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**Frequently Asked Questions (FAQ)
on the association of Third Parties
to Europol's AWFs**

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Background

As a result of the entry into force of the Danish Protocol, Article 10 of the Europol Convention was modified by inserting a new paragraph 9 that allows Europol to invite, under certain conditions, experts from third States or third bodies to be associated with the activities of an analysis group. As a result, these experts are provided with certain “prerogatives”. The exact scope of some of these prerogatives and their practical implementation is the subject of the questions below raised during the first months of experience in the context of the AWF association and cooperation between Europol and Third Parties.

PART 1 – General questions

1. **QUESTION: What is an Analysis Work File (AWF)?**

This is a database on a specific crime area which is intrinsically linked to specific forms of operational support offered by Europol. In effect an AWF is the only existing legal tool at European level to store, process and analyse factual information (‘hard’ data) and in particular ‘intelligence’ (or ‘soft’ data), including personal data of sensitive nature at the same time. Such a possibility simply did not exist before Europol took up its activities in 1999.

There are currently 19 AWFs¹. The crime phenomena that they tackle range from terrorist activities to trafficking in human beings to cigarette smuggling and outlaw motorcycle gangs, drugs or euro-counterfeiting. Each AWF is targeting several criminal organisations or groups at the same time.

However, to be able to analyse and store information and intelligence, Europol must receive input from the competent authorities in the MS. Once agreement on the kind of required data is reached, every party involved in an analytical project should make sure that all of this data is made available to Europol. Only if the information provided to Europol is complete, up-to-date and accurate, will Europol be in a position to deploy its full analytical capacities. Once information is received within an Analysis Work File, Europol will make sure that all the data is made available for analysis. This means, to start with, that data is processed in a structured way so it can be continuously exploited and enhanced.

2. **QUESTION: What are the essential Project documents?**

There are three main documents required for an AWF:

- Opening Order: as required by Article 12 of the Europol Convention, and further elaborated in Article 5 and 6 of the Analysis Rules. This can be seen as a legal contract between Europol and the Joint Supervisory Board which explains why the AWF is needed and then defines what kind of data can be gathered on what categories of persons, as well as the conditions and time limits for data storage. A sample of an AWF opening order can be found in annex.

¹ Overview of the current AWFs is annexed.

- Project Plan: this is the working document that defines how the AWF will operate and what it intends to achieve; as such it is a working document and is subject to alteration during the life of the AWF. It establishes the aim and objectives of the project; the products and services that it will deliver; the team and their individual tasks and any contingencies that need to be catered for. A sample of an AWF project plan can be found in annex.

- Data Collection Plan (DCP): this is the means by which Europol defines the data that is required for the AWF. The limits to the AWF dataset are already established by the provisions of the opening order, but the DCP goes far beyond this by identifying the range of information types that would be useful (witness statements, intelligence logs, wire-taps, house searches, crime reports, etc.), the sources and agencies that can supply the data, the format, language etc. A sample AWF data collection plan can be found in annex.

3. QUESTION: What are the conditions for a third State or body to become associated to an AWF?

According to Article 10(9) of the Europol Convention, Europol may invite experts of third States or third bodies within the meaning of paragraph 4 of the same Article, to be associated with the activities of an analysis group, where four conditions are met:

- an operational agreement is in force between Europol and the third State or third body, which contains appropriate provisions on the exchange of information, including the transmission of personal data, as well as on the confidentiality of exchanged information. This is obviously an important limitation, which means that the countries and organizations with which Europol has concluded mere strategic agreements (e.g. Russia, Turkey) will not be entitled to association.

- the association of the experts of the third State or third body is in the interest of the Member States;

- the third State or third body is directly concerned by the analysis work; and

- all participants in the analysis group (including Europol) shall agree to the association of a third party. This agreement must be unanimous.

An association arrangement must be concluded between Europol and the third party and communicated to the Joint Supervisory Body, which may address comments to the Management Board. When the Project Manager has received the approval from the Analysis Group, he informs Europol Serious Crime Coordination Unit (SCCO) who will draft the arrangement which the Director of Europol will send (in 2 copies) to the Third Party. The Third Party has to sign both copies and send them back to the SCCO at Europol². The Director of Europol will countersign both copies, one will be given back to the Third Party and one will be kept by Europol. The arrangement enters into force on the day following the counter-signature of the arrangement by the Director of Europol.

In practice, when a Third Party wants to become associated to an AWF, it should complete a feasibility study³.

² It is important that the Third Party nominates his expert(s) in this arrangement. If later on, the Third Party wants to change or add experts, a simple communication to the Project Manager of the AWF is enough, the arrangement itself does not need to be changed.

³ In annex, the feasibility study template can be found. There is a template for Third Countries and another one for Third Organisations.

4. **QUESTION: What is meant by “participants” of an analysis group?**

According to Article 10(2) of the Europol Convention, each analysis project entails the establishment of an analysis group which is composed of the following participants:

- Europol analysts and other Europol officials designated by the Europol Directorate;
- The liaison officers and/or experts of the Member States supplying the information or concerned by the analysis within the meaning of Article 10(6) of the Europol Convention.

The Analysis Group is the steering committee of the AWF and its “participants” have prerogatives which are not extended to associated Third Parties:

- **Direct data retrieval** from AWFs: Art. 10(2) of the Europol Convention, as amended by the ‘Danish Protocol’, limits the right to retrieve data from AWFs to the participants to an analysis group, meaning the Member States. Consequently, this right cannot be extended to associated third parties.
- **‘Steering’** of the AWF development: when it comes to decisions on amending the scope of the AWF, inviting other parties to become associated to the AWF etc, these decisions need the unanimous approval of the participants in the AWF, not the approval of the associated parties to the AWF.
- **Secondment** of third parties’ analysts to participate in the activities of an AWF: some cooperation partners have expressed interest in seconding analysts to Europol in order to participate in the development of AWFs. Although this ‘partnership’ could also be in Europol’s interest (additional resources and expertise) and already takes place with several Member States, it is not foreseen in the association rules, since they can only deal with the association of TPs to “the activities of an analysis group”⁴, and not with their association to the analysis work itself.

PART 2 – What can a Third Party do on the basis of the AWF association?

