



## European Clearing Board

# Tools, Methods and Innovations in the field of technical support of operations and investigations

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## Terms of Reference

### 1. Introduction

In execution of the outcome of the Europol Heads of National Unit (HENU) meeting of 5 November 2020, the European Clearing Board "Tools, Methods and Innovations in the field of technical support of operations and investigations" (EuCB) held its inaugural meeting on 5 February 2021.

The Terms of Reference (ToR) are an agreement between the participating Members. They define the mission, structure, responsibilities, and decision-making process of the EuCB and set out guidelines for the functioning, monitoring and reporting. The ToR are based on the guidelines endorsed by the HENUs on 5 November 2020<sup>1</sup> and by the Europol Management Board on 9-10 December 2020.<sup>2</sup>

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<sup>1</sup> Europol Heads of National Unit Meeting, Draft Conclusions of 5 November 2020 (#1137680) and outcome of written procedure of 3 February 2021 (#1152451).

<sup>2</sup> MINUTES OF THE 117th MEETING OF THE MANAGEMENT BOARD, 9-10 December 2020 (#1145079).

The agreed ToR shall be shared with the EuCB members and posted on the EuCB Europol Platform for Experts (EPE) section. They shall be reviewed when necessary.

## **2. Genesis**

In times of rapid technological progress and increasing technical specialisation in all areas of life, security authorities throughout Europe are faced with different challenges.

The potential opportunities, risks and organisational impact of new technologies for the security authorities in Europe must be identified at an early stage and relevant developments made available to the law enforcement community. The results must be applied to day-to-day operations of the relevant target groups. The requirements arising from day-to-day operations must be conveyed to the strategic level with the aim of initiating proper solutions.

The Ministers represented in the Justice and Home Affairs Council have already risen to the challenge by tasking Europol, on 8 October 2019, to establish an Innovation Lab. The aim is to exploit the potential of new technologies for the European law enforcement authorities (LEA) by ~~coordinating~~ coordinating innovative activities and projects, to increase efficiency and synergies, avoid duplication of work and enhance the technical and operational capabilities of the LEAs.

The *Europol Innovation Lab* endeavours to support the European LEAs to identify innovative technologies, to promote their development and make them available for operational purposes.

To achieve these goals the Europol Innovation Lab needs a structure composed of LEA specialists to ensure that national experience and needs are directly fed into the Lab to raise awareness and prevent duplication of similar initiatives in the member countries regarding the development of tools and methods and to best serve the interests of operational and investigative LEA staff.

## **3. Mission**

The mission of the EuCB is to connect subject matter experts and investigators/analysts at working level with the aim of translating research results into practice and conveying requirements to the technical and strategic level. The EuCB focuses on tools, methods, and innovation in the area of operational and investigative support, i.e. tools, methods and

innovative technologies used by police practitioners and supporting experts for data retrieval and analysis in the context of criminal police investigations. General ICT in the broader sense does not fall within the scope of the EuCB.

The EuCB shall also be a structure within which members create and share pragmatic, quick and concrete case-specific technical solutions, either independently developed or already existing in the EU MS and the four Schengen associated countries<sup>3</sup> (EU MS + 4).

#### **4. Aims and Objectives**

The EuCB is an essential component of the Europol Innovation Lab. It is the structure through which the EU MS + 4 engage with the Europol Innovation Lab to:

1. channel needs and operational requirements for technical solutions from the operational to the strategic level and vice versa, inter alia by identifying emerging technologies used by practitioners (i.e. law enforcement investigators).
2. act as a central point for exchange on existing innovative solutions with relevance for all EU LEAs.
3. discuss the creation of new Core Groups within the Europol Innovation Lab in accordance with the relevant guidelines in annex.
4. disseminate the results of the work of the Europol Innovation Lab and its Core Groups to the EU law enforcement practitioner's community.
5. act as the relay between the Europol Innovation Lab and the EU MS + 4 LEAs, maintain a continuous dialogue with the Europol Innovation Lab, provide advice and non-binding recommendation.
6. develop a process/methodology for innovation assessment and need evaluation.
7. identify possible "cross-sectorial" aspects (going beyond law enforcement) of projects which could eventually be tabled at the EU Innovation Hub for Internal Security.

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<sup>3</sup> Island, Liechtenstein, Norway and Switzerland

The EuCB shall also benefit from other components of the Europol Innovation Lab, such as the Networks, the Observatory, and the EU Innovation Hub for Internal Security.

## **5. Membership of the EuCB**

The EuCB has an operational focus and is a forum for police and law enforcement practitioners. It is a working group of the Heads of Europol National Units (HENUs).

The EuCB is composed of the single points of contact (SPoCs) of the Europol Innovation Lab from the LEAs of all EU MS + 4. SPoCS can be supported by a deputy who can attend the EuCB meetings.

EuCB Members can appoint subject matters experts or practitioners to contribute to discussion topics requiring specific expertise.

Notwithstanding the above principle, it is at the discretion of EU MS + 4 to consult and involve other national (forensic) institutes in their work when contributing to the EuCB.

A representative of the Steering Committee of the EU Innovation Hub for Internal Security (a Member State for that matter) can attend the meetings of the EuCB, as well as the portfolio holder "Information Management" of the HENUs.

