

Trevi, Europol and the European state

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Introduction

This Chapter charts the development of a series of ad hoc groups under the umbrella of *intergovernmental* cooperation between the 12 EC states since 1975. It shows that under the Maastricht Treaty these ad hoc groups, covering immigration, asylum, policing and law, are to be replaced by permanent structures under the auspices of the Council of Ministers. These groups which have been meeting in secret will continue to do so outside the scrutiny of parliaments (European and national) and people - they will be largely unaccountable and undemocratic.

The period of ad hocery lasted from 1976 to 1988, when the EC states began the process of formalising its work.¹ The appointment of the Coordinators' Group in 1988 and the adoption of the 'Palma Document' in 1989 marked the beginning of the *transformation* from ad hoc inter-state mechanisms to a permanent European state.

The new structure will under the control of the K4 Coordinating Committee, a group of senior officials from Interior Ministries, accountable only to the Council of (Interior) Ministers. The K4 Coordinating Committee will also oversee the setting up of the European Information System (EIS) which will hold intelligence and information on immigration, asylum, policing and drugs. Both the ad hoc and new structures give officials (Interior Ministry, police, immigration, customs, and security services) unprecedented access to decision-making. A senior officer at Scotland Yard described the process:

*Once you get your proposal agreed around the individual working groups, you will get a ministerial policy decision at the end of the current six months. You must remember that the largest club in the world is Law Enforcement - and in Trevi you have that plus ministerial muscle.*²

1993/4 will be a period of transition, waiting on the implementation of the Maastricht Treaty, thereafter the European state will be in place.

This Chapter is divided into three parts: I: the history and role of the Trevi group; II: the emergence of Europol in the post-Maastricht era; III: the emergence of the European state. It includes detailed descriptions of the main developments as this information has been taken from reports and documents which are not readily available.

I: The Trevi group

The Trevi group was set up in 1976 by the 12 EC states to counter terrorism and to coordinate policing in the EC.³ The group's work is based on intergovernmental cooperation between the 12 states, a process which excludes the main EC institutions - the European Commission and the European Parliament.

The creation of the Trevi group was preceded by a number of intergovernmental meetings on terrorism in 1971 and 1972. At a Council of Ministers meeting in Rome in December 1975 UK Foreign Secretary James Callaghan proposed, and the Ministers agreed, to set up a special working group to combat terrorism in the EC.⁴ This proposal was formalised in Luxembourg on 29 June 1976 at a meeting in EC Interior Ministers. The decision meant that, in future, Ministers were accompanied by senior police and security service officials at these meetings.

Five working groups were set up in 1976, reporting to the *Trevi Senior Officials* group, who in turn presented reports initially annually to meetings of the *Trevi Ministers*, the 12 Interior Ministers of the EC. The *Trevi 'troika'* is comprised of three sets of senior officials from the current EC Presidency, the last Presidency and the next one (so, for example, in the second half of 1992 it was comprised of Portugal, the UK and Denmark). The job of the 'troika' is to assist and brief the current Presidency and its officials.

Structure

Trevi thus works at three levels: Ministerial (through now six-monthly meetings of Interior Ministers), the Trevi Senior Officials group (which also meets six-monthly) and the working parties (on which sit Interior/Home Ministry officials, senior police officers, immigration and customs officials, and internal security service representatives). The structure of the Trevi group looks like this:

Ministers: meet every June and December

Trevi Senior Officials: meet every May and November⁵

Trevi 'troika': meet immediately prior to each Trevi working group and the Trevi Senior Officials meetings (eg. Trevi Senior Officials Troika)

Working Groups: Interior Ministry officials, police officers, and security services.

Later a number of countries outside the EC were given observer status. They do not actually take part in the discussion but are briefed by the 'troika' officials after the meeting. This group called *Friends of Trevi*, is comprised of: Sweden, Austria, Morocco, Norway, Switzerland, Finland, Canada and the USA. Two other countries are 'briefed' - Spain (Argentina) and Germany (Hungary).⁶

Trevi working groups

The five working groups set up after the EC Interior Ministers meeting in Luxembourg in 1976 were:

Working group 1 (known as Trevi 1): responsible for measures to combat terrorism; it continues today in this role.

Working group 2 (Trevi 2): scientific and technical knowledge and police training; the work of this group later expanded to embrace public order and football hooliganism.

Working group 3 (Trevi 3): set up to deal with security procedures for civilian air travel; this work was later taken over by Trevi 1.

On 21 June 1985 at a Trevi Ministers meeting in Rome the role of Trevi 3 was redefined to look at organised crime at a strategic, tactical and technical level and drug trafficking.⁷ This group prepared the way for the creation of the European Drugs Unit.

Working group 4 (Trevi 4): safety and security at nuclear installations and transport.

Working group 5 (Trevi 5): contingency measures to deal with emergencies (disasters, fire prevention and fire fighting).

Of the original five working parties only two were active - Trevi 1 and Trevi 2. Trevi 3, 4 and 5 never met; Trevi 3 was given a new role in 1985 (see above).

At the second meeting of EC Interior Ministers on Trevi in London in May 1977 it was reported that: *Group 1: Terrorism*: Agreed that the EC states would: (i) produce reports outlining the experience gained from the handling of any major terrorist incident; (ii) exchange information on their arrangements for handling major terrorist incidents, particularly at government level, to enhance cooperation in the event of an incident involving more than one country; (iii) establish central contact points for the exchange of information on international terrorism matters. And that:

In the UK the Security Service was designated as the central contact point on intelligence matters and the Metropolitan Police European Liaison Section as the central contact point on policing matters.

Group 2: Police technical matters and police training: It was agreed to provide information on the present level of technical and training arrangements and to promote the exchange of information.⁸

In April 1989 the *Trevi 92* working group was set up to specifically consider the 'policing and security implications of the Single European Market' and to improve cooperation to 'compensate for the consequent losses to security and law enforcement' in the EC.⁹ Trevi 92 worked with the customs group MAG 92 and the Ad Hoc Working Group on Immigration to give: 'early attention to the study of a possible computerised information system for law enforcement purposes' (the European Information System (EIS)). This group was disbanded at the end of 1992 and its work redistributed (see below).

The *Ad Hoc Group on Europol* was set up after a meeting in Luxembourg in June 1992. This followed the report on 'The Development of Europol' was agreed in Maastricht in December 1991. Finally, the *Ad Hoc Group on Organised Crime* was set up in 1992.

The working groups: Working group 1 (Trevi 1)

This working group is concerned with combatting terrorism and is the only one with an operational role (as distinct from one of coordination). One of its main tasks has been to produce:

*a regular joint analysis of the terrorist threat from both within and outside the Community, providing an overview to inform strategy and tactics in countering terrorist groups which operate internationally, and enabling member states to draw one another's attention to features of the threat in relation to which co-operation may be needed.*¹⁰

Following a series of terrorist attacks in France, Karachi and Istanbul, there was an emergency meeting of Trevi/Interior Ministers in London on 25-26 September 1986.¹¹ It was decided to set up a secure, dedicated fax system, based in the European Liaison Section (ELS) of the Metropolitan Police Special Branch, to provide an immediate system of gathering and exchanging information between the 12 EC police forces. The meeting also asked the Trevi 'troika' to be responsible for collating and analysing the information gathered and to maintain contact with countries outside the EC.¹²

At the meeting of Trevi Ministers (Interior Ministers) in London on 1 December 1992 the Trevi Senior Official group reported that Trevi 1 had agreed a 'full Terrorist Threat Assessment Document' reporting that: 'There had been no significant change to the overall threat from terrorism in the last six months'.¹³ For the first time the assessment included a report on 'future' threats.¹⁴

In 1992 the UK hosted seminars on gathering intelligence on terrorist incidents and on bomb scene management. Later the group endorsed a set of 'good practice guidelines' and agreed to compile a list of key contacts on counter-terrorism. Work on investigating terrorist funding and laws in each country is being undertaken by the Judicial Cooperation Working Group.