5. **QUESTION: What is the advantage of being associated to an AWF?**

Being associated to an AWF gives a Third Party certain rights which it would otherwise not have:

- Right to **attend analysis group’s meetings**: it is worth recalling that the distinction between Analysis group meetings and “Operational meetings involving members of the Analysis group” was precisely created to overcome the lack of clear legal basis for this form of involvement of third parties.
- Right to be **informed by Europol of the development of the analysis work file**: this information will of course be provided in the first place in the framework of the analysis group meetings. However, since these meetings take place on average once a year, it was felt necessary to provide for a general right of the third parties to be informed by Europol, on a case by case basis, of the development of the AWF to which it is associated. Such information could in some cases be provided by sending to the associated third parties the monthly reports which are issued for several AWFs.
- Right to **receive analysis results** concerning them: associated third parties will of course be allowed to receive analysis results. The attached draft association rules

⁴ See Article 10(9) 1st subparagraph of the Europol Convention.

however make clear that only analysis results relevant for the third parties should be communicated to them. This reflects the current practice for Member States participating in an AWF (i.e. they receive only analysis results that concern⁵ them) which is the implementation of the “need to know” principle.

- The relevant provisions of Europol’s legal framework will of course apply to the dissemination of analysis results to associated third parties experts: the Europol Convention, and in particular Art. 10(8), which provides for the need to secure the approval of the ‘supplying’ Member State before data are disseminated or used, as well as Art. 17(2) and 18(4); Art. 5(5) of the Council Act on personal data transmission, which in principle prohibits the onward transmission of personal data, communicated by Europol. These provisions have also to be read in conjunction with the specific conditions laid down in the respective cooperation agreements dealing with the processing of information

- Right to **further disseminate** analysis results: such dissemination will however always be subject to the relevant participant’s prior agreement, as well as to the applicable agreement(s).

- Right to **unilaterally terminate the arrangement**: the termination of the arrangement will be possible either on request of the associated third parties or of Europol with the agreement of the participants of the analysis group.

6. QUESTION: What kind of input does Europol expect from Third Parties?

Europol is information broker, so in first instance Europol expects information on ongoing investigations from Third Parties, just as it does from the MS. Naturally, this can differ according to the type of the Third Party. Eurojust is, for instance, not in first instance an information provider but their most important input lies in the judicial coordination of investigations.

7. QUESTION: What will happen with the information provided by the Third Party?

Also in this case the principle of ownership will apply. In any event, the contributions sent by the Third Party will be included in the AWF (and thus cross-checked with the information available in the AWF) only if relevant.

8. QUESTION: Can information sent by a Third Party to one specific AWF be included by Europol in another AWF?

Only if the Third Party agrees. This is the same procedure as for MS.

⁵ “Concern” in this context means whenever there is a hit on information provided by the Third Party OR when there could be a link established with the Third Party OR when the information would be useful for the fulfilment of the tasks of the Third Party.

9. QUESTION: Can a Third Party ask Europol to cross-check information with information already present in the Europol AWF?

A contribution provided by a Third Party that is included in an AWF is automatically cross-checked and thus may lead to a “hit” with the information already inserted in the AWFs. Furthermore, a cross-check of Third Party information that will not be included in an AWF can be carried out if sufficient background information explaining the context of the request is provided and if the request fits within the scope of one of the AWFs.

PART 3 – Exchange of information with Europol

10. QUESTION: What is the understanding of “the right to receive analysis results/reports which concern the Third Party”?

Being associated to an analysis group does not mean that one gets automatically all the information. The “need to know principle” applies to participants of the analysis group as well as to the associated third parties. A Third Party is concerned whenever its information can be linked to other information or simply whenever the information in the AWF could be of relevance for the Third Party. The latter may include strategic reports, periodic updates (e.g. quarterly reports).

11. QUESTION: Who takes the initiative to exchange information?

Following the reply to Q.8, the circumstance triggering Europol analysts in sending analyses to the Third Party is a “hit” (i.e. a cross reference match) with the information previously provided by that Third Party.

Also updates regarding these analyses will be sent on the initiative of the AWF as well as any information that appears to be of relevance for that Third Party, in the meaning specified in the previous reply and taking into account the Handling Codes place on the information.

Finally, whenever there could be a link established between an investigation and the Third Party, Europol will contact the Third Party.

12. QUESTION: Besides the formal prerogatives to be informed as clarified in Q.8 and Q.9, is any spontaneous exchange of information envisaged in the framework of cooperation in AWFs?

Yes, as it used to happen even before the adoption of the Danish Protocol and of the arrangements, any Third Party can be involved in the context of “operational meetings”, when the need for coordination is envisaged. The initiative of organizing an operational meeting and inviting the Third Party can be taken by both MS and Europol.

13. QUESTION: What is the relevancy/impact of Handling codes (H1, H2, H3).

They are extremely important for the proper use of the information. The Handling Codes are the consequences of the principle of ownership that governs the Europol Convention. In essence, it means that whoever provides information to Europol, decides what should happen with it. This decision has to be respected by Europol. If Europol sends out a hit notification or a report, there will be also Handling Codes applied. These will depend on the Handling Codes that were put by the information providers on the information, used in the report. MS and Third Parties receiving such a Europol report have to respect the Handling Codes on it.

A document explaining the meaning of the handling codes and the different scenarios can be found in annex.

14. QUESTION: Is the onward transmission of personal data stemming from Europol AWFs by a Third Party to other third States or third bodies allowed?

This is governed by the Cooperation Agreement. The onward transmission of information by a Third Party to other third States or bodies is permissible only with the prior consent of Europol. Europol will not be able to give such permission if Europol has not concluded with that third State or third body an operational cooperation agreement, i.e. an agreement that allows for the exchange of personal data. The only other situation where onward transmission is permissible is when this is **absolutely necessary** in exceptional cases (in order to prevent imminent danger associated with crime or to safeguard the essential interests of the Member States).

15. QUESTION: How far is the “internal” transmission of personal data stemming from Europol AWFs by a Third Party allowed?

“Internal” transmission means the onward transmission of personal data within the Third Party itself. There is a big difference between a Third Country and a Third Organisation.

For a **Third Country**, the same rules as for the MS apply. If, for instance, ATF is the only US Agency associated to AWF Smoke but ATF wants to forward an Analysis Report from AWF Smoke to the FBI (who are not associated), then it can do so without asking permission. Although specific US Agencies are associated to Europol’s AWFs, legally speaking, the US as a country is the cooperation partner of Europol and its AWFs. Therefore, any Europol message sent to the US can be disseminated to any US Agency, provided that the Agency deals with organized crime.

For a **Third Organisation**, the situation is more complex. Eurojust, OLAF, Interpol all have their members to which they should disseminate information. For a start, the legal partner of Europol is each time the “seat” of the Organisation: Eurojust in The Hague, OLAF in Brussels, the General Secretariat of Interpol in Lyon. Whenever Europol information leaves those “seats”, this is considered to be onward transmission. Obviously, these organizations need to be able to forward the Europol information or the added value of working with Europol would not be very big.