In accordance with article 2.2 of the Rules of Procedures of the HENUs Group<sup>4</sup>, representatives of third countries and international organisations to which Europol is allowed to transfer personal data on the basis of Article 25(1) of the Europol Regulation may participate in the EuCB meetings (or to specific agenda points) as observers, subject to the prior consultation and agreement of the EuCB members. A decision shall be made by simple majority of the voting members of the EuCB.

## **6. EuCB meetings**

The EuCB meets at least twice a year, usually in spring and autumn. Additional meetings can be organised upon decision of the Governance Board.

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<sup>4</sup> Heads of Europol National Units (HENU) Group - Rules of Procedure; EDOC#1145086

EuCB meetings take place at Europol Headquarters in The Hague (NL). EuCB members may volunteer to host meetings in their home countries at their own costs (logistics) and that of the EuCB members' own costs (accommodation and travel) (see 7.8). This proposal need to be endorsed by the Governance Board.

EuCB Meetings can also be organised virtually upon decision of the Governance Board. The presence of other participants, e.g. speakers, is possible for specific reasons on individual agenda items or for the entire session, upon decision of the Governance Board.

## **7. Responsibilities and decision-making process**

### **7.1 Chair**

The chair of the EuCB is held by a member of the EuCB for a period of one year beginning on 1<sup>st</sup> of July each year.<sup>5</sup> The Chair, the Deputy Chair and the Governance Board (see 7.2) are elected by the EuCB members. The election takes place in the first half of each year.

Nominations for candidates for functions mentioned above, shall be submitted in writing to the Europol Innovation Lab at least seven days prior to the date set for the elections. If there are several candidates for a particular function, elections shall be decided by simple majority voting in a secret vote by the EuCB members.

In case of tie vote, the candidates will draw lots. The voting procedure shall be conducted by the Europol Innovation Lab.

The Chair, or the Deputy Chair when the former is prevented from attending, shall convene the EuCB meetings in due time. The Chair, in cooperation with the Governance Board and the Europol Innovation Lab, shall prepare, decide and issue, at least 2 weeks before the meeting, through the Europol Innovation Lab, the agenda for the EuCB meeting. It shall supervise timely distribution of the documents for the meetings and shall chair the EuCB meeting.

### **7.2 Governance Board**

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<sup>5</sup> Except for 2021, when the chair will be elected at the beginning of the year and run until mid 2022.

The EuCB Governance Board consists of the Chair, the Deputy Chair, three representatives from the EuCB members (to be elected as above), and the Europol Innovation Lab.

The role of the Governance Board is to discuss the agenda and work programme of the EuCB and to share the (preparation) tasks among them.

The EuCB Governance Board meets at least twice a year, usually in summer and winter. The Governance Board decides on the modus of their meetings.

### 7.3 Recommendations

EuCB recommendations are voted during the meeting and documented in the outcome of the meeting. Where possible, recommendations to the EU MS + 4 and/or the Europol Innovation Lab should be taken unanimously. Otherwise, a 2/3 qualified majority is sufficient.

EuCB recommendations involving any financial or major human resource commitments from Europol need to be validated by the HENUs.

Members of the EuCB with voting rights are the SPoCs and the representative of the Europol Innovation Lab. Each SPoC and Europol have 1 vote.

### 7.4 Secretarial Tasks

In its function of Secretariat of the EuCB, the Europol Innovation Lab ensures continuity and participation of all EuCB members and the flow of information from/to Europol.

The Europol Innovation Lab shall assist the Chair, the Governance Board and the EuCB in the performance of their duties.

The tasks of the Europol Innovation Lab include the organisational and content-related preparation and follow-up of EuCB and Governance Board meetings, the preparation of written outcome, monitoring of tasks, central information control and other logistical and communication activities.

### 7.5 Communication

The EuCB communicates through a jointly used platform, either through the dedicated Europol Platform for Experts (EPE) or – should the need arise – by a platform developed specifically for the given needs. The EuCB will look into this in detail and will decide on the best way forward. The platform will also serve as storage for the EuCB's documentation.

The working language of the EuCB is English. Members are expected to be able to contribute effectively in English.

#### 7.6 Workflow and communication channels

A workflow, including the description of the process to set up Core Groups, is annexed to the Terms of Reference.

#### 7.7 Reporting

The EuCB is a working level entity and is not under any obligation to report to EU bodies and institutions in a pre-determined manner.

The Chair reports on the results of the EuCB to the HENUs twice a year.

#### 7.8 Financial matters

Running costs (secretariat, document production etc.) are borne by Europol.

EuCB members (EU MS + 4) are responsible for their own travel and accommodation costs when attending EuCB meetings.

Should a meeting take place in one of the EU MS +4, the host will bear the costs of the meeting logistic (meeting venue) and the EuCB members will be responsible for their own travel and accommodation costs.

There is no language interpretation provided for EuCB meetings.

### **8. Evaluation**

The EuCB is to be evaluated two years after the start of operations with regard to the degree to which the objectives have been achieved, including acceptance by the EU MS + 4 LEAs.

Europol, Den Haag

5 March 2021

ANNEX: Workflow