The growing volume of communications between Trevi officials in the 12 EC states has created problems for the TREVI Secure Fax Network (TSFN). This question is now being considered in the longer-term under the 'third pillar' of the Maastricht Treaty, covering justice and home affairs. This will require a new, secure communications system for the 'third pillar':

*the Coordinators' Group was now focusing on a communications system for the third pillar as a whole, including the Commission and Council Secretariat.*¹⁵

The Trevi Senior Officials group also submitted a report to the Coordinators' Group 'on future police cooperation structures'.

Working group 2 (Trevi 2)

There are no formal terms of reference for Trevi 2, which is termed by some the 'ways and means' group. It is concerned with police cooperation and the exchange of information on: (1) police equipment, including computers and communications; (2) public order and football hooliganism; (3) police training, including language training; (4) forensic science, including proposals for creating central collections of information on drugs, explosives, fingerprints and Arab documents; (5) other scientific or technical matters, such as exchange of information on research programmes.¹⁶

The working group also analyses Trevi specialist seminars and makes recommendations to the Trevi Senior Officials group. For example, in April 1990 a seminar was held in London on DNA genetic fingerprinting and another one in 1991 for firearms and ballistics experts. During the UK Presidency in 1987 the working group took the lead in setting up 'a system of Trevi permanent correspondents for the exchange of information between EC countries in relation to the international movement of football supporters'.¹⁷

The report on Trevi 2, presented to the Trevi Ministers at their meeting on 1 December 1992, showed that it is working on: (1) the policing of road traffic; (2) cryptology, the legal position on the interception of communications being undertaken by Belgium and the Netherlands;¹⁸ (3) police training including the production of a European directory on police training; (4) police communications on an EC-wide level, with agreement needed between Schengen and non-Schengen countries.

Working group 3 (Trevi 3)

Working group 3 did not start work until 1985 when it was given the job of dealing with serious organised international crime. Its principal area of activity has been with drug trafficking.¹⁹ The group decided on the need for posting Drugs Liaison Officers (DLO's) to countries outside the EC on 28 April 1987 (initially in the USA, India, Finland, Canada, Norway and Sweden). It was agreed that these officers would liaise if posted to the same country and that the information gathered would be shared. The Home Office reported to the Home Affairs Select Committee in 1989 that the group had agreed that all member states should set up National Drugs Intelligence Unit and that consideration was being given to the need for a European Drugs Intelligence Unit.

Trevi 3 also works on armed robbery, stolen vehicles, the protection of witnesses, the illegal use of non-cash payment, the protection of cultural property and training to combat violent organised crime. In addition, this group was dealing with immigration controls at borders until the Trevi 92 working group took over in 1989.

Reporting to the Trevi Senior Officials group in November 1992 Trevi 3 said that it is tackling money-laundering, crime analysis, agreeing common terminologies, methods and techniques. The common definitions agreed include 'terrorism' as: 'the use and attempt to use violence by a structured group to obtain political objectives' and 'organised crime' as: 'an uninterrupted series of criminal activities committed by a group of individuals with the intention of obtaining benefits, influence or power'.

Trevi 92

The Trevi 92 working group was set up in 1989. Its main work has been on the Programme of Action agreed in June 1990. At the meeting of Trevi Ministers in London on 1 December 1992, it was agreed that:

Trevi Ministers note and agree the Trevi 1992 Working Group report on the level of implementation of the Programme of Action. They take the view that police cooperation needs to be monitored and coordinated in the transitional period until the implementation of new structures. Senior Officials will take on this task; at the same time they will see to it that there is general coordination at national level. All unallocated items of work which have not been completed in the Trevi 92 Working Group will be considered by Working Group III. Working Group III may request that Senior Officials redistribute any such items, should it emerge they sit better in a different working group.²⁰

The European Commission took part in Trevi 92 from the beginning of 1991.²¹ The Trevi 92 working group has now ended with its responsibilities being taken over by the Trevi Senior Officials group and the detailed work by Trevi 3.

Ad Hoc Group on Europol

The Ad Hoc Group on Europol was set up in June 1992 and has now taken over part of Trevi 92 and Trevi 3's work. The working group agreed the provisions for the European Drugs Unit (EDU) and drafted the text of the Ministerial agreement on Europol - agreed on 1 December 1992. This is intended to legitimise Europol until a Convention has been drafted and then agreed in each country's parliament. In the meantime, control of Europol's development will lie with the Trevi Senior Officials group, with the Ad Hoc group on Europol undertaking the detailed work. The UK continues to provide the chair of this group.

Ad Hoc Group on Organised Crime

The Ad Hoc Group on Organised Crime was set up in September 1992 and held two meetings, 18 September and 28 October. Further meetings were held during the Danish Presidency (January - June 1993). The group is undertaking a survey of organised crime in

each state.

Police Working Group on Terrorism (PWGOT)

After the shooting of Sir Richard Dykes, the UK Ambassador to the Netherlands, and his Dutch footman in the Hague in March 1979, the head of the Dutch criminal bureau called a meeting of Special Branches from the Belgium Gendarmerie, the Germany BKA and the Metropolitan Police Special Branch (MPSB). From this meeting the Police Working Group on Terrorism, comprising of Special Branches and internal security services, was formed with the 12 EC countries plus Finland, Norway, Sweden and Austria. It meets every six months in different capital cities. Its value was described by an officer of the European Liaison Section of the Metropolitan Police Special Branch:

*I cannot stress too much the importance of the police working group across the whole field of terrorism in Western Europe, including Northern Ireland. We know these people, they are our personal friends, they come here to the Yard when they happen to be in London. We make contact with them when we go abroad, regardless of what we are going for. It has become a very solid group of working colleagues. We trust each other implicitly and pass information to each other without question.*²²

In evidence to the Home Affairs Select Committee, the Metropolitan Police Special Branch said that PWGOT has 'promoted co-operation at a more operational level' than the Trevi working groups.²³

In 1986 'with the backing of Trevi, the Police Working Group began installing its own coded facsimile system' and it was fully operational by 1988. It:

*is now in daily use, enabling written or graphic material to be transmitted speedily and securely throughout the fifteen country network. Responsibility for the distribution of its facsimile codes rests with MPSB. It is perhaps worth mentioning that the Police Working Group Facsimile Communication System has been so successful that TREVI has decided to install the same equipment throughout its network.*²⁴

It is this fax system which is now reported to be overloaded and they are looking to the new European Information System to replace the TSNF providing a secure interface is made available.²⁵

Trevi: declarations

There are four substantial documents published on Trevi's work: the 'Palma Document' (Madrid, June 1989); the 'Declaration of Trevi Group Ministers' (Paris, 15 December 1989); the 'Programme of Action' (Dublin, June 1990); and the Coordinators report on the progress on the Palma Document (Edinburgh, December 1992). Summaries of the four reports are given at the end of this Chapter.

