



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 18 June 2012

11508/12

LIMITE

**JAI 445
DAPIX 82
CRIMORG 79
ENFOPOL 196**

NOTE

from: Presidency
to: Working Group on Information Exchange and Data Protection (DAPIX)
Subject: Outcome of COPE 12 / The Hague, 26-27 April 2012

Introduction and general comments

The Danish Presidency of DAPIX (Information Exchange) in cooperation with the Commission and EUROPOL hosted the COPE-12 conference on the EU Information Management Strategy (IMS) at EUROPOL's headquarters in The Hague, the Netherlands, on 26-27 April 2012.

Good coordination between the Member States in the area of information management is essential for effective cross-border law enforcement cooperation. In 2009, the Swedish Presidency organised a conference for the CIOs of Police Europe (COPE). This conference was aimed at getting input from key information management stakeholders in the Member States for the drafting of an EU Information Management Strategy (IMS). The IMS was endorsed by the Council in December 2009. Subsequent Presidencies have driven the implementation of the IMS within the framework of the Council Working Party DAPIX (Information Exchange).

Focus on ways to improve efficient and simplified exchange of information has been the main priority for the Danish Presidency in DAPIX. During the Danish Presidency, draft Council Conclusions on further enhancing efficient cross-border exchange of law enforcement information have been submitted to DAPIX, and later to the Council which adopted the conclusions at its meeting on 7-8 June 2012. The Council Conclusions focus on ways to improve exchange of information by establishing Single Points of Contact (SPOCs), exchange of SPOC-personnel and further enhancing the use of Europol and making better use of Eurojust.

With the adoption of the Council Conclusions on further enhancing efficient cross-border exchange of law enforcement information, the Member States have agreed upon working on improving these areas of information exchange. The conference was a good opportunity to combine the Danish priorities in DAPIX with the work on the IMS.

The participants in the two-day conference were representatives from the DAPIX (Information Exchange) and others from EU institutions/bodies such as the European Commission, EUROPOL, EUROJUST, EDPS, FRONTEX, CEPOL as well as INTERPOL.

The conference was opened by the Danish National Police Commissioner Mr. Jens Henrik Hoejbjerg, Deputy Director of Europol Mr. Eugenio Orlandi and Mr. Joaquim Nunes de Almeida, Head of Unit in DG HOME of the Commission. All of them put much emphasis on the cooperation in cross-border criminal cases and that sharing of information is essential in this respect. It was pointed out that a change in mentality is required to enhance swift and efficient exchange of information and that the tools of information exchange should not be an obstacle for daily work. Member States need to implement existing instruments including the Prüm Decisions and the "Swedish initiative". There is also a need to consider whether we can devise cross-border mechanisms to prevent the existence of the different national rules from causing unjustified difficulty or delay.

The Commission is preparing a Communication on the European Information Exchange Model (EIXM), which will be ready in December 2012. The purpose of the EIXM Communication will be to present the state of play of the cross-border exchange of information between police (and other law enforcement) authorities and recommendations on how it can be improved.

Outcome of the discussions

The conference on the EU Information Management Strategy focused on the input from the participants in the workshops to the key stakeholders of the IMS. The participants could take part in four different workshops:

- 1) Developments on IMS Action Point no. 5 (UMF 2) and 7 (PCCC)
- 2) Exchange and basic training of SPOC personnel
- 3) Future information exchange concepts and privacy by design
- 4) Governance arrangements for specific information exchange (supporting) mechanisms such as Prüm, Information Exchange Platform (IXP) and UMF2

Workshop no. 1:

The participants did generally agree that a large number of non-interoperable/incompatible Information Management systems are a challenge for swift exchange of information between Member States and that a cross-check or input of information should take place only once for various purposes/channels/systems. Duplication of efforts should be avoided, e.g. in such a way that a police officer today having access to INTERPOL/ASF, Europol/EIS, SIS, national police record systems on different computers should be able to search for a target in one go across all those systems. A closer cooperation between INTERPOL and Europol could also avoid duplication of efforts and make coordination & information management easier on the national level.

Close cooperation between law enforcement and judiciary (prosecutorial) services are important, because these two services are working on the same targets but at different phases of the "crime solving cycle" (intelligence > investigation > prosecution > conviction). Therefore, when developing new systems or enhancing the current ones close involvement of prosecutors is recommended e.g. through Eurojust.

Overcoming language barriers could help and all new developed IM tools should take into consideration supporting all EU languages. Structured data can be transformed using reference models (e.g. UMF2) and free text could be translated using built-in translators e.g. Systran. It was generally agreed that there is a need for more information on UMF 2 and the possibilities it holds.

The participants also received a state of play regarding the further development of PCCCs, including the Europol Platform for Experts (EPE) and the use of SIENA to improve the functioning of PCCCs by providing them with a performing technical tool for information exchange and management and to improve the information sharing between PCCCs and their national authorities.

The participants in the workshop generally agreed that the bilateral character of PCCCs should be respected and the sharing of information between SPOCs and PCCCs improved.

Most participants also agreed that use should be made of the full potential of the functionalities offered by SIENA by using the cross-matching and the case management tools for the benefit for the national information management.

Workshop no. 2:

All three sessions of the workshop had discussions on the pro and cons, and benefits and challenges with regard to exchange of personnel, and found that exchange of personnel provides enhanced knowledge of the methods and organisational structures in other countries. Gaining a personal contact and mutual trust is still a key factor in cooperation.

