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NOTE

From:	Presidency
to:	JHA Counsellors/COSI Support Group Standing Committee on operational co-operation on internal security (COSI)
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Subject:	Summary of debate on possible future user requirements for Europol

At its meeting on 17 February 2012, the Standing Committee on operational co-operation on internal security (COSI) had a first exchange of views on Europol's future role and tasks on the basis of a Presidency discussion paper (doc. 5778/1/12). The aim of this debate was to develop a visionary approach on Europol's future, which would be different from the ongoing independent external evaluation commissioned by the Europol Management Board,¹ which focuses on the implementation of the Europol Decision and of the activities currently carried out by Europol. Furthermore, the debate was not intended to focus on the role of the European Parliament.

¹ Art. 37 (11) of the Council Decision establishing the European Police Office, OJ L 121, 15.5.2009, p. 37

1) Scope

Most of the delegations were of the opinion that Europol's competence as set out in Art. 4 of the Europol Decision should not be widened to other types of investigation or to matters of public security and public order. Instead of widening Europol's competence, delegations prefer a deepening of the current competences. Some delegations expressed that the mandate should contain a certain degree of flexibility by granting the possibility to Europol to react on new challenges. Widening the scope of the mandate could, however, have an impact on Member States' human and financial resources. It was also mentioned that the present wording of the Europol Decision already gives the Agency a capacity to adapt to emerging forms of serious and/or organised crime, since Article 10(4) authorises it to receive and store for six months any contribution, even in the absence of any tangible link to a known form of crime. Thus, activities relating to e.g. environmental crime or offences against public health could be increasingly taken into account by Europol.

2) Tasks

Delegations generally acknowledged the role of Europol as centre for information exchange and in providing operational support and expertise to Member States' law enforcement authorities.

Regarding Europol's core task as information hub, delegations did not see a need to introduce a mandatory provision to share information with Europol, which could be inspired by Art. 13 of the Eurojust Decision as amended by Council Decision 2009/426/JHA. Delegations preferred to explore how the information exchange could be improved within the existing legal framework, which already contains some mandatory provisions. In this respect reference was made to Art. 8 (4)(a) of the Europol Decision (2009/371/JHA) according to which Europol National Units must share information and intelligence "necessary for Europol to carry out its tasks".

Furthermore, delegations pointed out that Article 6(2) of Framework Decision 2006/960/JHA (Swedish initiative) on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union provides that "Information or intelligence [exchanged between Member States] shall also be exchanged with Europol [...] and with Eurojust [...] insofar as the exchange refers to an offence or criminal activity within their mandate".

Some delegations also pointed to the need to explore how Europol can further contribute to ensure a better use of existing Europol products at national level. It was suggested that one option could be to examine how national law enforcement services could get a facilitated access to SIENA and the EIS e.g. by setting the use of SIENA and the Europol Information System (EIS) as default. It could also be considered to grant Europol, within its mandate, access to newly developed or planned information exchange tools e.g. European Police Records Index System (EPRIS).

Regarding the idea of internet surveillance some delegations referred to that this should be discussed if Europol would assume the tasks of the European Cyber Crime Centre. A greater role for Europol in the development of specialised techniques and technologies to be put at the disposal of Member States was welcomed. The setting up of other new functionalities such as a 24/7 operational crisis support centre, a 24/7 support platform for common Police and Customs Cooperation Centres or a research facility was not supported at this stage, taking into account the expected cost implications of such initiatives. However, some delegations stressed that new functionalities should not be ignored if a common investment would be more cost-effective than separate national investments by individual Member States. Some delegations also found it necessary to have further discussions on these topics in order to better explore Europol's added value in this field.

The deployment of Europol liaison officers' network in sensitive geographical areas was considered useful although further clarifications would also be needed as regards their role and prerogatives (no investigative powers, relations with national liaison officers).

3) Cooperation:

Cooperation between the different agencies was considered paramount in particular to avoid a duplication of tasks and explore synergies e.g. with OLAF. It was mentioned that the recent creation of the Agency for the operational management of large-scale IT systems could lead Europol, Frontex and Eurojust to reconsider their organisation and procedures in terms of IT system development and management.

The information exchange between Europol Liaison bureaux and Eurojust national desks was mentioned by some delegations as a task that could be improved in accordance with national legislation.