The 'Palma Document', agreed at the EC Council meeting in Madrid in 1989, was a report drawn up by the Coordinators' Group. For the first time Trevi's work was put in the overall context of the emerging policies on policing, law, immigration and asylum, and legal systems which underpin the European state. The tasks set for Trevi led to the Programme of Action (see below) which developed the projects of the European Information System (EIS) and the European Drugs Intelligence Unit (the first initiative of Europol).²⁶

The Declaration of Trevi Ministers, agreed in December 1989, speaks of the 'new requirements' with the creation of a 'European area without internal borders' and the need to cooperate on: fighting terrorism, international crime, narcotics and illegal trafficking of every sort' (para 1).

The 'Programme of Action' agreed by the Trevi Ministers in Dublin in June 1990 is defined as a 'synthesis of the arrangements ... between police and security services' for consideration by the Trevi working groups in relation to 'terrorism, drug trafficking or any forms of crime including organised illegal immigration'.²⁷ The three documents show the often repetitive yet progressive development of policies on terrorism, policing, drug trafficking, and the interface between policing and immigration controls. A year later, in December 1991 at Maastricht, it was agreed to create Trevi's successor 'Europol'. Trevi Ministers presented a report to the EC Council on the *Development of Europol* and Europol was entrenched in the Maastricht Treaty (Article K, see below).

However, it is the Coordinators' Group report on the Palma document, to the European Council in December 1992, which shows the progress they made towards preparing the ground for the new structures, and illustrates the inter-relationships established between police, customs, immigration and security services agencies.²⁸

Trevi and the UK

The UK government has been an enthusiastic supporter of the Trevi group because of its intergovernmental basis which excludes the Commission and the European Parliament. In its view: Trevi's distinctive strength lies in the informal, spontaneous and practical character of its discussions.²⁹

The UK participation in Trevi is as follows: *Trevi Secretariat* in the Home Office; *Trevi working groups*: Association of Chief Police Officers (ACPO) and MI5, the Security Service (see below); *European Liaison Section* of the Metropolitan Police Special Branch (see below) - contact point on terrorism; *National Criminal Intelligence Service* (NCIS) - the contact point for policing and criminal investigations³⁰; *Metropolitan Police: European Unit (MS18)*, many other police forces are setting up similar units; and *MI5*, the Security Service.

The evidence from the Metropolitan Police Special Branch to the Home Affairs Select Committee inquiry in 1990 was extremely coy when referring to the Trevi group. It says that: '* * * Home Office Police Department is the lead British agency and it co-

ordinates all UK Trevi arrangements..³¹ The * * * reference is repeated several times, when clearly referring to MI5. It goes on to set out the UK participation:

*Senior Officials: (policy and overseeing/tasking of working groups): Home Office officials (F4), * * *, and Police;*

*Working group I: (terrorism): Home Office (F4), * * * and Police;*

Working group II: (technical forum; specialised aspects of countering terrorism; police training, equipment etc): Home Office, Scientific Research & Development Branch and Police as required;

Working group III: (serious and organised international crime and drugs): Home Office (F3), Police.

Trevi 1992: (all aspects of '1992' including compensatory measures): Home Office (F4), Police and other agencies as required.

** * * is also referred to in the context of meetings with EC counterparts in relation to the IRA.³²*

The European Liaison Section (ELS)

The European Liaison Section (ELS) of the Metropolitan Police Special Branch was set up in January 1976 and, in 1977, was given the responsibility of liaising with Special Branch equivalents and security services in other EC countries. In evidence to the Home Affairs Select Committee the Home Office states that it 'has grown substantially, particularly in recent years'.³³ The Anti-Terrorist Branch, based at Scotland Yard which was already investigating international terrorist incidents in London found that there was no easy mechanism for contact with other EC police forces: 'It was decided then to set up a dedicated unit, staffed by linguists, which could liaise directly with Special Branch or equivalent agencies on the continental mainland, in order to obtain speedy responses to anti-terrorist matters'.³⁴

When Trevi was formally set up in 1976 the ELS was already established 'with its own independent European network' and the ELS became 'an integral part of the United Kingdom TREVI machinery'.³⁵ The ELS 'maintain daily contact with their European counterparts'. The ELS network includes the other 11 EC countries plus Austria, Gibraltar, Finland, Iceland, Malta, Norway, Sweden and Switzerland.

The ELS has two communications system, one a secure 24 hour telecommunications system for emergencies, the other an encoded facsimile link which enables correspondence, photographs and fingerprints to be transmitted speedily and securely.³⁶ The requests received by the ELS for information may be a 'simple name checks in records to more complicated enquiries requiring several hours or even days to complete'. The number of communications they have handled has risen from 935 (1987) to 1,193 (1988), to 1,969 (1989).³⁷

Accountability

The European Commission is not involved in the Trevi structure, as the 'EC has no direct police competence'.³⁸ The line of accountability for Trevi is not to the Commission but to the Council of Ministers structure (which represents governments). Trevi is seen by the Home Office as a 'forum for discussion' and co-operation between the member states of the EC:

Trevi is essentially an informal body whose objective is to advance co-operation on the ground. Police matters are outside Community competence and so Trevi is independent of the European Community's institutional structure, and the EC Commission is not represented at any of its meetings.³⁹

The sleight of hand is well described by a Home Office official who spoke of:

the shuffling of chairs - if I can so describe it - so that at a ministerial immigration meeting when the Interior and Justice Ministers are present and the Commission is present, during the coffee break the chairs are shuffled and the Commission disappears and when they meet in their Trevi mode after coffee the Commission has gone.⁴⁰

The work of the Trevi group since its formation in 1976 has been shrouded in secrecy. It was not until 1989 that the first communique for public use was made available in the UK.⁴¹ This has been followed by a six-monthly written answer to a 'planted' parliamentary question after each of the meetings of the Interior Ministers.⁴²

The deliberations of Trevi and its Working Groups may be beyond the reach of democratic questioning and debate but they are open to and determined by state officials, police officers, security and intelligence agencies. This is presented as a means of these officials and officers 'contributing their professional views'.

The Home Secretary described his view as to whether there were sufficient democratic controls and safeguards as follows:

It does not need any safeguards. You have to remember what Trevi is. Trevi is merely a gathering together of the Ministers of the Interior of the EC countries to give, hopefully, political impetus to various plans or closer policing co-operation. That is all it is. It is not an executive body. Therefore, accountability is from the individual Ministers of the Interior to their own governments, and there is no need for the body as a whole to be thought of as responsible to any other organisation.⁴³

Thus state officials present their reports to Ministers who, in turn, report to governments. National parliaments may or not be informed depending on each country's practice but they have no powers over what is decided, nor does the European Parliament.

II: From Trevi to Europol

Trevi, Europol and the European state by Tony Bunyan in Statewatching the new Europe, 1993/5

In the late 1980s the idea of a European-style FBI was put forward by a number of police chiefs in the UK, Germany and elsewhere. The first stage of Europol is not going to be an 'FBI' as it will not have operational powers of arrest, charge or prosecute suspects (this may come when it is reviewed in 1994). There was also the question of the relationship between the idea of Europol and Interpol. The then UK Home Secretary, Mr Waddington, told the Home Affairs Select Committee that Interpol: 'can be no more than a channel of communication'.⁴⁴ Interpol's recent overhaul, and the addition of new computer facilities (eg: Automatic Search Facility, ASF) has not deflected the development of Europol.⁴⁵

The creation of a EC-level policing body to be known as 'Europol' was formally put forward by the German delegation to the European Council meeting in Luxembourg in June 1991. The Council meeting noted the German proposal and asked for them to be incorporated into the Maastricht Treaty draft.⁴⁶ The Maastricht Treaty sets out a 'commitment to full establishment of a Central European Criminal Investigation Office ("Europol")' to cover drug trafficking and organised crime by the end of 1993. Initially it would undertake the 'exchange of information and experience' and but in the second phase, the 'power to act within the Member States would be granted'.