The following rules apply:

- Firstly, when the Third Organisation is associated to an AWF, it can freely share this information with the other members of this AWF (depending on the Handling Codes).
- Secondly, the Third Organisation can forward the AWF information to non-members of the AWF, as long as the addressee belongs to the Europol Cooperation Group (MS and Third Parties with operational agreement). In this case, the Third Organisation has to ask the permission of the AWF team (who will consult the provider of the information) just as the MS have to do.
- Thirdly, the Third Organisation cannot forward AWF information (or Europol information in general) to a Third Party without an operational agreement (see previous question). In the case of Interpol for instance, this would jeopardize their information obligation towards their members. However, what the AWF team can do, is to put the Third Organisation in contact with the original information provider. If for instance, Interpol sees a cross-match between a report from AWF Furtum and an investigation in Japan, they can inform the AWF Furtum team thereof. The Furtum team will identify the provider(s) and put Interpol in contact with them. If, in this example, the providers were Belgium, France and Germany, they could then authorise Interpol to forward their information to Japan. The added value for Interpol would then be that they could match their “global” data with the “European” intelligence held at Europol. Whenever there is a match, Interpol may be able to obtain the approval of the original information provider to forward their information outside the Europol Cooperation Group.

Annex 1 – AWF overview

Order	Name	No.	Subject	Opening Date	SC Unit
1	MONITOR	AWF 99-001	Outlaw Motorcycle Gangs Targeting criminal activities of Outlaw Motorcycle Gangs (OMCG).	07/09/99	1
2	HYDRA	AWF 99-008	Islamist Extremist Terrorism Preventing and combating crimes committed or likely to be committed in the course of terrorist activities against life, limb, personal freedom or property, and related criminal offences associated with terrorism perpetrated by individuals, groups, networks or organisations who evoke Islam to justify their actions.	22/02/00 Revised 29/06/08	5
3	EE-OC TOP 100	AWF 99-009	East European Organised Crime Networks Targeting East European Organised Crime groups and networks impacting on the EU	16/11/99	1
4	HEROIN	AWF 00-002	Networks involved in heroin trafficking and production Targeting criminal groups involved in unlawful heroin trafficking and production	13/10/00 Revised 06/12/08	2
5	SUSTRANS	AWF 01-001	Suspicious financial transactions Targeting criminal organisations involved in money laundering activity and related offences	26/11/01	4
6	COLA	AWF 01-002	Networks involved in cocaine trafficking and production Targeting criminal organisations involved in production, processing or trafficking of cocaine including intelligence relating to pre-cursor chemicals and cutting agents	03/08/01 Revised 05/12/08	2
7	TWINS	AWF 01-004	Child pornography networks on the internet Targeting criminal networks involved in the production, sale or distribution of child pornography.	16/08/01	3
8	TERMINAL	AWF 03-27	Payment card fraud Targeting networks consisting of individuals involved in fraudulent activities related to payment card fraud.	18/04/03	6
9	DOLPHIN	AWF 03-029	Non-Islamist extremist terrorist organisation threatening the EU Identifying activities of terrorist groups listed by the Council of the European Union and by the Working Group on Terrorism (3rd Pillar) as posing a serious threat to the security of the European Union and the Member States, and associated criminal activities within Europol's mandate uncovered in the course of the investigation into these terrorist networks.	08/09/03	5
10	COPPER	AWF 03-030	Ethnic Albanian Organised Crime Networks Ethnic Albanian Criminal Groups (EACG) and associated groups involved in all forms of criminality within Europol's mandate.	30/12/03	1
11	FURTUM	AWF 03-031	Itinerant burglary gangs Targeting itinerant criminal groups involved in large-scale burglary and any associated crime.	05/01/04	4
12	PHOENIX	AWF 07-038	THB Preventing and combating the forms of criminality within Europol's mandate associated with the Trafficking of Human Beings affecting at least two Member States of the European Union by Organised Crime Groups as well as any associated criminal activities within Europol's mandate uncovered in the course of the investigation into these criminal networks	18/11/2004 Revised 26/06/07	3
13	SYNERGY	AWF 04-034	Synthetic Drugs Targeting organised criminal networks related to synthetic drug production and/or trafficking and/or the diversion or supply of materials, equipment and/or precursors that are used primarily, but not exclusively, in the production of synthetic drugs, as well as other related criminal activities uncovered in the course of investigations.	13/12/04	2
14	SOYA	AWF 04-035	Counterfeiting of the Euro Targeting criminal groups, involved in the production and uttering of counterfeit currency, specifically the Euro currency.	01/03/05	6
15	SMOKE	AWF 05-036	Illicit Tobacco Trade Disrupting Organised Crime networks engaged in the unlawful manufacturing and/or trafficking of tobacco products in the Member States of the European Union.	25/04/05	1
16	CHECKPOINT	AWF 05-037	Facilitated Illegal Immigration Aimed at combating and preventing the facilitation of illegal immigration by organised crime groups into and within the EU MS. The Operational SP, target group PACTOU, which is the first of this AWF is focused on facilitated illegal immigration of mainly Iraqi (Kurdish) and Afghan origin.	09/10/06	3
17	COPY	AWF 08-038	Intellectual Property Rights Tackling organised crime networks engaged in the manufacturing and/or trading of counterfeiting and product piracy (except cigarettes and tobacco products) in the Member States of the European Union including all related financial aspects thereof as well as any associated criminal activities within Europol's mandate uncovered in the course of the investigation into these criminal networks.	30/01/08	4
18	MTIC	AWF 08-040	Missing Trader Intra Community Fraud Preventing or combating the forms of criminality within Europol's mandate associated with MTIC Fraud together with related criminal offences as defined in Article 2 (3) of the Europol Convention	02/04/08	4
19	CYBORG	AWF 09-041	Cybercrime Preventing or combating the forms of criminality within Europol's mandate associated with internet and ICT (Information and Communication Technology) related Organised Crime. More specifically the focus will be on the crimes defined in Articles 2-8 of the Cybercrime Convention.	29/04/09	1

Annex 2 – Sample AWF Opening Order

1. Name of the file

The name of the file is: **DRUTERFUND**

2. Purpose of the file

The purpose of the file is to support the competent authorities of the Member States, as mentioned in Article 2 (4) of the Europol Convention, in preventing and combating the forms of criminality within Europol’s mandate associated with the activities of Danish criminal groups who are active in the trafficking and distribution of Heroin, as well as any associated criminal activities within Europol’s mandate uncovered in the course of the investigation into these criminal networks.

For the purpose of this AWF Danish criminal groups are understood as hierarchically organised criminal structures where ethnic Danes are in positions of control and influence.

3. General background of the file

During the later part of the 1990’s a sharp increase in the amount of heroin available for sale on the streets of Danish cities was noticed, by law enforcement, and social welfare agencies. This increase was accompanied by a significant fall in the price users had to pay for their drugs. Together, these two factors indicated that a significant new supply of heroin had become available in Denmark.

