



**COUNCIL OF  
THE EUROPEAN UNION**

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Subject : European Institute of Police Studies

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**I. INTRODUCTION**

1. One of the objectives of the Union set by the Treaty on European Union is to maintain and develop an area of freedom, security and justice. Article 29 of the Treaty states that "the Union's objective shall be to provide citizens with a high level of safety within an area of freedom, security and justice by developing common action among the Member States in the field of police and judicial cooperation in criminal matters".

2. In police matters, this common action, refers to operational cooperation between the competent authorities, the collection, storage, processing, analysis and exchange of relevant information, cooperation and joint initiatives in training, the use of equipment, and forensic research, and the common evaluation of particular investigative techniques in relation to the detection of serious forms of crime, organised or otherwise, and requires instruments that enable the action of the different Member States to be coordinated.
3. As pointed out by the Council and the Commission when establishing the action plan on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice, we are dealing here with three inseparable concepts with one common denominator – "people", and the people will be unable to fully enjoy the benefits of any area of freedom and justice unless they feel safe and secure.
4. To offer people enhanced security, and also to defend the Union's interests, the Treaty of Amsterdam provides an institutional framework to develop common action among the Member States in the inseparable fields of police cooperation and judicial cooperation in criminal matters, with the objective of preventing and combating crime.
5. As stated by the European Council at its meeting in Tampere, people have the right to expect the Union to address the threat to their freedom and fundamental rights posed by serious crime and, therefore, a common effort is needed to prevent and fight crime and criminal organisations throughout the Union. More specifically, the joint mobilisation of police and judicial resources is needed to guarantee that there is no hiding place for criminals or the proceeds of crime within the European Union.

6. There is undoubtedly broad public and political consensus that most of the challenges facing police cooperation, such as the suppression of illegal trafficking, money laundering, terrorism, racism, sexual exploitation, and many, many others, can be tackled more effectively by the European Union than by the Member States acting alone.
7. Consequently, to prevent and suppress crime throughout the Union and to promote closer cooperation between the competent authorities of the Member States, the European Council decided to set up a *Police Chiefs Operational Task Force*, *Eurojust* and the *European Police College*, in addition to upgrading and increasing *Europol's* capacities.
8. We now have a whole range of structures and two years after the Tampere summit there are proposals to add a *European Border Protection Service* or create networks such as the *Crime Prevention Network*. All of this has undoubtedly contributed to fostering a new culture of police cooperation in Europe at both political and operational level, but it has not prevented the European Parliament from noting that in many fields neither the Council nor the Member States have succeeded in implementing a common policy and developing a strategic approach, and that progress has been made only on paper.

9. The European Council also stated that in the area of police cooperation the Union should develop its capacity to act and be regarded as a significant partner on the international scene, which would require close cooperation with:
  - (a) partner countries
  - (b) international organisations, in particular the Council of Europe, OSCE, OECD and the United Nations
  - (c) other bodies, such as police associations and European Monitoring Centre on Racism and Xenophobia.
10. Consequently, as well as ensuring the independence and effective capacity of each of the various bodies, it is essential to achieve coordination between them internally and externally, so as to reinforce their complementarity and avoid any risk of under-utilisation, duplication or contradiction of effort, and to guarantee the consistency of initiatives, transparency of competences and uniformity of procedures, all with a view to enlarging the area of freedom, security and justice.
11. Moreover, in the light of the values enshrined in the European Union Charter of Fundamental Rights, police cooperation and training at Union level should enable the police forces of the Member States to:
  - (a) operate at European level, across the borders of the Member States;
  - (b) operate more effectively at national level as a result of European rules.

12. However, it is the responsibility of the Member States to safeguard their internal security and, accordingly, when organising and strengthening police cooperation at EU level, it is necessary to take account of national interests, common approaches and, no less significantly, the differences that exist in each of the following fields:
- (a) evaluation of particular investigative techniques in relation to the detection of serious forms of crime, organised or otherwise [TEU Article 30(1)(d)];
  - (b) conditions and limitations under which the law enforcement services of a Member State may operate in the territory of another Member State [TEU Article 32];
  - (c) development and expansion of operational cooperation and strengthening of technical police cooperation;
  - (d) establishment of a research and documentation network on cross-border crime [TEU Article 30(2)(d)];
  - (e) preparation of statistics on cross-border crime [TEU Article 30(2)(d)];
  - (f) general and operational cooperation between the competent authorities of the law enforcement services and judicial authorities of the Member States in relation to the prevention, detection and investigation of criminal offences [TEU Article 30(1)(a)];
  - (g) police training, exchange of liaison officers, secondments, use of equipment, and forensic research methods [TEU Article 30(1)(c)].