This was followed by a report from the Trevi Ministers on Europol at their meeting in Maastricht on 3 December 1991:

Following the Palma document of 1989, Trevi Ministers decided on a detailed Programme of Action, out of which a number of items have been developed or are under detailed study eg: European Information System (EIS), the coordination of Drug Liaison Officers; collections of data for drugs, explosive substances and fingerprints; recommendations on police cooperation in general and specific measures for cooperation in frontier zones, on transborder observation and pursuit. A far-reaching Trevi decision (Dublin 1990) was to establish a European Drugs Intelligence Unit.⁴⁷

The purpose of Europol is set out as the need for:

a central organisation to facilitate the exchange and coordination of criminal information, and the development of intelligence between Member States in respect of crime extending across the borders of Member States, whether originating outside Europe or not.

The report said that in the meantime: 'Member states [can] proceed with the development of the national criminal intelligence units which are essential to support the central organisation'.

One aspect of Trevi's work which was not mentioned in this report is terrorism. This was one of the first indications that Trevi's work might remain outside the new structures. It was also agreed that contact points should be set up in each country for the maintenance of public order in member states 'so that contact can be made at an early stage if specific disturbances of public order acquire an international dimension ... The Ministers emphasised in this regard the fundamental right to demonstrate'.⁴⁸ This decision to set up Europol was confirmed at the EC Council meeting in Maastricht on 9-10 December 1991.

Between the Luxembourg meeting in 1991 and the report on Europol presented to the European Council in Maastricht, the European Drugs Intelligence Unit became a part of the 'European Drugs Unit', and Europol is defined in the Maastricht Treaty not as the European Criminal Investigation Office but as the 'European Police Office'. These changes suggest that a wider remit is envisaged.

Title K of the Maastricht Treaty covers: 'Provisions on cooperation in the fields of justice and home affairs'. Article K.1 of this Title says that member states regard police cooperation as a matter of common interest (together with immigration and third country nationals; fraud; judicial cooperation in civil and criminal matters; customs). 'Police cooperation' is set out as:

preventing and combating terrorism, unlawful drug trafficking and other serious forms of international crime, including if necessary certain aspects of customs cooperation, in connection with the organisation of a Union-wide system for exchanging information with a European Police Office (Europol).⁴⁹

The Declaration on Police Cooperation, appended to the Treaty, says that on the basis of the work programme and timetable drawn up by the Luxembourg EC Summit they were going to proceed with the exchange of information and experience in the following functions: (a) support for national criminal investigation and security authorities, in particular in the coordination of investigations and search operations; (b) creation of databases; (c) central analysis and assessment of information in order to take stock of the situation and identify investigative approaches; (d) collection and analysis of national prevention programmes for forwarding to Member States and for drawing up Europe-wide prevention strategies; (e) measures relating to further training, research, forensic matters and criminal records departments.⁵⁰

The Declaration ends by saying that Member States would consider, at the latest during 1994, whether 'the scope of such cooperation should be extended'. The final statement at the Maastricht meeting said that the initial function of Europol would be to organise the exchange of information on drugs, and that the European Council had instructed Trevi Ministers (Home or Internal Affairs Ministers) to expedite the creation of Europol.⁵¹ Europol will be formalised through an inter-governmental Convention. UK Prime Minister John Major made explicit his support for the development of Europol outside the formal structures of the EC. The creation of Europol he said is: 'a classic case for intergovernmental cooperation between the countries of the Community rather than for co-operation within the framework of Community law'.⁵²

Europol

The functions set out for Europol mirror those currently being undertaken by the Trevi group. The preparatory work is being
Trevi, Europol and the European state by Tony Bunyan in Statewatching the new Europe, 1993/6

undertaken by the Ad Hoc Group on Europol, set up in 1992, which currently comes under the auspices of the Trevi Senior Officials who report to the Trevi Ministers' six-monthly meetings. This K4 Committee is currently shadowing the work of Trevi, including Europol, pending the ratification of the Maastricht Treaty. When the work of the Trevi group is subsumed under this Committee, probably in 1994, it is not yet clear whether all of its functions will be undertaken by Europol, or in the case of anti-terrorist work, by another new group. In time the Trevi group may well be seen as the precursor of Europol, a fully-fledged EC-wide police force.

Nearly two years later, in April 1993, there was a small working party, based in a Portacabin in Strasbourg, engaged on the creation of the first Europol initiative, the European Drugs Unit (EDU).⁵³ Their permanent base has not been decided, there are no computer links, data protection provisions are still to be discussed, and there are few back-up staff. It might be thought that the Europol 'idea' is still-born.

However, when the Maastricht Treaty is ratified Europol will move onto an entirely different footing - a convention to formally set it up is being discussed by governments and will be presented for each national parliament to ratify in late 1993, funding from the European Community budget will be provided, and its base - either in the Hague or Rome - will be confirmed. The remit and powers of Europol therefore pose basic questions for democratic accountability and the relations between the European state and the citizen.

In its first stage, up to 1994, Europol is to exchange information initially relating to drugs between the 12 national states. A host of questions arise. Is a distinction to be made between *information* and *intelligence* (which may be hearsay or based on speculation)? How will the subjects of 'information' be able to challenge what is being held on them? What is the line between *intelligence* and *operations/investigations* - information and intelligence largely determine the direction of operations. Will the governments decide in 1994 to extend Europol's role from *information/intelligence* to a body with *investigative* powers as well? Will there be a European Public Prosecutor's Office to determine the charges to be brought? And where will these charges be heard - in which court?

Mr Peter Lloyd, Minister of State at the Home Office, confirmed that the computer network being set up for the EDU is being considered as one 'capable of expansion to cover all aspects of Europol as the organisation develops'.⁵⁴ He also confirmed that, in relation to Europol, the UK refused to accept two articles of the Council of Europe's Recommendation R (87) 15 on the use of personal data in the police sector.⁵⁵ The first, Article 2.2 of this Recommendation, would ensure that individuals are informed that information recorded without their knowledge is still held on file. The second, Article 2.4, also rejected by the UK, states that:

The collection of data on individuals solely on the basis that they have a particular racial origin, particular religious convictions, sexual behaviour or political opinions or belong to particular movements or organisations which are not proscribed by law should be prohibited. The collection of data concerning these factors may only be carried out if absolutely necessary for the purposes of a particular enquiry.

In a report adopted by the European Parliament at the end of 1992 the Belgian Socialist MEP Lode van Outrive sets out some of the possibilities. The report suggests that the exchange of information could follow the model set down by the Schengen Information System (see Appendix 5). It asks what the role of liaison officers working for the EDU will be and who will monitor them? Several EC countries now have liaison officers not just within the EC but also in Asia and Latin America.⁵⁶

At its meeting on 23 October 1992 the Coordinators' Group agreed a report to be presented to the Trevi Ministers meeting on 1 December suggesting a broad framework for 'the future organisation of European police cooperation'. Further, it was agreed that Trevi Senior Officials and their national coordinators (who together form the Coordinators Group at EC level) should keep in close touch on the future structures for policing (including the need for 'a secure communication system for the interior and justice pillar' and guidelines on links with third countries).