Responding to political direction, intelligence work was undertaken to attempt to identify and disrupt this supply. Initial indications were that road freight trucks were being used to bring the drugs in from Germany, taking advantage of the big increase in road freight traffic that had occurred in recent years as a result of improvements in the north German motorway network.

Further intelligence development work, the results of which were presented at the Europol Heroin Experts meeting on 26th October, showed that Danish criminal groups, sometimes based on Motorcycle Club memberships, were acquiring the heroin from wholesalers in Germany and engaging truck drivers on a casual basis to transport the drugs into Denmark for eventual sale on the streets of Danish cities and towns.

The result of the Experts meeting was the decision to open this AWF to provide the means by which the intelligence obtained from the investigative efforts of a number of Member States could be better coordinated and exploited through crime analysis.

4. Sources of data to be included

The data for inclusion in the file will be supplied by the following Member States.

	Austria
	Belgium
	Cyprus
	Czech Republic
X	Denmark
	Estonia
	France
X	Finland

X	Germany
	Greece
	Hungary
	Ireland
	Italy
	Latvia
	Lithuania
	Luxembourg
	Malta
	The Netherlands
	Poland
	Portugal
	Slovak Republic
	Slovenia
	Spain
	Sweden
	United Kingdom

In addition personal and technical data will be supplied by Europol and the following third States or bodies referred to in Article 10 (4) of the Convention:

X	Bodies related to the European Union: Eurojust, OLAF
X	The following third States: US
X	Other international organisations: Interpol

and by other third States or bodies who, in accordance with the applicable regulations or agreements, can provide Europol with data which is relevant for the purpose of the file.

Data may only be entered into the file by Europol analysts duly authorized for that purpose by the responsible member of the Europol Directorate.

5. Groups of persons on whom data are stored

The file shall include data on:

X	a. persons who, in accordance with the national law of the Member State concerned, are suspected of having committed or taken part in one or more of the criminal offences mentioned under chapter 2, or who have been convicted of such an offence or concerning whom there are serious grounds under national law for believing will commit one or more of the criminal offences mentioned under chapter 2
X	b. contacts and associates of persons mentioned in 5.a above
	c. persons who have been the victims of one of the offences under consideration or with regards to whom certain facts give reason to believe that they could be the victims of such an offence
X	d. persons who might be called upon to testify as witnesses in investigations in connection with the offences under consideration or in subsequent criminal proceedings
X	e. persons who can provide information on the criminal offences under consideration (i.e. informants)
	f. with their permission: officers of the law enforcement authorities mentioned under chapter 2 who are involved in the prevention of or investigation into the offences mentioned under chapter 2

6. Nature of the data to be stored

In accordance with Article 12 paragraph 1 sub 5 of the Europol Convention the type of personal data used to open the file shall be specified.

Any of the data listed in the first sentence of Article 6 of the Council of Europe Convention of 28 January 1981 will be accompanied by a justification showing why they are strictly necessary.

6.1 On the persons mentioned under chapter 5, a) (suspects & convicts) the following data as allowed in accordance with Article 6 of the rules applicable to Europol analysis files will be stored:

<input checked="" type="checkbox"/>	Personal details:	<input checked="" type="checkbox"/>	Present and former surnames
		<input checked="" type="checkbox"/>	Present and former forenames
		<input checked="" type="checkbox"/>	Maiden name
		<input checked="" type="checkbox"/>	Father's name (where necessary for the purpose of identification)
		<input checked="" type="checkbox"/>	Mother's name (where necessary for the purpose of identification)
		<input checked="" type="checkbox"/>	Sex
		<input checked="" type="checkbox"/>	Date of birth
		<input checked="" type="checkbox"/>	Place of birth
		<input checked="" type="checkbox"/>	Nationality
		<input checked="" type="checkbox"/>	Marital status
		<input checked="" type="checkbox"/>	Alias
		<input checked="" type="checkbox"/>	Nickname
		<input checked="" type="checkbox"/>	Assumed or false name
		<input checked="" type="checkbox"/>	Present and former residence and/or domicile
	Physical appearance:	<input checked="" type="checkbox"/>	Physical description
		<input checked="" type="checkbox"/>	Distinguishing features (marks/scars/ tattoos etc.)
	Identification means:	<input checked="" type="checkbox"/>	Identity documents
		<input checked="" type="checkbox"/>	National identity card/passport numbers
		<input checked="" type="checkbox"/>	National identification numbers, if applicable
			Visual images and other information on appearance
		<input checked="" type="checkbox"/>	Forensic identification information such as fingerprints, DNA evaluation results (to the extent necessary for identification purposes and without information characterizing personality), voice profile, blood group, dental information
	Occupation and skills:		Present employment and occupation
			Former employment and occupation
			Education (school/university/professional)
			Qualifications
			Skills and other fields of knowledge (language/other)
	Economic and financial information:	<input checked="" type="checkbox"/>	Financial data (bank accounts and codes, credit cards etc.)
		<input checked="" type="checkbox"/>	Cash assets
		<input checked="" type="checkbox"/>	Share holdings/other assets
		<input checked="" type="checkbox"/>	Property data
		<input checked="" type="checkbox"/>	Links with companies
		<input checked="" type="checkbox"/>	Bank and credit contacts
			Tax position
		<input checked="" type="checkbox"/>	Other information revealing a person's management of their financial affairs

Behavioural data:	<input checked="" type="checkbox"/>	Lifestyle (such as living above means) and routine
	<input checked="" type="checkbox"/>	Movements
	<input checked="" type="checkbox"/>	Places frequented
	<input checked="" type="checkbox"/>	Weapons and other dangerous instruments
		Danger rating
		Specific risks such as escape probability, use of double agents, connections with law enforcement personnel
		Criminal-related traits and profiles
	<input checked="" type="checkbox"/>	Drug abuse
<input checked="" type="checkbox"/> Contacts and associates, including type and nature of contact of association		
<input checked="" type="checkbox"/> Means of communication used:	<input checked="" type="checkbox"/>	Telephone (static/mobile)
		Fax
		Pager
	<input checked="" type="checkbox"/>	Electronic mail
	<input checked="" type="checkbox"/>	Postal addresses
	<input checked="" type="checkbox"/>	Internet connection(s)
		Other:
<input checked="" type="checkbox"/> Means of transport used, including information identifying these means of transport (registration numbers):	<input checked="" type="checkbox"/>	Vehicles
		Boats
		Aircraft
		Other:
<input checked="" type="checkbox"/> Information relating to the criminal activities mentioned under chapter 2:	<input checked="" type="checkbox"/>	Previous convictions
	<input checked="" type="checkbox"/>	Suspected involvement in criminal activities
	<input checked="" type="checkbox"/>	Modi operandi
	<input checked="" type="checkbox"/>	Means which were or may be used to prepare and/or commit crimes
	<input checked="" type="checkbox"/>	Membership of criminal groups/organisations and position in the group/organisation
	<input checked="" type="checkbox"/>	Situation and function in the criminal organisation
	<input checked="" type="checkbox"/>	Geographical range of criminal activities
	<input checked="" type="checkbox"/>	Material gathered in the course of an investigation, such as video and photographic images
<input checked="" type="checkbox"/> References to other databases in which information on the person is stored:	<input checked="" type="checkbox"/>	Europol
	<input checked="" type="checkbox"/>	Police/customs agencies
	<input checked="" type="checkbox"/>	Other enforcement agencies
	<input checked="" type="checkbox"/>	International organisations
		Public bodies
		Private bodies
<input checked="" type="checkbox"/> Legal persons associated with the	<input checked="" type="checkbox"/>	Designation of the legal person