13. Consequently, it is necessary to establish an entity to integrate and stabilise police cooperation, which would enable the Member States, the Council and the other EU institutions to adopt strategic policies and approaches in the area of police cooperation by providing reports on and analysis of police cooperation, by making crime prevention and investigation techniques and methods available to all the law enforcement bodies responsible for preventing and suppressing crime in the Union and Member States, by assessing criminal trends and by generating synergies between Europol, the European Police College, the Police Chiefs Operational Task Force, Eurojust and the existing cooperation networks for the construction of the area of freedom, security and justice.
14. This entity would be provided with a formal structure and be known as the *European Institute of Police Studies*. It would in practice act as the monitoring centre for police cooperation in Europe and would have the capacity to channel the results of studies and research carried out by public or private, governmental or non-governmental, national or international fora with responsibility in the area of public security and policing, assessing their research and conclusions scientifically.
15. In line the model used to establish the European Police College, the *European Institute of Police Studies* could initially consist of a network bringing together national institutes from each of the Member States, and integrating the cooperation and collaboration processes that have already been taking place for some time in the European Union as part of the activities of study and research institutes.

## II. OBJECTIVES AND TASKS

16. The *European Institute of Police Studies* should contribute, from the European Union stand point, to improving knowledge of, and the ability to deal with, certain phenomena of undoubted interest to the police, so as to facilitate the evaluation of risks and the establishment of efficient methods and techniques in the areas of dissuasion, prevention and operational policing.
17. In this respect, European indicators of crime are required in certain areas of police activity to enable relationships to be established with other elements of the social structure, in such a way as to be able to evaluate the impact of the various public security, education, social, employment, and youth policies, etc., on the forms crime takes.
18. Moreover, the absence of standard instruments for performing common comparative analyses of crime makes it impossible to establish the true dimensions of the problem (unreported crime), thus hindering the preparation and adoption of common strategies, policies and programmes in the fight against crime.
19. The need to create a common conceptual language in the areas of police activities and research is also widely acknowledged. This becomes clear when the Member States need to compare their activities or find reference indicators enabling them to evaluate their situation in relation to other Member States.

20. Thus, as well as responding to the needs outlined above, the objectives of the *European Institute of Police Studies* will include the following non-exhaustive list:
- (a) identification and analysis of the factors that influence feelings of security at European level;
  - (b) the various forms of crime in the European Union;
  - (c) impact of criminal activities on society as a whole and on the European economy;
  - (d) analysis of developments and trends in crime;
  - (e) identification of vulnerable spots and opportunities in the socio-economic structures;
  - (f) standardisation of police practices through the implementation of a code of ethics at European level.
21. To achieve the proposed objectives, the *European Institute of Police Studies* will perform a number of functions such as, for example:
- (a) planning, designing and carrying out studies, investigations and reports on its own initiative or at the request of European Union institutions;
  - (b) proposing common investigation and analysis methods;
  - (c) creating a body of knowledge capable of identifying scientific and technical progress in the various branches of science, with a view to adapting or applying them in the police or public security spheres
  - (d) examining the professional conduct of police on the basis of the principles, values and rules contained in the human rights declarations and charters of the United Nations, the Council of Europe and the European Union itself.



### III. STRUCTURE

22. The *European Institute of Police Studies* will consist of national units forming a network of national study and research institutes with responsibility in the area of security and policing in the Member States and in the candidate countries, which will cooperate closely to that end.
23. The network will be managed by a governing board consisting of the directors of the national police institutes at central level. The board will be chaired by the Member State holding the Presidency of the Council of the European Union.
24. The governing board of the *European Institute of Police Studies* will be permanently assisted by a secretariat.

