



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 4 April 2011**

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**I/A ITEM NOTE**

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From: Presidency

To: Coreper

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No. prev. doc.: 6504/2/11 REV 2 JAI 111 JAIEX 14 ENFOPOL 37  
5922/11 JAI 65 JAIEX 9 ENFOPOL 16

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Subject: Draft Council conclusions on cooperation between Europol and the SECI  
Center/SELEC

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1. The draft Council conclusions on cooperation between Europol and the SECI Center/SELEC have been discussed at the Friends of Presidency and JHA Counsellors meetings on 7 February, 21 February and 7 March 2011.
2. CATS discussed the draft conclusions (6504/2/11 REV 2) at its meeting on 21 March 2011 along with proposals submitted by the DE delegation and reached a broad agreement on the text, subject to reservations on the last paragraph concerning exploring ways to fund initiatives of the SECI Center/SELEC to consolidate the organisation.

3. Taking into account the opinions expressed by delegations, including the Commission, during and after the CATS meeting, the Presidency has revised the draft conclusions deleting the paragraph on funding.
4. Coreper is invited to agree on the text as set out in the annex with a view to submitting it to the Council for approval.

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**Draft Council Conclusions on cooperation between Europol and the SECI Center/SELEC**

The Council of the European Union,

REAFFIRMING the EU's vision for the relationship between Europol and the SECI Center/SELEC which is based on the following principles:

- the driving role of Europol as the EU body for the fight against organised and other forms of serious crime, as included in the Preamble of the SELEC Convention<sup>1</sup>,
- the need to avoid duplication of roles and tasks,
- compatibility of membership in the organisations and of their legal framework,
- the principle of complementarity as defined by COREPER in November 2008<sup>2</sup>;

RECALLING that these principles have been reiterated at various high level discussions with the SECI Center members and EU actors (Presidency, Commission, Europol);

NOTING the need for and the importance of regional cooperation which is highlighted in the Internal Security Strategy for the EU: Towards a European Security Model<sup>3</sup>;

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<sup>1</sup> [Preamble] "Acknowledging that the European Union has assigned to the European Police Office (Europol) the driving role as the EU law enforcement body supporting the fight against organized crime and other forms of serious crime and seeking to reach operational complementarities for the mutual benefit of SELEC and Europol"

<sup>2</sup> "The SECI Center/SELEC should be primarily an operational platform for cooperation and coordination between its member states in preventing and combating serious crime" whilst Europol supports the Center "mainly through providing strategic and operational analysis relevant to the Center's work" (doc. 14305/2/08 REV 2).

<sup>3</sup> doc. 7120/10 CO EUR-PREP 8 JAI 182, p. 16: "Cooperation and coordination with international organisations in the field of law enforcement should be enhanced. Bilateral, multilateral and regional approaches among Member States should be developed, where appropriate, to address specific threats."

UNDERLINING that effective law enforcement (police and customs) cooperation among countries of the Western Balkan region is a core element in achieving the desired stability in the region, and gives a unique opportunity for the realisation of the EU perspective for these countries;

REITERATING that it is in the interest of the EU to have the SECI Center/SELEC as a well-functioning platform for operational law enforcement cooperation and as an important player in the security area in the Southeast European region, in particular as regards the fight against serious forms of crime, focusing on the organisation of joint operations and able to assist Europol by providing criminal intelligence for analytical purposes;

NOTING the call in the draft Action Plan of the European Union Strategy for the Danube Region from December 2010 to strengthen the cooperation of Europol with the SECI Center/SELEC and to encourage the use of the European Secure Information Exchange Network Application (SIENA) by all non-EU countries of the Danube region<sup>4</sup>;

INVITES EUROPOL to report on the overall achievements and progress realised in this respect to competent committees (CATS and COSI) when necessary and depending on the nature of the subject matter as well as bearing in mind the ratification of the SELEC Convention and the transition from the SECI Center to SELEC;

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<sup>4</sup> Doc. 18055/10 ADD 1

INVITES the SECI Center/SELEC

to combine its activities in a complementary manner with Europol in accordance with the principles established by the Roadmap, whereby the SECI Center/SELEC should make use of Europol's existing criminal analysis capabilities and should only develop its own strategic analysis activities<sup>5</sup> in accordance with the SELEC Convention and in agreement with Europol;

to welcome the posting of one or more Europol liaison officers as key analytical adviser(s) to the SECI Center/SELEC;

to facilitate the implementation of the Pre-Accession Assistance (IPA) capacity building project started in January 2011<sup>6</sup>;

INVITES the five EU Member States/Members of the SECI Center

to systematically use Europol's Secure Information Exchange Network Application (SIENA) for exchanging information in the framework of the SECI Center/SELEC, in accordance with the already existing commitments<sup>7</sup> and their national law;

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<sup>5</sup> Article 3(e) of the SELEC Convention sets forth that SELEC shall have the following tasks: "to provide strategic analysis and to produce threat assessments related to the SELEC objective". Article 43(2) sets forth that SELEC in establishing its relationship with Europol "may make use of, inter alia, Europol's strategic and operational analysis capacity if Europol offers this capacity".

<sup>6</sup> The Multi-Beneficiary IPA project aims to upgrade the SECI Center/SELEC institutional operational framework, including the area of personal data and operational support development, thus contributing to the improvement of trans border cooperation in the fight against trans border crime. It is implemented by Romania, in cooperation with Austria, Italy, and Europol. The capacity building project, initiated in 2011, will come to an end in January 2013.

<sup>7</sup> European Pact to combat international drug trafficking (doc. 8821/10) adopted by the Council on 3 June 2010.

to assist the SECI Center in the process of transition from the SECI Center to SELEC<sup>8</sup> in accordance with the principles established by the Roadmap;

to ensure that the transition process would not lead to duplication of Europol's roles and tasks and would be implemented respecting the **driving role of Europol as the EU body for the fight against organised and other forms of serious crime**;

to inform via the appropriate channel the relevant point of contact about all their operations involving the SECI Center/SELEC in accordance with the Coordination Mechanism for joint law enforcement operations set out in doc. 13077/2/10 REV 2;

ENCOURAGES the future Presidencies of the EU

upon the initiative and with the assistance of the five EU Member States/Members of the SECI Center, to maintain appropriate relations with the SECI Center/SELEC and hold coordination meetings at EU level when deemed appropriate in order to discuss aspects of mutual synergy between Europol and the SECI Center/SELEC and possible future operational cooperation<sup>9</sup> between the two organisations;

with the assistance of the five EU Member States/Members of the SECI Center, to coordinate the EU's standpoint on the SECI Center/SELEC-related issues, whenever necessary, prior to the meetings of the SECI Joint Cooperation Committee as well as to consult the European Commission and Europol;

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<sup>8</sup> See Decision No. JCC /45/2010 of November 24, 2010 on the establishment of a Working Group for preparing the Action Plan for the Transition from SECI Center to SELEC.

<sup>9</sup> In the light of Article 23 of Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol) (OJ L 121/37, 15.5.2009)