the seminar. Initiatives already taken in the area will of course be taken into account.