### IV. FINANCING

25. The cost of the board and of the secretariat's activities will be borne jointly by the Member States in accordance with their respective gross national products.
26. Moreover, in view of the objectives and functions of the *European Institute of Police Studies*, it will be eligible for financing programmes already established, or which may be established in the future under Title VI, such as:
  - the programme of exchanges, training and cooperation for persons responsible for action to combat organised crime (Falcone);
  - the programme of incentives and exchanges, training and cooperation for legal practitioners in the area of criminal law (Grotius);

- programme of incentives and exchanges, training and cooperation for the prevention of crime (Hippocrates);
  - programme of training, exchanges and cooperation in the field of asylum, immigration and crossing of external borders (Odysseus);
  - programme of incentives, exchanges, training and cooperation for law enforcement authorities (Oisin).
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**COUNCIL DECISION .../.../ JHA**  
of.....  
establishing a  
**European Institute of Police Studies**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular:

- Article 30(1);
- Article 30(2)(d);
- Article 31(c) and (e);
- Article 32;
- Article 34(1); and
- Article 34(2)(c) thereof,

Having regard to the initiative of the Kingdom of Spain,

Having regard to the Opinion of the European Parliament,

[Having regard...]

Whereas:

- (1) Initiatives are being developed within the European Union aimed at securing cooperation between the Member States for the purpose of defining effective public security policies and, within this framework of cooperation and collaboration, Institutes of Police Studies in various countries of the European Union have been holding informal meetings on an annual basis aimed at establishing a network.

- (2) The informal, open nature of the aforesaid network, devoid of any clearly defined, set structure or organisational or operational anchor, limits its effectiveness, complicates the decision-making process and prevents any objective assessment of its research and conclusions, thus rendering implementation of its recommendations impossible.
- (3) The Action Plan of the Council and the Commission on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice states that it is important, when developing European cooperation, to take into account national interests and common approaches as well as differences, and also to ensure that the measures taken meet factual needs and add value.
- (4) The Tampere European Council, in conclusions 6 and 41, stated that people have the right to expect the Union to address the threat to their freedom and legal rights posed by serious crime, organised or otherwise, and that to counter these threats a common effort is needed to prevent and fight crime.
- (5) In the scoreboard to review progress on the creation of an area of freedom, security and justice in the European Union updated for the second half of 2001, the Commission has established that attention should be directed on the one hand towards increasing the effective capacity of the various instruments set up to implement police cooperation (Europol, Eurojust, European Police College, Police Chiefs Task Force), and on the other hand towards ensuring coordination between those bodies, thus guaranteeing their complementarity and avoiding any risk of duplication or contradiction of effort.
- (6) The European Parliament urges the Council, in its Resolution on progress in establishing an Area of Freedom, Security and Justice (AFSJ) in the year 2000, to take account of the impact of the forthcoming enlargement of the European Union and to establish a framework for cooperation between Europol, Eurojust and other bodies with responsibility for combating crime,

HAS DECIDED AS FOLLOWS:

## TITLE I

### Organisation

#### Article 1

1. A European Institute of Police Studies, hereinafter referred to as "the Institute", is hereby established.
2. Without prejudice to possible future developments arising from the provisions of Article 9, the Institute shall initially be set up as a network, by bringing together the national training and research institutes in the field of security in the Member States, which shall cooperate closely to that end.
3. The Institute's task shall be to implement the programmes and initiatives adopted by the Council in response to the crime phenomenon in general, its causes, manifestations and effects or consequences for society and for the structures of the European Union, acting on proposals from the governing board.

#### Article 2

1. The directors of the national training and research institutes shall form the Institute's governing board. Where there are several directors from a single Member State, they shall together form a delegation.
2. The governing board shall be chaired by the director of a national training and research institute of the Member State holding the Presidency of the Council of the European Union. The governing board shall meet at least once per Presidency. It shall establish its rules of procedure by unanimous decision.

3. Each delegation shall have one vote on the governing board. Representatives of the General Secretariat of the Council of the European Union, the Commission, Europol, Eurojust [etc.] shall be invited to attend meetings as non-voting observers. Members of the governing board may be accompanied by experts.

### Article 3

1. The governing board shall decide on the annual training and research programme (subjects or areas for study or research, methodology, duration). It shall adopt additional programmes and initiatives, where appropriate.
2. The governing board shall establish the annual report on the Institute's activities.
3. The governing board's decisions referred to in paragraphs 1 and 2 shall be adopted unanimously and then passed on to the Council, which shall take note of them and endorse them. Due account shall be taken by the governing board of any comment made by the Council.

The annual report on the Institute's activities shall also be forwarded to the European Parliament and the Commission for information.

### Article 4

1. The governing board shall set up a permanent secretariat to assist the Institute with the administrative tasks necessary for the Institute to function and implement the annual training and research programme and, where appropriate, the additional programmes and initiatives. The permanent secretariat may be set up within one of the national police institutes. The Council shall decide on the location of the permanent secretariat's seat.