economic and financial information and the criminal activities mentioned above:		
	<input checked="" type="checkbox"/>	Location
	<input checked="" type="checkbox"/>	Date and place of establishment
	<input checked="" type="checkbox"/>	Administrative registration number
	<input checked="" type="checkbox"/>	Legal form
		Capital
	<input checked="" type="checkbox"/>	Area of activity
	<input checked="" type="checkbox"/>	National and international subsidiaries
	<input checked="" type="checkbox"/>	Directors
		Links with banks

6.2 Furthermore, the following data as included in the categories of data mentioned in paragraph 6.1 above may be included where they are **strictly necessary** for the purpose of the file:

Categories of data	Strictly necessary because:
Racial origin	
Religious or other beliefs	
Political opinions	
Sexual life or health	

6.3 Where the data mentioned in paragraph 6.2 above relate to the persons mentioned under chapter 5, points b) to e), in addition to being strictly necessary, the following **specific grounds for inclusion** of such data must be adduced. Such data shall be deleted when they are no longer necessary for the purposes for which they were stored:

Categories of persons	Categories of data	Strictly necessary specific grounds for inclusion:
Contacts and associates of the persons mentioned under chapter 5, a) and b)	Racial origin	
	Religious or other beliefs	
	Political opinions	
	Sexual life or health	
Persons who have been the victims of one of the offences under consideration or with regards to whom certain facts give reason to believe that they could be the victims of such an offence	Racial origin	
	Religious or other beliefs	
	Political opinions	
	Sexual life or health	
Persons who might be called upon to testify in investigations in connection with the offences under consideration or in subsequent criminal proceedings	Racial origin	
	Religious or other beliefs	

		Political opinions	
		Sexual life or health	
	Persons who can provide information on the criminal offences under consideration	Racial origin	
		Religious or other beliefs	
		Political opinions	
		Sexual life or health	

The inclusion of such data on these persons was requested explicitly by two or more Member States, namely by:

Austria
Belgium
Cyprus
Czech Republic
Denmark
Estonia
France
Finland
Germany
Greece
Hungary
Ireland
Italy
Latvia
Lithuania
Luxembourg
Malta
The Netherlands
Poland
Portugal
Slovak Republic
Slovenia
Spain
Sweden
United Kingdom

6.4 Regarding persons who might be called upon to testify as witnesses in investigations in connection with the offences under consideration or in subsequent criminal proceedings, as mentioned in chapter 5.d), the following data will be stored:

<input checked="" type="checkbox"/>	Personal details:	<input checked="" type="checkbox"/>	Present and former surnames
		<input checked="" type="checkbox"/>	Present and former forenames
		<input checked="" type="checkbox"/>	Maiden name
		<input checked="" type="checkbox"/>	Father's name (where necessary for the purpose of identification)
		<input checked="" type="checkbox"/>	Mother's name (where necessary for the purpose of identification)
		<input checked="" type="checkbox"/>	Sex

		X	Date of birth
		X	Place of birth
		X	Nationality
		X	Marital status
			Alias
			Nickname
			Assumed or false name
		X	Present and former residence and/or domicile
	Physical appearance:		Physical description
			Distinguishing features (marks/scars/tattoos etc.)
	Identification means:	X	Identity documents
		X	National identity card/passport numbers
		X	National identification numbers, if applicable
X	Crime-related information provided by such persons, including information on their relationship with other persons included in the file	X	
	Anonymity to be guaranteed		
	Protection is guaranteed and by whom		
	New identity		
X	Participation in court hearing possible	X	

Other data pursuant to paragraphs 6.1 and 6.2 above will be stored as necessary, provided there is reason to assume that they are required for the analysis of such person's role as witnesses.

6.5 Regarding persons who have been victims of one of the offences under consideration or with regard to whom certain facts give reason for believing that they could be victims of such an offence as mentioned in chapter 5, c), the following data will be stored:

	Personal details:		Present and former surnames
			Present and former forenames
			Maiden name
			Father's name (where necessary for the purpose of identification)
			Mother's name (where necessary for the purpose of identification)
			Sex
			Date of birth
			Place of birth
			Nationality
			Marital status

		Alias
		Nickname
		Assumed or false name
		Present and former residence and/or domicile
Physical appearance:		Physical description
		Distinguishing features (marks/scars/tattoos etc.)
Identification means:		Identity documents
		National identity card/passport numbers
		National identification numbers, if applicable
Victim identification data		
Reason for victimization		
Damage:		Physical
		Financial
		Psychological
		Other:
Anonymity to be guaranteed		
Participation in court hearing possible		
Crime-related information provided by or through such persons, including information on their relationship with other persons where necessary to identify the persons as mentioned in chapter 5, under a) and b)		

Other data pursuant to paragraphs 6.1 and 6.2 above will be stored as necessary, provided there is reason to assume that they are required for the analysis of a person's role as victim or potential victim.

6.6 Regarding contacts and associates, as mentioned in chapter 5, b), the data mentioned under paragraphs 6.1 and 6.2 above will be stored as necessary, taking into account the requirements as laid down in Article 6 (3) of the Rules Applicable to Europol Analysis Files and provided there is reason to assume that they are required for the analysis of the role of such persons as contacts or associates.

Data mentioned under 6.2 may be stored only if it is strictly necessary.

6.7 Regarding persons who can provide information on the criminal offences under consideration, as mentioned in chapter 5,e), the following data will be stored:

<input checked="" type="checkbox"/>	Personal details:	<input checked="" type="checkbox"/>	Present and former surnames
		<input checked="" type="checkbox"/>	Present and former forenames
		<input checked="" type="checkbox"/>	Maiden name
		<input checked="" type="checkbox"/>	Father's name (where necessary for the purpose of identification)

	X	Mother's name (where necessary for the purpose of identification)
	X	Sex
	X	Date of birth
	X	Place of birth
	X	Nationality
		Marital status
	X	Alias
	X	Nickname
	X	Assumed or false name
	X	Present and former residence and/or domicile
Physical appearance:	X	Physical description
	X	Distinguishing features (marks/scars/tattoos etc.)
Identification means:	X	Identity documents
		National identity card/passport numbers
		National identification numbers, if applicable
Coded personal details	X	
Type of information supplied		
Anonymity to be guaranteed	X	
Protection to be guaranteed and by whom		
New identity		
Participation in court hearing possible	X	
Negative experiences	X	
Rewards (financial/favours)	X	

Other data pursuant to paragraphs 6.1 and 6.2 above will be stored as necessary, provided there is reason to assume that they are required for the analysis of such person's role as informants.