The European Drugs Unit (EDU)

The embryonic office and staff of Europol has been set up in Strasbourg. The office has been set provisionally on the same site as the Schengen Information System. The fifteen staff of the EDU, the working party, is comprised of 3 representatives from the UK, 3 from France, 3 from Germany, 2 from the Netherlands, 1 from Spain, 1 from Denmark, 1 from Ireland, and 1 from Italy. Belgium and Luxembourg are not currently represented. The group is headed by Mr Storbeck (Germany), with a deputy from Belgium, Colonel Bruggeman. The competition for the permanent site of Europol is between the Hague (Netherlands), Strasbourg (France) and Rome (Italy).

When the EDU is up and running, each officer will have two computer screens: one providing a link to their national computer, the other running an EC-wide information system. Each officer will have to decide what information to pass onto the common system without breaking the data protection laws of their country.

The future of Europol

The stages in the development of a EC-wide police and security role can be set out as follows: *Stage 1*: The Trevi group: created in 1976 as an ad hoc intergovernmental series of working groups. *Stage 2*: implementing the Maastricht policy by providing:

- a) central the gathering of information and intelligence;
- b) training and techniques for policing and public order;
- c) the incorporation of a number of legal conventions, such as the transfer of prisoners;
- d) a common computerised information system, the European Information System (EIS), covering laws, criminal information and intelligence, immigration and asylum and other matters;
- e) the European Drugs Unit (EDU) as the first of a number of specialist units;
- f) overall supervision under K4 Committee and its sub-groups.

This structure may well not include the work of Trevi working group 1 on terrorism and the associated networks, which already have a direct operational role.

Stage 3: After the review date of 1994 laid down in the Maastricht Treaty to discuss whether co-operation in this field should be extended. This could lead to the development of Europol as an EC-wide police force limited to inter-state questions but with operational powers. This shift would require the following additional features: a) new European laws and the extension of present Conventions; b) Europol being given the powers of arrest; c) a European Prosecutors Office - to make charges and appear in court; d) a defined European court, for example, the existing EC Court of Justice; e) and finally, a European-wide police complaints system.

III: The European state

The construction of the European state is now moving apace. The ad hoc arrangements, such as the Trevi group and the Ad Hoc Group on Immigration (started in 1986) and their myriad of working groups and sub-groups, are to be taken over by new, permanent structures over the next two or three years.

The process of formalisation began in December 1988 with the appointment of the Coordinators' Group at the Rhodes EC Council meeting.⁵⁷ The group's official title is the 'Coordinators of Free Movement', which is misleading when the scope of their work is examined. It is comprised of 12 senior officials from the Interior Ministries of the 12 EC states, a chairman, and the Vice-President of the European Commission responsible for the internal market. The group meets monthly and prepares six-monthly reports to the EC Council meetings at the end of each Presidency. Its work is structured as follows:

National meetings: monthly meetings prior to Coordinators' Group meetings are held in each country of the relevant departments eg: police, immigration, customs and internal security service officials).

Coordinators' Group meeting: monthly, at which it considers reports from all the working groups (Trevi, Ad Hoc Group on Immigration etc) and decides which matters should be reported and which require decisions at governmental level (eg: where there is no agreement on, say, the location of Europol).

Report to EC Council: six-monthly. The Coordinators' Group reports to the EC Council meetings, within its remit, on the activities of the following groups:

- the Council of the European Communities (the organisation working on behalf of the 12 EC governments/states based in Brussels);
- the Trevi group and its working parties;
- the Ad Hoc Group on Immigration and its working parties;
- the Mutual Assistance Group (MAG 92, customs officers);
- the working groups on judicial cooperation in criminal matters.

The Coordinators' Group is an intergovernmental group, it is not accountable to the European Parliament. Its remit is to look at the measures needed to 'compensate' for the removal of internal border controls. The issues it has therefore brought together are related to strengthening external borders controls, immigration and asylum policies, measures against terrorism, international crime, drug trafficking, police and judicial cooperation, and the exchange of information and intelligence in the above fields.

The substantive report from the Coordinators' Group, known as the 'Palma Document', set out the *essential* measures needed to 'compensate' for the removal of internal border controls, and the *transitional* measures needed prior to the creation of permanent structures. One aspect of this report was the coordination of police, security service and legal work across the EC and the formulation of the remit and structures needed at the next stage of the development of the EC spelt out in the Maastricht Treaty.

The Coordinators' Group, like the Trevi Group and the Ad Hoc Group on Immigration, will be replaced by permanent structures, based in the Council (not the Commission) when the Maastricht Treaty and a number of Conventions are ratified. While the Coordinators' Group may disappear, its officials will not as they will form the membership of the K4 Committee.

The Schengen Agreement

Alongside the development of the new structures has been the example of the Schengen Agreement (see Appendix 5). The original five members of the Schengen Agreement - France, Germany, Netherlands, Belgium and Luxembourg - were later joined by Italy, Spain, Portugal and Greece. Three of the 12 EC states, Denmark, Ireland and the UK, have not joined because of the disagreement over the abolition of border controls. When, and if, this issue is resolved, there will be little to divide the Schengen and non-Schengen countries. Denmark is committed to removing its controls when two Conventions - the Dublin Convention and the External Borders Convention - have been implemented and the European Information System is in place.

The Schengen countries are proceeding with the abolition of internal border controls and a series of agreements on 'hot pursuit' and legal problems. They have also moved in advance of 'the 12' states by signing an agreement with Poland allowing for 'illegal' entrants to be returned (March 1993). This was followed by an agreement in May 1993 between Germany and Poland on the same issue. The Schengen countries have also opened negotiations with the EFTA countries to join them when their entry to the EC is finalised.

On the whole the practical issues taken up by the Schengen countries - policing, immigration and asylum, drug trafficking, and external border controls - mirror most of those undertaken by the Trevi Group and the Ad Hoc Group on Immigration. Although the Schengen system of committees, working parties and sub-committees will coexist with the new post-Maastricht K4 structure it has now been decided that the agreement establishing the Schengen Information System (SIS) is to be used for the European Information

System as well (EIS, see below). With the Schengen Information System due to go on line in December 1993 it is unlikely that two separate computer networks will be set up.⁵⁸

The effect of the Maastricht Treaty

The mechanism for overseeing the new structure is set out in Title K of the Maastricht Treaty (Justice and Home Affairs). A Coordinating Committee of senior officials from each EC state is to be set up (Article K.4).⁵⁹ The text of Articles K.3 and K.4 suggest that the Commission has a role to play, but Jacques Delors, in reply to a question in the European Parliament, said in November 1992 that the new arrangement will work as follows: 'Member states will inform and consult each other within the Council. The Council may adopt joint positions, decide on joint operations and draw up conventions; the Commission has no power of initiative in this area'.⁶⁰ The finance for the new set-up will come from the EC budget.

