

**14708/04**

**LIMITE**

**CATS 51**

**NOTE**

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from :	Presidency
to :	Coreper
No. prev. doc. :	13075/1/04 CATS 42 REV 1
Subject :	Role and positioning of the Police Chiefs Task Force with a view to strengthening the EU operational police co-operation

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**I. Introduction**

1. Based on and subsequent to the 1999 Tampere conclusions and the Declaration on combating Terrorism of 25 March 2004 of the European Council, the Article 36 Committee has at several of its meetings discussed the role and positioning of the Police Chiefs Task Force in the framework of strengthening the EU operational police co-operation.<sup>1</sup>
2. There is general agreement on the fact that there is a twofold need for enhancing the operational police co-operation in the EU by
  - setting up concrete joint investigations/operations to tackle specific problems and
  - providing input from the operational police point of view into the policy-making of the EU.

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<sup>1</sup> The report of the PCTF regarding this subject is set out in document 9453/04 CATS 22 ENFOPOL 50, which has been discussed at the Article 36 Committee in its meetings of May and June 2004.

This corresponds to the twofold task of the PCTF, which has an operational/operative and a strategic aspect. A description of these needs and tasks is set out in document 13075/1/04 CATS 42 REV 1.

3. Accordingly, the Presidency has set out a proposal that aims to cater for both aspects.

## **II. Positioning of the Police Chiefs Task Force**

4. Because of the PCTF's task to contribute to the planning and co-ordination of operational actions, it is desirable to bring the PCTF closer to Europol. Therefore, Europol should host the relevant meetings and provide its functional support (e.g. threat analysis, specialist crime investigation support, expert support on operational debriefing etc.). Moreover, one or two members of Europol's staff should be permanently available to ensure the administrative support of these Task Force's meetings<sup>2</sup>. This should be done under the direction of the latter's Presidency and in co-operation with any Presidency staff available for this task.

The above-mentioned meetings can be attended by (representatives of) the Police Chiefs and/or experts, depending on the level and subject of the meeting.

5. This arrangement is without prejudice to both
  - the provisions on Europol's Management Board and HENU's, with which the necessary co-ordination should, nevertheless, be guaranteed; and
  - the fact that the mandate of the Police Chiefs Task Force is wider than the competence areas of Europol (e.g. maintaining law and order and security).
6. Consequently and in order to cater for the strategic role of the Police Chiefs with regard to European police co-operation, it is broadly agreed that they should meet within the Council structures. This will allow to discuss strategies and issues related to structural problems as well as provide a clear operational point of view in the Council's proceedings. Moreover, it will ensure the accountability of the European operational co-operation.

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<sup>2</sup> To ensure the co-ordination with the work of the Council, the Council Secretariat will be closely associated to these activities. In addition, the Commission is attending all meetings of the PCTF.

### III. Meeting level of the Police Chiefs within the Council structures

7. A number of delegations supported the Presidency's proposal that the Police Co-operation Working Party should convene a limited number of times per year (once or twice per Presidency) in a "Police Chiefs" setting.<sup>3</sup>
8. However, several delegations are of the opinion that, in view of the (national) responsibilities and role of the Police Chiefs, it would be more fitting to convene their meetings at a higher level, with direct reporting to Coreper. This could be done either by having joint meetings with the Article 36 Committee or by setting up a separate meeting forum (the Police Chiefs Committee). In the latter case, it would be up to Coreper to refer files from the Police Chiefs Committee to the Article 36 Committee, e.g. where legislative and/or judicial issues so required.
9. In any case, it is clear that the arrangements that will currently be agreed upon with regard to the Police Chiefs will be reviewed in the light of the outcome of the debate on the set-up, once the draft Treaty establishing a Constitution for Europe enters into force, of a standing committee in order to ensure that operational co-operation on internal security is promoted and strengthened within the Union (Article III-261 of the draft Treaty).
10. On the basis of the above premises, Coreper is invited
  - to confirm that from now on the Task Force shall meet at Europol for its operational tasks, as described in point 4 above
  - to confirm that the Police Chiefs will regularly meet within the Council structures
  - to determine what the appropriate level is for the Police Chiefs meeting within the Council structure (Police Co-operation Working Party in "Police Chiefs" setting, joint meetings with the Article 36 Committee or a separate Police Chiefs Committee).

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<sup>3</sup> This does not prevent Member States from including their regular representative at the PCWP into their delegation to such meetings.