6.8 On the persons mentioned in chapter 5, f), identification and contact data will be included, as well as data on their involvement in the investigation in to the crimes under consideration, in as far as they have given their permission for such data to be included.

7. Conditions under which personal data stored in the file may be communicated, to which recipients and under what procedure

7.1 Data stored may only be retrieved from the file by Europol analysts duly authorised for that purpose by the responsible member of the Europol Directorate. After retrieval, such data may be communicated freely to all members of the analysis group. However, where the data are marked with a Europol Security level, such communications shall be subject to the applicable articles of the Confidentiality Regulations and the Security Manual.

7.2 Any dissemination or operational use of analysis data shall be decided upon in consultation with the participants in the analysis. A Member State joining an analysis in progress may not, in particular, disseminate or use the data without the prior agreement of the Member States initially involved.

7.3 Personal data retrieved from the file may be transmitted or utilized only by the competent authorities of the Member States in order to prevent and combat crimes falling within the competence of Europol and to combat other serious forms of crime

7.4 In communicating data retrieved from the file, all members of the analysis group shall observe any particular restrictions on the usage of data imposed by the communicating Member State or third party. The data referred to under chapter 6, paragraphs 2 & 3, of this order may be transmitted only by agreement with the Member State which supplied the data.

7.5 Personal data retrieved from the file may only be transmitted by Europol to third States or bodies in accordance with the relevant provisions of the Convention and the rules governing the transmission of personal data by Europol to third States and bodies, as well as in accordance with an agreement between Europol and those third States or bodies, where applicable.

7.6 For any dissemination in accordance with this chapter, a record will be kept which will specify as a minimum the date and purpose of the dissemination, the data concerned, and the intended recipient(s).

8. Time limits for examination and duration of storage of data

The time limits for examination of all data entered into the file shall be in accordance with Article 21 of the Europol Convention and Article 7 of the rules applicable to Europol Analysis Files. All data will be reviewed annually, and also if circumstances arise which suggest that the data have to be deleted or corrected.

Personal data will not be stored for more than a total of three years. This time limit shall begin to run afresh on the date on which an event leading to the storage of data relating to the individual concerned occurs. Where, due to the time limit running afresh, data concerning persons as referred to in chapter 5, points c) to f), are stored in the file for a period exceeding five years, the Joint Supervisory Body shall be informed accordingly.

9. Method of establishing the audit log

For all retrievals and (attempted) retrievals of personal data from this Analysis Work File, it will be possible to draw up reports containing as a minimum a unique reference number which shall indicate whether the Analysis Work File was accessed or consulted, the identification of the user, the date and time of the (attempted) retrieval or consultation and the identity of the person(s) (if any) concerning whom data were accessed and displayed, as well as the Analysis Work File concerned.

Annex 3 – Sample AWF Project Plan

Project	AWF99-999 DRUTERFUND
Department	SC1 (OC Groups)
1. References	<p>To provide context and to avoid lengthening the document, readers are directed towards the following associated documents:-</p> <ol style="list-style-type: none"> 1) Minutes of Europol Heroin Experts meeting, 26th October. 2) Feasibility Study: Europol file number 3300-996 3) Opening Order: Europol file number 3300-999 (DMS # 105731) 4) AWF Collection Plan: Europol file number 3300-998 (DMS # 122584) 5) HENU reference guide for AWF's 6) Management of AWF's: Europol file number 2570-49
2. Participants	<ol style="list-style-type: none"> 1) The following Member States will initially participate in the AWF (others may join later):- <ul style="list-style-type: none"> • Denmark, Finland & Germany 2) The following 3rd States will also be associated with the AWF:- <ul style="list-style-type: none"> • US 3) The following International Organisations will also be associated with the AWF:- <ul style="list-style-type: none"> • Eurojust, OLAF, Interpol
3. Aim	The aim of the AWF is to support MS efforts to prevent & combat the trafficking of heroin by Danish OC groups.
4. Objectives	<p>The specific objectives for the AWF are:-</p> <ol style="list-style-type: none"> 1) To create a centralised service to which MS investigation teams are keen to contribute high quality operational data from live investigations, 2) To create and enact a Data Collection Plan that ensures receipt of the right quantity and quality of data, 3) to process and analyze this data quickly and effectively to allow the dissemination of analytical reports which 4) describe the criminal networks involved in trafficking Heroin into Denmark, to identify the key individuals within the criminal networks, and to reveal the modus operandi in use in each case, in such a way that 5) MS field investigation teams have greater opportunities to plan and execute direct action against the criminals, leading to 6) possible creation of Joint Investigation Teams, including Europol participation, to act directly against the heroin traffickers, making a contribution to 7) a reduction in the availability and use of Heroin in Denmark.
5. Background	Part 2 of Ref 1 (see conclusions and recommendations) and Para 3 of Ref 3 provide the reader with all required details in this respect.
6. Products & Services	<p>The project intends to provide product/service in the following three categories:-</p> <ol style="list-style-type: none"> 1) Operational, immediate; this will be quick-time responses to exchanges of information taking place with in the AWF and typically can include:- <ol style="list-style-type: none"> a) Cross-over reports identifying elements common to contributions from 2+ MS, and notifying the concerned MS thereof.

- b) Index system hits identifying elements common to Druterfund and other Europol AWF's and notifying the concerned MS thereof.

These products can potentially be delivered almost immediately, i.e. from the moment of the arrival of the second independent data contribution.

- 2) **Operational, developed:** following the direction given by the participating MS regarding the focus of the AWF, and in line with the original purpose of the AWF as discussed in Ref 1, the analysts assigned to the AWF will concentrate on trying to identify particular structures or clusters within the data, thereby giving added value to it and allowing reporting on issues such as:-

- a) Criminal network; the organisation and hierarchical structure of the criminal groups involved in the specific area of crime under consideration.
- b) Target packages; identifying the key individual(s) within a given network and specifying the role and responsibilities they carry out within the group.
- c) Modus Operandi; the means by which the criminal business is being carried out, specifically including transportation routes, means of concealment and freight vehicle profiling.
- d) Financial profiling; the detailed consideration of the

Where possible this reporting will always attempt to include the following:-

- Financial profiling, whereby the structures and the means of movement of criminal proceeds will be considered.
- Identification of vulnerabilities and proposed LEA activity that could take advantage of them to detain/disrupt the criminal group/activity.