2. The secretariat shall be headed by an administrative director appointed by the governing board for a three-year term.
3. All decisions of the governing board concerning the secretariat shall be taken unanimously.

#### Article 5

1. The Institute's budget shall be managed by the secretariat on the basis of a financial regulation.
2. The costs of implementing the measures in the annual programme referred to in Article 3, together with the administrative costs of the Institute, shall be borne jointly by the Member States. To that end, the annual contribution from each Member State shall be established on the basis of the gross national product (GNP) according to the scale used for determining the GNP element in own resources for financing the general budget of the European Union. Each year the GNP of the previous year shall be taken as the reference basis for each Member State.
3. The Institute's financial regulation and annual budget shall be drawn up by the governing board acting unanimously, and submitted for approval to the Governments of the Member States, meeting within the Council.
4. Expenditure on the following shall be borne by the Institute's budget:
  - (a) preparation, implementation and assessment of the annual programme of activities and research;
  - (b) fees for external contributors;
  - (c) travelling expenses of governing board members attending board meetings, at the rate of two members per Member State;

- (d) general operating costs of the secretariat, except for the remuneration of its members;
  - (e) costs for any other initiative adopted by the governing board or taken by the administrative director in accordance with the financial regulation;
  - (f) reimbursement, in proportion to Member States' contributions, of the costs incurred by the Member State(s) paying the remuneration of the secretariat's members. (?)
5. Without prejudice to requests by Member States and acting on instructions from the governing board, the secretariat may submit to the Commission training and research projects or programmes for cofinancing that lie within the sphere of competence of budgetary programmes administered by the Commission.

## **TITLE II**

### **Objectives and tasks**

#### Article 6

1. By optimising cooperation between its various component study and research centres, the European Institute of Police Studies shall aim to contribute to the creation of a body of technical and scientific knowledge on the fight against crime and the maintenance of law and order and public security in order to assist the bodies responsible for police training and police cooperation to perform the functions assigned to them.
2. The European Institute of Police Studies shall have the following objectives:
  - (a) to understand, study and analyse socio-economic and political processes having an impact on security;
  - (b) to encourage study and research into criminal phenomena and forms of crime;



- (c) to unify research criteria and tools so that analysis findings can be reflected in police activity;
  - (d) to improve common strategies for comparative investigations with a view to increasing the number of operations on the ground and operations carried out by the competent local authorities;
  - (e) to cooperate with the institutions of the Union in designing security policies by drawing up the relevant proposals;
  - (f) to encourage joint research projects;
  - (g) to create online databases, including lists of researchers, accessible to all the players involved in the European Institute of Police Studies;
  - (h) to foster cooperation between the Institute and other academic institutions at university level.
3. The Institute shall offer its cooperation to the national institutes of candidate countries with which the European Union is conducting accession negotiations as well as those of Iceland and Norway.

#### Article 7

In order to achieve those objectives, the Institute may, in particular, undertake the following actions:

- (a) plan, design and carry out studies, research and reports on its own initiative or at the request of the various institutions of the European Union;
- (b) organise seminars and meetings to harmonise research, study and analysis methods and techniques;
- (c) propose common research and analysis methods;
- (d) transmit the findings of its research and studies to the institutions of the Union;
- (e) publish and disseminate the findings of its studies, research and methodologies;
- (f) set up multidisciplinary work teams specialising in the various aspects of the phenomena affecting security;

- (g) establish cooperation links with the bodies of the Union engaged in scientific, technical and socio-political research;
- (h) create a body of knowledge capable of identifying progress in the various branches of science with a view to adapting or applying them in the field of public security.

#### Article 8

The Institute shall consider on a case-by-case basis the possibility of admitting officials of the European Institutions and other European Union bodies.

The Institute may cooperate with the national police study and research institutes of non-member States of the European Union. In particular, it shall establish relations with the national institutes of candidate countries with which the European Union is conducting accession negotiations as well as those of Iceland and Norway.

The Institute shall also cooperate with the relevant bodies in the field of technical and scientific research established at European level, such as ...

Article 9

At the latest during the third year after this Decision takes effect, the governing board shall submit to the Council a report on the operation and future of the Institute.

Article 10

This Decision shall take effect on the day following that of its adoption by the Council.

It shall apply from 1 January 2003.

Done at            on

For the Council  
The President

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