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From: Presidency
To: Law Enforcement Working Party

Subject: Proposal for establishing law enforcement information exchange centres in the Mediterranean area in order to counter cross-border criminality towards the European Union

Introduction

Organised crime groups seem to persist in choosing Europe, rather than other regions like Northern America and South Eastern Asia, as pole of attraction for carrying out various illegal trafficking activities. In this permanent situation, the Mediterranean countries become places of transit, production and brokering for transnational criminal flows or places where criminal groups establish their influence and decision-making centres.

The peculiar socio-political situation in the area has brought the European Union to re-launch the Euro-Mediterranean partnership, as outlined also in the Stockholm Programme, and the EU has supported various initiatives in Southern Mediterranean, African and Middle Eastern countries bordering in the basin¹ and their simultaneous integration in terms of trade, transport and communications.

¹ Albania, Algeria, Bosnia and Herzegovina, Egypt, Israel, Jordan, Lebanon, Mauritania, Montenegro, Morocco, Palestinian Authority, Syria (suspended), Tunisia, Turkey.

These opportunities have also facilitated the proliferation of alliances and synergies between criminal organisations of different calibres and origins and individual criminals, and might have favoured connections with groups engaged in religiously motivated subversive activities. All this occurs in regions marked by extreme poverty and, sometimes, by a particularly weak political-institutional framework, permeable to the interests of organised crime.

In this sense, the Mediterranean region is more and more exposed to illegal immigration and organised crime actions perpetrated by criminal groups from Africa, Eastern Europe and the Middle East. Italy - due to its central location that makes it an almost natural bridge for crossing the Mediterranean basin - is a significant point of access to the entire territory of the EU.

Aim of the proposal

The aim of this proposal is to create a sort of belt around countries in the specific peripheral Mediterranean and Balkan areas, by establishing information exchange centres on their territories in order to combat criminal activities and create an easy, fast, effective and immediate network aimed at exchanging information and good operational practices.

These centres, far from being “police and customs cooperation centres” in the strict sense of the word, would operate as “antennas” for the exchange of information on specific criminal phenomena (such as terrorism, illegal immigration, trafficking in human beings and organised crime), representing cooperation platforms for law enforcement services of the participating countries.

The project could consist of two phases:

- (1) The first immediate phase would be devoted to the establishment of two information exchange centres: one in the bordering area between Greece and Turkey and the other in Northern Africa, possibly in Tunisia or Libya.
- (2) The second phase would aim at strengthening links and information exchange of involved countries with the Italian law enforcement authorities through the implementation of homologous centres in the regions of Apulia and Sicily.

If such centres are set up, other Member States affected by crimes analogous to or showing connections with criminal phenomena under investigation at the newly established centres (THB, drug trafficking, illegal migratory flows) would have the possibility to exchange data, subject to the existing data protection legislation and bilateral or multilateral legal agreements with these centres, or send their law enforcement officers there to acquire information directly.

The practical implementation of this proposal would be preceded by the preparation of *ad hoc* agreements for setting-up joint centres in line with the existing international agreements of the countries involved. The initiative would conclude with the development of a net of the new offices with the existing cooperation centres, through the International Operations Room of the Italian International Police Cooperation Service, thus widening the already existing relevant capacities of information exchange.

The information exchange would be carried out by the law enforcement personnel deployed by the participating Member States at those centres as a sort of EU Liaison Officers, as well as by police officers deployed by the interested Member States in order to work on specific cases. For this purpose, the analysis support provided by the EU agencies, such as Europol and Frontex, would be extremely useful.

This is essentially a new methodology, not limited to rejecting irregular immigrants. It is aimed at carrying out an actual and immediate collaboration for exchanging good operational practices and at making an optimum use of the information resources.

This could produce good results for tackling crime, immigration policy and the performance of operational activities carried out at such information exchange centres, and would also respond to the need to reduce costs as proposed by some Member States which are withdrawing their LOs in Europe while strengthening their bureaus at Europol.

The implementation of this project would also be a tool for the authorities of the Balkan countries to effectively approach the European standards in terms of information exchange, in particular in the field of fight against crime and border security.

Existing initiatives

It should be noted that as regards illegal immigration, within the framework of the EU Policy Cycle for organised and serious international crime, an Operational Action Plan 2014 related to the EU crime priority "Illegal Immigration" was adopted in December 2013².

Then too, in the framework of the Task Force for the Mediterranean, led by the European Commission and involving Member States, EU agencies and the EEAS, the Commission presented the Communication to the European Parliament and the Council on the work of the Task Force Mediterranean on 4 December 2013³. Chapter 3 of this Communication is dedicated to the fight against trafficking, smuggling and organised crime with 8 specific actions foreseen in this area. On 22 May 2014 the Commission presented a Staff Working Document on the Implementation of the Communication on the Work of the Task Force Mediterranean⁴.

It should also be noted that SCIFA is expected to discuss the importance of an enhanced use of the network of the immigration liaison officers (ILOs) in view of fighting against trafficking, smuggling and organised crime, one of the five priorities identified within the follow-up of the Task Force Mediterranean. Such a debate would aim at identifying concrete measures which would allow making a better and more targeted use of the Network of ILOs.

Relevant documents

- Stockholm Programme, in particular points 4.2 and 4.3, regarding the need for an integrated approach in the EU in order to foster a common law enforcement culture and to optimise the information exchange, considering also forms of trans-border regional cooperation for the development of operational activities and risk assessment of migration flows.
- Convention implementing the Schengen Agreement, of 19 June 1990, Art. 47(4), regarding the possibility of a shared use of Liaison Officers seconded to third states.

² 16713/3/13 REV 3 RESTREINT EU/EU RESTRICTED.

³ 17398/13.

⁴ 10067/14.

- Council Decisions 2003/170/JHA of 27 February 2003 and 2006/560/JHA of 24 July 2006 on the common use of liaison officers posted abroad by the law enforcement agencies of the Member States, that set out provisions for the best use of LOs and state, among others, that Member States shall notify the General Secretariat of the Council of the posting of national LOs. The latter has to draw up a summary of LOs postings and the common use of LOs. The latest update of such a Compendium on law enforcement liaison officers is set out in doc. 11996/14.
- Council Regulation (EC) No 377/2004 of 19 February 2004 on the creation of an immigration liaison officers network.
- Conclusions of the meeting of the Forerunners group of European Union liaison officers (Brussels, 23 November 2011) - doc. 5959/13.

Conclusion

Delegations are invited to comment on this proposal and suggest the possible steps that would need to be taken in order to implement this proposal.