The AWF aims to start disseminating these kinds of products already within the first quarter of operation. Clearly the comprehensiveness and accuracy of them will be better once the quantity/quality of raw data in the file has reached a significant size, and for this reason initial patience is requested, in return for periodical updates.

- 3) **Strategic:** by considering the data in the AWF in its wider 'environmental' context, and by combining it with information obtained from open sources and the International Organisations listed above, it is hoped that over the longer term strategic reporting will be possible, to include the following areas:-

- a) Criminal market profile; an overview of how the heroin market in Denmark, and surrounding countries, operates; including clear reference to differences that can be observed between this and other drug/country markets.
- b) Criminal business profile: an overview of the criminal businesses that are known to operate in this market, highlighting the specific nature of their structure, modus operandi etc.
- c) Observable trends in MO; relating to the physical movement and distribution of the drugs and the laundering of the proceeds, and any noticeable diversification into other crime areas or criminal partnerships.
- d) Impact of legislation and police action; as an attempt to identify good practice for wider application in the EU

Such strategic reporting will be kept updated and available 'in house' at Europol to allow for:-

- the speedy integration of new staff into the project.
- contributions to other reporting (OCR) without the need for additional work.

All Europol reporting will conform to a standard format and will ALWAYS include intelligence requirements (IR's) which the MS are kindly requested to do their utmost to fulfil as a means of ensuring that the content of the intelligence database is kept at the highest possible level of quantity and quality.

Furthermore, for every product or service supplied, Europol seek to obtain feedback from the MS as a means of ensuring the ongoing quality and relevance of

	our work.
7. Methodology	<p>Team & tasks The Core Project Team will consist of:-</p> <ul style="list-style-type: none"> • The Project Manager • 3 Analysts (working full time) from SC7 • 2 Specialist Second Officers (working full time) from SC1. <p>In addition</p> <ul style="list-style-type: none"> • 1 Specialist Second Officer (working part time) from SC2 • 1 Specialist Second Officer (working part time) from SC4 <p>Each will work within the general guidelines described in Ref 6 above. In addition, each will be responsible for the following project-specific tasks:-</p> <p><u>Project Manager</u></p> <ul style="list-style-type: none"> • Run the AWF InfoEx account and allocate tasks relating to information arriving by this means. • Verify and prioritise all contributions arriving to the AWF. • Authorise dissemination of all analysis products. • Will seek feedback on all products and services delivered by the team <p><u>Analysts</u></p> <ul style="list-style-type: none"> • The Senior Analyst will <ul style="list-style-type: none"> ○ Allocate analysts to sub-projects ○ Allocate contributions to analysts ○ Finalize all analytical products • The Analytical Assistant will register all verified contributions in iBase. <p><u>Specialist Officers</u></p> <ul style="list-style-type: none"> • <u>1 SC1 SO</u> will be responsible for establishing the criminal market profile for Heroin in Denmark, and for developing as appropriate the criminal business profiles relating to networks identified during the course of the analysis. He will also act as deputy to the PM. • <u>1 SC1 SO</u> will be responsible for all Open Source research; identifying both pre- and post-trial reporting and establishing contact with the relevant competent authority in order to secure more privileged information relating to the case. • <u>The SC2 SO</u> will be relied upon to establish and maintain the provision to the project team of 'corporate knowledge' of Heroin trafficking (state of the art) to include:- <ul style="list-style-type: none"> a) criminals: supply & production, Modus operandi, prices etc. b) police: legislation, intervention techniques, forensic good practice etc. • <u>The SC4 SO</u> will be tasked as and when required to supply specific guidance, interpretation and exploitation/follow up of financial information relating to the money laundering associated with the offences under consideration. <p><u>Europol Liaison Officers</u> The ELOs of the participating MS can make a key contribution to the success of the project, and as such the Project Team will attempt to integrate them as fully as possible into the work of the project. Specifically, the project will rely on the ELOs to:-</p> <ul style="list-style-type: none"> • Create the awareness of the project in the MS. • Actively seek data contributions in line with Ref. 4 • Act as a 'quality control' on these contributions • Fill intelligence gaps and obtain feedback on behalf of the project. <p>Meetings, Milestones & reviews.</p> <ul style="list-style-type: none"> • <u>Monthly</u>; every month a meeting will be organised by the PM to include the Project Team and the ELO's of participating MS. At this meeting an oral presentation of the activities of the AWF during that month will be delivered. This will be supported by a written report for wider dissemination. Feedback from reports disseminated, problem areas and proposals for the forthcoming

	<p>month will also be reviewed.</p> <ul style="list-style-type: none"> • <u>Half-yearly</u>: a full Analysis Group meeting will be held twice a year at Europol. Presentations (supported by written reports) will cover:- <ul style="list-style-type: none"> ○ progress of the AWF to date ○ specific findings/results/problems ○ direction setting for the next half-year. • <u>HENU</u>: as appropriate, the PM will prepare periodical reporting and statistics for the HENU meeting, and present the project to them if required. This gathering <u>must</u> be viewed as an ideal opportunity to seek higher level solutions to any problems occurring within the Project Team, and not as a threat situation where flannel is required. • <u>OSG</u>: The PM will endeavour to ensure that the current state of play within the AWF can be presented to the OSG given two (2) days notice. <p>Project Documentation the following documents will be maintained:</p> <ul style="list-style-type: none"> • <u>Policy file</u>: kept by the Project Manager to record all policy decisions to provide an official record of decision making both before and after the event in any situations which could be foreseen to have external consequences (i.e. relating to legal, financial, political issues.) • <u>Project Diary</u>: kept by the deputy PM to record all day to day events and to keep track of tasks, deadlines, contacts, decisions and results/feedback thereby providing a historical record of the project. • <u>Scoreboard</u>: recording and displaying the results achieved by the AWF. • <u>Contributions register</u>: kept by the senior analyst (within the existing IT system if possible) to record the date, quantity and quality of contributions received, thereby allowing the provision of statistics and/or intervention to alter/improve the collection plan if needed.
<p>8. Constraints</p>	<p>The readers' attention is drawn to the Feasibility Study mentioned at Ref 2 above where the following anticipated problems that could have negative impacts, along with contingency planning to overcome them, are considered in great detail, relating to:-</p> <ul style="list-style-type: none"> • Manpower • Finances • Contribution deficiency (quantity/quality) • Data protection limits (3yr deletion) <p>Given the ambition of this project (as described in sections 3, 4 & 6 above) the current resources and methodology (described in section 7 above) are deemed to be adequate.</p> <p>Accordingly, any significant increase or alteration to the project workload, or any reduction in the support given to the project may lead to the issues bulleted above becoming problematic, whereupon a re-evaluation of the situation will be required.</p>
<p>9. Input necessary from other units</p>	<ul style="list-style-type: none"> • SC2; to provide specific contextual advice relating to the illicit Heroin business, and to identify wider participants for the AWF PM to approach. • SC4: to undertake the specialist development work of the financial aspects of the criminal business in focus. Initially by providing the conceptual framework to the analysis project team, and subsequently to process the financial data contributed to the AWF. • SC7: to process and analyst the data contributed to the AWF and to use this to develop product as described in "Products and Services" above, under the guidance of the Project Manager and in line with Europol analytical guidelines. Also to provide bespoke technical support in the establishment and maintenance of the iBase.
<p>10. Consultancy</p>	<p>Non anticipated</p>

