



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 15 May 2008

9395/08

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ENFOPOL 93
EUROPOL 52**

"I/A" ITEM NOTE

from :	Article 36 Committee
to :	COREPER / Council
No prev. doc.	9138/08 JAI 229 ENFOPOL 85 EUROPOL 51
Subject :	Draft Council Conclusions on the further development of the SECI Center

Delegations will find in Annex a Presidency proposal for draft Council Conclusions on the further development of the SECI Center, taking into account the discussions held at the Article 36 Committee meeting on 3 April and 14 May 2008 and discussions at the EU SECI Support Group on 29 April 2008 as well as the written contributions received from delegations.

Coreper is asked to endorse of the draft Council Conclusions and forward the document to the Justice and Home Affairs Council for adoption.

**Council Conclusions
of ...
on the further development of the SECI Center**

The Council of the European Union,

Following the Council Conclusions on the further development of the SECI Center¹ adopted by the Justice and Home Affairs Council on 4 December 2006, which stress the role of the SECI Center in strengthening regional cooperation in fighting serious crime and consider the Center as an important regional contribution to the security of the European Union as a whole.

Taking into account the Communication from the Commission to the European Parliament and the Council "Western Balkans: Enhancing the European perspective" of 17 March 2008², which states that:

- cooperation in the field of freedom, security and justice, notably in combating serious crime and corruption are of particular importance for the Western Balkans and a core priority for their European agenda,
- the Western Balkans is a priority area for Europol and the EU supports closer cooperation between Europol and the SECI Center.

Respecting the general principles of data protection enshrined in the Council of Europe Convention of 28 January 1981 (ETS No. 108) for the protection of individuals with regard to automatic processing of personal data and the Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, regarding supervisory authorities and transborder data flows (CETS No. 181) and the Recommendation No R(87)15 of 17 September 1987 of the Committee of Ministers regulating the use of personal data in the police sector.

¹ SECI - Southeast European Cooperative Initiative
SECI Center - SECI Regional Center for Combating Transborder Crime

² doc. 7702/08 COWEB 82 ELARG 20

Considering the advanced stage of the negotiations on the draft SELEC³ Convention launched in April 2007.

Stresses the importance of the further development of the SECI Center/SELEC to ensure more efficient police and customs cooperation in South East Europe, in particular between the SECI/SELEC Member States with due regard for the general principles for the protection of personal data enshrined in the Council of Europe Convention of 28 January 1981 (ETS No. 108) and its Additional Protocol (CETS No. 181).

Welcomes the progress made by the SELEC Expert Working Group since 2007 in formulating the draft SELEC Convention.

Stresses the driving role of Europol, as the EU body for the fight against serious crime, which should be reflected in the draft SELEC Convention, and invites therefore the EU Member States participating in the SECI Center to ensure compatibility between the draft SELEC Convention and Europol's legal framework, in particular to avoid a possible duplication of roles and tasks.

The EU Member States participating in the SECI Center are also invited to support the inclusion of the provisions concerning the relationship between Europol and the SECI Center to the draft SELEC Convention.

Invites the EU SECI Support Group to continue its work in assisting the SECI Center in the development of its legal framework, and to report on a regular basis to the Article 36 Committee on the progress achieved in the negotiations on the draft SELEC Convention.

Underlines that the compatibility of membership of both the European Union and of the SECI Center/SELEC requires an institutional and operational link between Europol and the SECI Center/SELEC which takes into account the driving role of Europol as the EU body for the fight against organised crime.

³ SELEC - Southeast European Law Enforcement Center

Welcomes the support provided by the Commission to the SECI Center for the development of the new SELEC Convention as well as its substantial assistance to the Western Balkan region related to freedom, security and justice issues, including cross-border cooperation between police and customs services, referred to in the abovementioned Commission Communication.

Calls upon Europol and the SECI Center/SELEC to exchange a Letter of Intent. Having regard to Europol's legal framework and the lack of international legal personality of the SECI Center, the Letter of Intent should neither in form nor substance be a legally binding document.

Invites the EU SECI Support Group to immediately carry out an assessment concerning the further improvement of the working mechanism between SELEC and Europol and to draft a roadmap for the development relations between Europol and the SECI Center/SELEC, including the possibility to conclude a strategic or an operational cooperation agreement, which takes into account the driving role of Europol as the EU body for the fight against serious crime. Based on this evaluation, the Council will adopt Conclusions on the appropriate follow-up regarding the relations between Europol and SELEC.