The Commission's power of initiative is limited to two areas of immigration policy related to visas. In the drawing up of Conventions, for adoption by each Member State, the Commission has the power of initiative together with the Council and any Member State.⁶¹ But in the areas of 'judicial cooperation in criminal matters, customs cooperation and police cooperation, the Member States alone have the right of initiative (Article K.3)'.⁶²

The Home Office in evidence to the Home Affairs Select Committee said that the Maastricht Treaty places work on immigration:

*together with that of the Trevi work on police co-operation in a wider context and on a more formal basis. Thus Interior Ministers will in future meet as the Council of Ministers and will have a new Treaty base for their work; and the Treaty establishes a Coordinating Committee of senior officials to support the Council on justice and home affairs matters...[with the exception of two visa matters] the new arrangements leave these matters outside the Treaty of Rome, and therefore outside Community competence and wholly under national control.*⁶³

These areas are therefore to remain intergovernmental.

The K4 Coordinating Committee

One of the major tasks undertaken by the Coordinators Group during the UK Presidency in the second half of 1992 was the 'preparation of the infrastructure arrangements to underpin Title VI (ie, interior and justice matters)'.⁶⁴ They proposed, and it was agreed, that all the current ad hoc groups would be taken over by the new K4 Committee responsible for justice and home affairs.

The K4 Committee will have a member from each EC state and one from the Commission. The Committee will have three 'senior steering groups', each with a number of working groups:

1) *Immigration and asylum* (Article K1 (1,2,3 and Article 100c);

a) asylum; b) immigration policy; c) the control of external frontiers; d) visas; e) clearing houses on asylum and immigration (CIREA and CIREFI).

2) *Security and law enforcement, police and Customs cooperation* (Article K1 (4,5,8,9));⁶⁵

a) counter terrorism; b) public order, training, scientific and technical work; c) combatting serious crime (in cooperation with experts in judicial cooperation); d) Europol; e) Customs; f) Drugs.

3) *Judicial cooperation* (article K1 (6,7).

a) criminal judicial cooperation; b) civil judicial cooperation.

The Coordinators Group report at the end of 1992 said that they had not yet considered: the steps needed for the additional support required from the Council Secretariat, 'communications and security of information; contacts with third countries'. The report sees the structure of these new steering groups and the *consequent operational units* (eg: *Europol*) being initially set by the findings of existing ad hoc groups ('Trevi, the Ad Hoc Group on Immigration, etc').

The Coordinators are also concerned with 'the necessary level of security protection' for 'certain classes' of work 'currently carried out in the Trevi system' and that covered by the MAG system (customs cooperation). They are assessing the 'volume of sensitive material' and 'the degree of security protection that it justifies' and see this concern with security extending to 'the organisation *and recruitment* of the Secretariat by the Secretary-General of the Council'. In the light of the withdrawal of the Commission's proposal on secrecy regulations (dealing with information and the vetting of employees) a separate initiative or convention will have to be agreed (see Chapter 2). The Coordinators are also considering the creation of a permanent *communications* system to cover all the activities of the K4 Committee. At present there are two systems: the Trevi TSFN and the COREU system used for judicial cooperation under the umbrella of European Political Cooperation (known as EPC, and coming under the Council).

European Information System

The idea of creating a 'common information system' has been part of the agenda of the Trevi/Ad hoc Working Group on Immigration for several years.⁶⁶ The evidence to the Home Affairs Select Committee in 1990 from the Home Office stated:

Trevi, Europol and the European state by Tony Bunyan in *Statewatching the new Europe*, 1993/9

*The three principal groups, Trevi, the customs group MAG 92, and the EC Ad Hoc Working Group on Immigration, have decided to give early attention to the study of a possible computerised information system for law enforcement purposes which would operate for the benefit of all EC member states.*⁶⁷

The evidence notes that the Schengen countries had already started to develop the Schengen Information System (SIS). The development of the EIS is 'under the direct aegis of the Horizontal Group'. The Coordinators Group is concerned with the 'juridical basis for an instrument at the level of the Twelve on the EIS'.⁶⁸ And the EIS was 'being studied for policing by the Trevi 1992 Group and for customs by the Mutual Assistance Group 1992'.⁶⁹

The creation of the EIS represents a major step forward in the creation of the European state infrastructure:

*The creation of the European Information System is universally accepted as one of the most important of the measures that have been identified as being essential in the context of the implementation of Article 8a of the Treaty of Rome.*⁷⁰

The EIS would, initially, hold the computerised list of non-admissible persons described in Articles 10 and 13 of the External Borders Convention and include the data protection provisions currently being discussed (Article 13).⁷¹ And it is seen as: 'representing a further stage of police co-operation and judicial co-operation'.

The meeting of the EC Prime Ministers at the Council meeting in Maastricht in 1991 formally endorsed the setting up of the EIS. The Coordinators Group considered a report from the Horizontal Group at its meeting on 26-27 May 1992 which looked at the constitution of the Schengen Information System, its scope and location.⁷² It agreed on: 'the need to set up a single information system based on the Convention applying the Schengen Agreement'.

By the summer of 1993 negotiations were underway on drawing up a Convention on the EIS which is exactly the same as the Schengen Information System in every detail. The Schengen countries are insisting that there must be no changes because they do not want to have to renegotiate its provisions (strong objections to the SIS were lodged in France and in the Netherlands). This places the non-Schengen countries, Denmark, Ireland and the UK, in the position that they have to accept the whole scheme without amendment (so too do the countries about to join the EC, Austria, Finland, Norway and Sweden).

The EIS is not just intended to cover external borders and immigration but *all the areas of intergovernmental work covered in Titles IV (EC Atomic Energy Authority) and VI (Justice and Home Affairs)*. The formal creation of the EIS will require an intergovernmental Convention (along the lines of the Dublin Convention, the External Borders Convention and the Europol Convention).

The K4 Committee, its steering groups (and working parties), the support staff from the Secretariat of the Council, the new EC-wide organisations to be set up (such as Europol), the new secure communications system, and the European Information System (EIS) are going to provide the core of the European state.

Conclusion

Two key features of modern states are: 1) mechanisms for the maintenance of law and order through the law (the courts and judiciary) and its enforcers (the police); and 2) a system of internal security to take over when the 'normal' rule of law is unable to contain opposition. It therefore comes as no surprise that, as the economic project of the Community reaches the stage of intrinsic interdependence it also becomes imperative to ensure its base is secure from internal 'subversion' and external 'threats'. The Maastricht Treaty takes, for the first time, the economic and political dimensions together - economic and financial policy, military and foreign policy, immigration and law and order - the so-called three 'pillars'.

This qualitative shift cannot be attributed simply to being features of 'supranational' or 'transnational' cooperation. The move from ad hoc cooperation to permanent institutions and agencies - to the creation of a European state - is a quite logical development. But this state is different to those of the national states of the EC. The usual tenets of 'liberal democracy' cannot be applied to the new European state. The idea of the 'separation of powers' between the executive, the legislature - backed by an independent civil service - and the judiciary does not apply. This state has been conceived by governments, honed by state officials, and passed back to governments to agree - only then have national parliaments been asked to ratify the whole package. Although national parliaments are asked to ratify the Conventions, the Conventions are not open to amendment. *Resolutions* and *agreements* between the EC states, which set out new policies, do not even require parliamentary approval. The effect of these Conventions, 'resolutions' and 'agreements' is in almost every instance to diminish peoples' rights. No democratic accountability or due process of law to protect the citizen is built in (after all, people and parliaments played no part in framing the new structures).

