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NOTE

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

Introduction

The Commission is preparing (its impact assessment regarding) the proposal for the new Europol Regulation. Since Europol is a major player for delivering COSI's mandate of promoting and strengthening operational cooperation on internal security, the Presidency suggests that COSI discusses what its requirements are towards Europol in this context, in particular in the framework of the European Internal Security Strategy.

This practitioners' point of view should be valuable input for the Commission in elaborating its proposals and ensure that the legal basis of Europol will take account of operational requirements and thereby facilitate operational cooperation.

As a basis for discussion, the Presidency has elaborated below a set of questions and suggestions. It is obvious that also in the future Europol should continue to act as the EU's privileged law enforcement agency to combat organised crime, terrorism and other forms of serious crime.

However, Europol's role, mission and competences could be generally examined from an operational point of view in order to further increase Member States' use of Europol and the quality of Europol's operational output.

Given its broad remit covering all aspects of internal security, COSI might focus in particular on the requirements from a "horizontal" point of view, i.e. discussing Europol's role and tasks taking into account the whole spectrum of internal security files and actors.

The discussion should avoid going into technical modalities but should focus on the output and results expected from Europol for promoting and strengthening operational cooperation.

User requirements

1) Scope

Europol's competence currently covers organised crime, terrorism and other forms of serious crime affecting two or more Member States in accordance with Art. 4 of the Europol Decision. Member States could discuss whether this competence should be widened to other types of investigation and whether Europol should assist the Member States in matters of public security and public order.

2) Tasks

Europol's principal task is to collect, store, process, analyse and exchange **information and intelligence** related to its objectives. This task is essential for an effective operational cooperation to combat organised and serious international crime.

- Europol's success in this context largely depends on Member States' willingness to provide information. It is, however, still the impression that Europol does not receive the amount of information that could be expected. Would a mandatory provision of information in certain cases be feasible, comparable to Article 13 of the Eurojust Decision (as amended by Council Decision 2009/426/JHA)?
- Europol's success is also dependent on how Member States make use of the information and intelligence received from Europol. It is also in this regard the impression that Member States could do more to make full use of information and to follow-up on requests from Europol. How can Member States further enhance the use of information and intelligence received from Europol?

Next to its role as an information hub, Europol's **operational support** could be widened to other areas of cooperation whereby Europol would act as a service provider at the disposal of Member States and the EU. The following suggestions are offered for consideration:

- Where a common investment in a special technology could be beneficial instead of having different national investments in different technologies, Europol could develop such specialised techniques and technologies to be put at the disposal of Member States. One example of this could be a pan-European tracking system which would be administered by Europol and used by the Member States.
- Should Europol develop a more structured internet surveillance on behalf of the Member States?
- Should Europol develop a 24/7 operational crisis support centre to manage the police related issues in case of a crisis at EU level?
- Should Europol provide a 24/7 support platform for common Police and Customs Cooperation Centres?
- Should Europol set up a research facility in the field of international security to carry out studies on behalf of the EU and the Member States for shared interests related to the preparation and implementation of security programmes at national level?
- Should a Europol liaison officers' network in sensitive geographical areas be set up? These liaison officers would not only serve as intermediate between Europol and the host country but also be at the disposal of Member States for bilateral investigations.

When considering the future tasks of Europol an important question is whether there are tasks which Europol currently has that they should not have in the future. Member States are therefore invited to reflect on whether there are such tasks.

3) Cooperation:

3.1 Europol - EU (COSI)

Europol is a key player in the EU Policy cycle for organised and serious internal crime. Based on the experiences gained from the implementation of the Policy cycle so far (see doc. 5751/12) Member States are invited to reflect on the future role Europol could have in the EU Policy cycle, notably in the implementation of the Operational Actions Plans and the EMPACT operations and in supporting investigations. MS should also reflect on their support to the EMPACT Support Unit.

3.2. Europol - Eurojust - Frontex - Olaf - Cepol

The Agencies have made great efforts in improving their bilateral and multilateral cooperation as laid down in the scorecard (doc. 18077/11 JAI 915 COSI 118). In addition to the proposal for JHA Agencies activities in 2012-2013 (doc. 18079/11 JAI 916 COSI 119), Member States are invited to reflect how the cooperation can be further improved and better structured (also in order to avoid duplication of work) and how synergies can be developed (e.g. by sharing IT development facilities or administrative and logistical support etc.)

3.3 Relationship between Eurojust national desks and Europol Liaison Bureaux

What improvements are possible in the cooperation between the Eurojust national desks and the Europol Liaison Bureaux (ELB) in order to have more and better cooperation and synergies?

The above-mentioned questions and suggestions are intended as examples of possible future user requirements for Europol. Delegations that have other ideas or suggestions on this subject for discussion are invited to send them by 3 February 2012 to cosi@consilium.europa.eu. On the basis of these contributions, the Presidency will re-draft the present discussion paper for COSI.