It was generally agreed – in line with the Council Conclusions – that enhanced mutual exchange of SPOC staff or other staff involved in international exchange of information is a highly effective way to share working practices and to increase the operational awareness of legal instruments, operational procedures, information network, technical systems and capabilities, of both the capabilities of databases and their operational uses, of Member States' priorities and organisational structures.

Mutual exchange of SPOC staff and other personnel with other Member States can contribute to familiarisation with other national central units for cross-border exchanges and their procedures. However, there is a need to enhance language skills to further promote the cooperation between SPOCs.

Exchange and basic training of SPOC personnel is expected to improve the efficiency with regard to the types of information which are currently being exchanged. The participants discussed what should be included in the training of SPOC personnel and generally agreed that the need for training should be identified on a case-by-case basis according to the field of expertise of each person. Both national and international agencies should provide training.

The challenges are finance and budget restraints and also being willing to exchange persons who are often key actors to be relied on in the daily work. The participants generally agreed that if a bilateral agreement is the framework of the exchange of personnel, then funding should also be a national issue.

The participants generally agreed that the duration of the exchange of personnel should only be for a shorter period, depending on the topic and the specific case, thus allowing for a certain amount of flexibility. Training and exchange schemes shall focus on the least possible use of resources both in terms of time and staff.

Workshop no. 3:

In the framework of the implementation of the IMS, several business concepts are being discussed in DAPIX and the working groups of the specific action points. Examples are the creation of a common portal to access all cross-border information management products and services as well as tools to find and retrieve relevant information easily from various law enforcement sources across the EU. This workshop aimed to facilitate an in-depth discussion among experts on ways to apply the principle of availability in practice while benefitting from the concept of Privacy by Design.

The debate on new information management concepts was characterised by a balance respecting both practical business needs and data protection requirements.

The Hague Programme established the principle of availability as the vision for the exchange of information in the EU and specified that to do so the methods of exchange of information should make full use of new technology and must be adapted to each type of information.

The participants generally accepted the vision for future information exchange as providing the right direction and consisting of all the necessary elements. These elements are the general principles, including the availability of information, coordination at various levels, interoperability in all relevant dimensions and the practical provision of access to the available tools and information. Retrieving information should be solved via ensured availability rather than throwing out the “fishing net”. It was a common understanding that SPOCs do not conflict with the principle of availability; on the contrary they strengthen the availability through a controlled follow-up to identified links.

Regarding the access to information and processing tools, a more detailed discussion was held on the development of the IXP. In particular, the security architecture was presented as outcome of the recent work of the Working Group on the IMS Action Point 4. In addition, various options were discussed in order to implement the identification where relevant information is available and how this can be made available to the end-user. In the framework of Privacy by Design, emphasis was put on practical measures to protect personal data against unauthorised and unnecessary processing and disclosure. The IXP should lead to easier application of data protection, through amongst others Privacy by Design.

The participants generally agreed that interoperability is not (only) a question of technicalities, but a political choice. It is important to respect the purpose of tools that are interconnected.

It was the general view that Member States should not exchange more information than what is needed. Anonymisation possibilities can be further explored in this respect.

Workshop no. 4:

Workshop no. 4 aimed to facilitate the discussion on possibilities for the design and implementation of suitable governance structures. There are several information exchange initiatives at EU level that are of relevance to a wide range of stakeholders. Examples are the "Prüm Decisions", SIS, VIS, the IXP and UMF2. Some of these do not yet have a mature governance structure. Such a structure is required to ensure the long-term planning of product development, proper stakeholder involvement, human resource allocation and funding.

The scope of workshop 4 was to discuss governance arrangements for specific exchange (supporting) mechanisms such as the "Prüm Decisions", the IXP and UMF2. In practice, the three sessions were dedicated essentially to the governance of Prüm with quite different input from one session to another, depending on the background of the delegates. The common thread of all discussions was the Standards and Guidelines for Product Management of EU Information Tools (15002/4/10 REV 4 JAI 852 DAPIX 37 CRIMORG 179 ENFOPOL 287 ENFOCUSTOM 90).

Given the various standpoints that were shared during the workshop, it is clear that the governance structure of Prüm is not clear for everyone and that more discussions will be required to reach a common understanding of how Prüm should be governed and managed as a decentralised EU information management tool.

Way forward

Cyprus stated during the conference that the implementation of the IMS will continue during their presidency and Cyprus plans to bring the discussion and recommendations from COPE into DAPIX.

CEPOL should be involved in the training schemes of SPOC personnel as one of the stakeholders.

The outcome of the discussions in Workshop 3 will be used as input for the finalisation of the Vision for EU Information Exchange and the Solution Architecture of the IXP. The results will be presented to the DAPIX for endorsement.

The Standards and Guidelines for Product Management of EU Information Tools (15002/4/10 REV 4 JAI 852 DAPIX 37 CRIMORG 179 ENFOPOL 287 ENFOCUSTOM 90) require further refinement in order to serve as a common framework and reference for product management of EU Information Management tools. There is a need for further discussion of the guidelines to get a common approach to product management of Prüm. These discussions should also facilitate the designs for a suitable governance framework for UMF 2 and the IXP.