The legitimacy of any state depends on it being seen as 'neutral', independent of sectional bias, and acting in the interests of all. The legitimacy of this new state is therefore open to question. It is limited to having the approval of governments and state officials, who have justified it to themselves on the grounds of pooling expertise to ensure greater efficiency in combating the perceived threats to internal order. Take for example the issue of data protection. West German lawyer Thilo Weichert, observes:

*What is amazing on the European level is that data protection is articulated less as a matter of concern of civil rights groups, but as that of enlightened bureaucrats afraid about the whole apparatus being accepted by EC citizens.*⁷³

States also acquire legitimacy by protecting society and citizens from commonly perceived 'enemies'. The ending of the Cold War, with its 'threat' of nuclear war and communist subversion, removed the rationale for much internal security planning. In its place is the ideology that the removal of frontiers presents common 'problems' to the EC. This shift left many agencies casting around for new roles, and they have found them in the perceived external 'threats' from terrorism, drugs and immigration. Internal opposition is portrayed as acting against the interests of all with the internal security services and police defining new 'threats' to be ideologically

marginalised and targeted for surveillance.⁷⁴

Taken together with the policies on immigration and asylum (Chapter 8), the culture of secrecy (Chapter 2) and the backdrop of rising racism and fascism the European state institutionalises the 'cordon sanitaire' at its external borders and sets up draconian mechanisms for internal control which will affect the whole community. It has all the hallmarks of an authoritarian state in which power resides in the hands of officials with no democratic or legal mechanisms to call them to account. An unaccountable and secret state, removed as it is from democratic pressures, public debate and legal restraints, operates in an arbitrary and authoritarian manner. The lack of public awareness is not just due to the secrecy with which this state has been created. It has been aided by the collusion of the media which has failed to invigilate on behalf of the citizen, and by an almost total absence of critical political interest, liberal or otherwise. The absence of accountable executive action does not bode well for Europe's future and recalls Europe's past:

*'the violence is authorised (by official orders coming from legally entitled quarters), actions are routinised (by rule-governed practices and exact specification of roles) and the victims are dehumanised (by ideological definitions and indoctrinations).'*⁷⁵

References

1. This shift was preceded by the signing of the Schengen Agreement in 1985 and the Single European Act in 1987. In this context it is worth noting that a House of Lords Select Committee Report on the 'Easing of Frontier Formalities'(HL paper 24, 1983-4) in 1983 was primarily concerned with immigration control and the possibility of identity cards being introduced if border controls were removed.
2. *Interpol*, Fenton Bresler, 1992, p161. Italics in original. It is important to note that when police want to make an arrest in another country they still have to go through Interpol and get a red notice issued. Similarly if they want to investigate an act of terrorism outside the EC they will also work through Interpol.
3. The name 'Trevi' has been open to many interpretations. It has been variously attributed to: the presence at the 1971 meeting of the Dutch Minister Mr Fonteyn (which means fountain); the name of a famous fountain in Rome; the Trevi district in Rome; and as an acronym for either 'Terrorisme radicalisme et violence' or terrorism, radicalism, extremism and international violence.
4. *Interpol*, Fenton Bresler, 1992, p160.
5. Since the beginning of 1992 the Council and Commission have been attending their meetings as observers.
6. Trevi meetings have been attended by US Attorney Generals (Dick Thornburgh and General Edwin Meese) and the Chief of the US Drug Enforcement Administration. Reports from the US have also supplemented Trevi 'security assessments'. *Associated Press*, 3.6.88 & 12.5.89.
7. Home Affairs Select Committee, 363-i, p43.
8. Home Office Circular no 153/77 issued to Chief Constables on 2 September 1977. The UK was represented by the Home Office, Security Service, HM Chief Inspector of Constabulary, the Commandant of the Police College and the Chief Constable of Derbyshire.
9. Briefing note on Trevi prepared by MS18 (the European Unit in the Metropolitan Police) dated 26.2.90; Home Affairs Select Committee, 363-I, p.xxi.
10. *Practical Police Cooperation in the European Community*, Home Affairs Select Committee, HC 363-i, 18.4.90, p6.
11. On 11 September 1986 the European Parliament passed a resolution, backed by all the main political groups, calling for more effective cooperation between the services in the EC and for the stricter application of the rules on extradition. *Report on problems relating to combatting terrorism*, European Parliament, 2.5.89, rapporteur Mr M Zagari, document A 2-0155/88, p14.
12. *Report on problems relating to combating terrorism*, European Parliament, 2.5.89, rapporteur M Zagari, document A 2-0155/88, p17. The next month, on 20 October 1986, at a follow-up meeting in London Trevi/Interior Ministers set up the Ad Hoc Group on Immigration. It was given the job of improving checks at the EC's external borders, coordinating visa policies and combating passport fraud. It met for the first time on 26 November 1986 and set up the first two sub-groups on the right of asylum and forged documents. The creation of the Ad Hoc Group on Immigration stemmed from perceived causal link between terrorism and border controls/immigration policies.
13. Trevi Senior Officials, minutes of the meeting on 16-17 November in London, Trevi Secretariat, Home Office. Confidential.
14. This assessment procedure appears to have been started in 1990. The report was also forwarded to the 'EPC Group on Terrorism', which may be a working group of the Council.

15. Trevi Senior Officials, minutes of the meeting on 16-17 November 1992 in London, Trevi Secretariat, Home Office. Confidential.
16. Home Affairs Select Committee, HC 363-i,p6.
17. Home Affairs Select Committee, HC 363-i, p6. The UK permanent correspondent is the head of the National Football Intelligence Unit.
18. It was agreed that work on the interception of communications should be drawn to the attention of national Ministers responsible for telecommunications and that the 'Friends of Trevi' grouping should also be briefed in general terms.
19. Home Affairs Select Committee, 363-i,p6. The meetings are attended by Home Office officials and a senior police officer. Pre-meetings are held with customs officers (HM Customs & Excise from the UK) and national Interpol officers.
20. Trevi Senior Officials, minutes of the meeting on 16-17 November 1992, Trevi Secretariat, Home Office. Confidential.
21. *Background report*, Commission, 26.3.92.
22. *Interpol*, Fenton Bresler, 1992, p162.
23. Home Affairs Select Committee, 363-i, p42.
24. Home Affairs Select Committee, 363-i, p44.
25. The Special Branch [or equivalent] member agencies of the Police Working Group on Terrorism (PWGOT) are: *Belgium*: Groupe Interforces Anti-Terroriste (GIA); *Denmark*: Politiets Efterretningstjeneste (PET) (Police Intelligence Service); *France*: Unite De Coordination Pour La Lutte Anti-Terroriste (UCLAT); *Germany*: Bundeskriminalamt (BKA) Abteilung Terrorismus; *Greece*: Ministry of Public Order; *Holland*: Centrale Recherche Informatiedienst (CRI) (Bijzondere Zaken Centrale); *Ireland*: An Garda Siochana (Crime and Security Branch - International Liaison Office); *Italy*: Direzione Centrale Della Polizia Di Prevenzione (DCPP); *Luxembourg*: Gendarmerie (Surete Publique); *Portugal*: Direccao Central De Combate Ao Banditismo (DCCB); *Spain*: Comisaria General De Informacion-Servicio De Informacion Exterior (CGI-SIE); *United Kingdom*: Metropolitan Police Special Branch (MPSB) plus the following non-EC states: *Finland*: Suojelpoliisi (SUPO); *Norway*: Politiets; Overvakingstjeneste (POT); *Sweden*: Rikspolisstyreisen (RPS). See Chapter 4.
26. *The Development of Europol*, report from Trevi Ministers to the European Council, Maastricht, December 1991.
27. Programme of Action relating to the *Reinforcement of police cooperation and of the endeavours to combat terrorism or other forms of organised crime*, June 1990.
28. *Progress made in implementing the Palma Report*, the Council, CIRC 3658/4/92, 5.11.92. Confidential.
29. Home Affairs Select Committee, 363-i, p5.
30. The National Criminal Intelligence Service [NCIS] was set up in April 1992.
31. Home Affairs Select Committee, 363-i, p43.
32. In 1990 the UK representatives were: Trevi 1: Mr R B Johnson, Chief Constable of Lancashire and Mr J Sharples, Chief Constable of Merseyside and from the Home Office Mr Warne from F4 Division and Mr Potts also from F4; Trevi 2: Mr E S Bunyard, Commandant of the Police Staff College and Mr Cane from F7 Division of the Home Office and Mr Goddard from F8 Division; Trevi 3: Mr I H Kane, Chief Constable of Cambridgeshire and Mr A A Mullett, Chief Constable of West Mercia with Mr Hudson from F3 Division; Trevi 1992: Mr J S Evans, Chief Constable of Devon and Cornwall with Mr Potts from F4 Division.
33. Home Affairs Select Committee, 363-i,p42
34. Home Affairs Select Committee, 363-i, p42. One of the qualifications for becoming a member of the Special Branch has always been the ability to speak one or more languages. This historically derives from the need to keep 'foreign emigre' groups based in the UK under surveillance.
35. In early 1977 a Home Office circular 153\77 was sent to all Chief Constables. The circular is still classified.

36. Home Affairs Select Committee, 363-i, p 43. The evidence from the Special Branch observes that there is a reluctance to use Interpol for this purpose as 'the politics and motives of some of its member agencies are to say the least questionable in this context'.
37. A joint ACPO/Metropolitan Police European Unit, staffed by two Met officers (Chief Inspector and an Inspector) and two provincial officers (both Inspectors) is based at Scotland Yard. Its main function is to gather and disseminate information and examine the implications for the police, and it has established liaison with officers in other EC countries. (The changes which had occurred in the police service by 1990 were noted in evidence to the Home Affairs Select Committee. These were: 1) Establishment of ACPO International Affairs Advisory Committee; 2) Establishment of Joint ACPO/Metropolitan Police European Unit; 3) the appointment of European Liaison Officers in the majority of UK forces; 4) The inclusion of Chief Constables on Trevi Senior Officials meetings and working groups; 5) the European Liaison Section of the Metropolitan Police; 6) Appointment of a number of liaison officers abroad; 7) a number of bilateral arrangements between UK police forces and 'colleagues broad on matters of mutual interest'. Additionally, Channel Tunnel passengers will be security checked by the Special Branch which has an office at Waterloo station.
38. Home Affairs Select Committee, 363-I, p.xxi. The Commission is represented at the six-monthly meeting of Interior Ministers on immigration.
39. Home Affairs Select Committee, p5
40. *Practical Police Cooperation in the European Community*, Home Affairs Select Committee, HC 363-II, p90.
41. The first recorded parliamentary written answer on Trevi was given in 1981. This was a brief outline in the most general terms. *House of Commons*, written answer, 10.3.81.
42. See Chapter on 'Secret Europe' for a listing of the Trevi meetings in 1991 and 1992 and a sample of the information given to the UK parliament.
43. *Practical Police Cooperation in the European Community*, Home Affairs Select Committee, 1989-90, HC 363-II, pp162-3.
44. *Practical Police Cooperation in the European Community*, Home Affairs Select Committee, HC 363-II, p167.
45. see, *Interpol Today*, Raymond Kendall (Secretary General of the International Criminal Police Organisation, ICPO), Policing, Winter 1992, pp279-285.
46. Presidency conclusions, European Council, 28 and 29 June 1991, SN 151/3/91. This was one of a number of proposals under the heading of 'Future Common Action on Home Affairs and Judicial Policy', which also covered asylum, immigration and aliens.
47. *The development of Europol*, report from the Trevi Ministers to the European Council in Maastricht, December 1991.
48. *Trevi*, press release, December 1991.
49. Maastricht Treaty, p132. Article K.1 sets out the other areas of common interest as: asylum policy; external borders; immigration policy regarding third country nationals; combating 'unauthorised immigration'; drugs; fraud; judicial cooperation on civil and criminal matters; and customs.
50. Maastricht Treaty, p248.
51. European Council, 9-10 December 1991, Maastricht, *European Parliament*, 17/S-91, p5.
52. *House of Commons*, 20.11.91.
53. This has been developed through the Trevi Working Group III.
54. *House of Commons*, written answer, 18.2.92.
55. *House of Commons*, written answer, 18.2.92.
56. Report on Europol from the Civil Liberties and Internal Affairs Committee to the European Parliament, rapporteur Lode van Outrive MEP, adopted in November 1992.

57. It is sometimes also referred to as the 'Rhodes Group'. The key dates are:

1988Coordinators' Group appointed (Rhodes)

1989Palma Document (Madrid, June)

1989Declaration of Trevi Ministers (Paris, December)

1990Programme of Action (Dublin, June)

1991Proposal for the establishment of Europol (Luxembourg, June)

1991Report on Europol and Article K on Justice and Home Affairs in the Maastricht Treaty (Maastricht, December)

58. The new UK Police National Computer (PNC2) was set up using the same software system as the Schengen Information System.

59. This committee will report to the Council of Ministers to be known as the Council of Justice and Interior Ministers (Article K.3).

60. *European Parliament*, written answer, 5.11.92.

61. *A guide to the Treaty on European Union*, European Commission, 24.2.92, p30.

62. op.cit, p31.

63. *Migration Control at External Borders of the European Community*, Home Affairs Select Committee, 1991-2, HC 215-i,ii and iii, p64

64. Programme of work of the Coordinators group during the UK Presidency, 2.7.92, CIRC 3653/92, Confidential.

65. The Coordinators are particularly concerned to ensure 'the integration of existing areas of work in the security and enforcement sector', op.cit.

66. *Europeanisation of the police: a possibility*, Thilo Weichert, conference paper, 12-13 July, 1990, Strasbourg, refers to the similarity in objectives of the Schengen Information System and the proposed European Information System.

67. Home Affairs Select Committee, 363-i, p11.

68. Coordinators Group report on free movement of persons, 2.7.92, CIRC 3653/92, Confidential.

69. *The government reply to the seventh report from the Home Affairs Committee session 1989-90, HC 363-I*, on Practical police cooperation in the European Community, June 1991, Cm 1367, p7.

70. Note by the Presidency on the form of agreement on the European Information System, CIRC 3650/92, 29.6.92, Confidential.

71. See Chapter 9 on the provisions of the External Borders Convention.

72. The EIS will be complemented by the European 'nervous system' [ENS], developed by EC Commissioner Mr Pandolfi. A commercial group - BOS - of Bull, Olivetti and Siemens - has been formed to bid for this have opened an office in Brussels.

73. Thilo Weichert, *Freie fahrt für alle daten*, Im fadenkreuz Europas, Green Party, Germany, 1993, pp38-42.

74. See Chapter 4.

75. *Modernity and the Holocaust*, Zygmunt Bauman, p21.