11. Further information	All reporting and associated project documentation stored at O:/Management/AWF Druterfund/(relevant sub-folder)		
Leader		Directorate Member	
Dates (including specific milestone dates)	Start: Milestone date:		End:
Evaluation criteria			
Cross References			
Project documentation	All stored in O:\Analysis Workfiles\AWF00-000 Druterfund\5 - Management		



Annex 4 – Sample AWF Data Collection Plan

Data: the items of information needed
Collection: the activity required to ensure that it arrives at the AWF
Plan: the list of tasks, responsibilities and timescales by which this will be achieved

Project	AWF99-999 DRUTERFUND		
SC Unit	SC1 (OC Groups)	Project Manager	J. Smith
1. References	<p>To provide context and to avoid lengthening the document, readers are directed towards the following associated documents:-</p> <ol style="list-style-type: none"> 1) AWF Druterfund Project Plan: Europol file number 3300-997 (DMS # 105734) 2) AWF Druterfund Opening Order: Europol file number 3300-999 <p>The flow-chart at Annex A shows the inter-relation between these 3 planning documents.</p>		
2. Purpose	<p>The AWF exists to support MS investigations against OC Groups engaged in heroin trafficking primarily into Denmark but with connections to the wider EU. The focus is ALWAYS on the criminals. There is no intention to create a comprehensive database of general heroin-related data.</p> <p>In view of this, the Data Collection Plan (DCP) is designed to ensure that the AWF is provided with data that will:-</p> <ol style="list-style-type: none"> 1) Facilitate the delivery to MS of the Products & Services outlined in the Project Plan (Section 6 of Ref. 1), and 2) Stay within the limits defined by the Opening Order (Section 6 of Ref. 2.) <p>It also aims to mitigate the effects of the 'incomplete information' problem whereby:-</p> <ol style="list-style-type: none"> 1) Not all the information relating to this crime phenomenon is known to law enforcement; 2) Not all the law enforcement agencies that hold some relevant information are participating in the AWF; 3) Not all the information held by the participating law enforcement agencies is contributed to the AWF; 4) Not all the information received by the AWF is can actually be used. <p>This creates the need to identify the relevant underlying causes and seek solutions to overcome them. Section 8 of the DCP addresses this.</p>		
3. Participants	<p>To succeed this plan requires the active involvement of</p> <ol style="list-style-type: none"> 1) MS ELOs, to: <ol style="list-style-type: none"> a) raise & maintain the profile of the AWF in their MS, b) provide quality control and ensure context for contributions and c) provide feedback to the ENU. 2) MS ENUs, to: <ol style="list-style-type: none"> a) actively raise awareness of the AWF, b) ensure the widest possible distribution of the DCP, c) identify relevant investigations, seizures etc and d) facilitate contributions to the AWF. <p>MS are requested to circulate this Data Collection Plan to all agencies active in heroin trafficking, including:-</p> <ol style="list-style-type: none"> 3) Police and Customs (investigation & control units) 4) Border Guards 5) National Criminal Intelligence Agencies 		

	<p>6) Other State bodies competent for the regulation of fiscal matters.</p> <p>As the AWF progresses, the Project Team will identify contributors who are providing particularly useful data, and other potentially valuable sources who are not yet contributing such that special focus can be made towards securing more contributions from them.</p> <p>Europol will take responsibility for obtaining information from:-</p> <p>7) UNODC</p> <p>8) EMCDDA</p> <p>9) Other Parties (i.e. WHO, academia, etc)</p>
<p>4. Contributions</p>	<p><u>Category:</u> Operational facts & intelligence (i.e. hard & soft data) generated by controls and/or investigations into criminals⁶ who are known or suspected to be involved, now or in the future, in any of the following categories of heroin trafficking towards or in Denmark⁷:-</p> <ul style="list-style-type: none"> • Cargo acquisition in source/transit country • Cross-border importation • Transportation provision • Facilitation (e.g by supplying paperwork, corrupting officials or vehicle/cargo modification) • Storage & distribution • Wholesale to street retail • Market protection (turf warfare) <p>And to the 2 related business processes that are essential to the ongoing operation of heroin trafficking:-</p> <ul style="list-style-type: none"> • Financial activity, money laundering and assets acquisition, • Marketing methods & activity. <p><u>Context:</u> Every contribution should provide sufficient contextual information such that the relevance of the facts contained in the contribution is clear. This is particularly important with the first contribution of a new case⁸. Simple lists of telephone numbers etc provided without context cannot be processed into the iBase.</p> <p><u>Raw Materials:</u> The AWF wants to receive the following working documents that will be created during the course of the investigations/controls carried out in the MS, whereby both the facts and the surrounding context are available:-</p> <ol style="list-style-type: none"> 1) Seizure reports 2) Crime reports 3) Intelligence reports (inc. informants) 4) Surveillance logs 5) Intercept transcripts 6) Itemised phone billings 7) Transcripts of witness interviews 8) Transcripts of suspect interviews 9) Forensic reports 10) House (premises) search reports 11) Seized data (diaries, PDAs, SIMs, PC-drives) 12) Stop & search records 13) Border/port/airport control records

⁶ It is an AWF legal requirement that every ‘Suspect’ must be linked (by fact or suspicion) to a criminal offence. Every ‘Associate’ must be linked to a Suspect.

⁷ Annex A to this Data Collection Plan provides a definition of these categories and shows the inter-connections between them.

⁸ Subsequent contributions to a known case do not require such detailed contextual information.

	<p>14) Suspects criminal antecedents</p> <p>15) Records of court proceedings, transcripts etc</p> <p><u>Evaluation:</u> In line with Article 11 of the Council Act adopting Rules Applicable to Europol Analysis Files, the contributing MS should use the 4 x 4⁹ system for evaluating the source and the information contained in the contribution.</p> <p><u>Transmission:</u> All contributions should be forwarded to the AWF via the Liaison Bureaux (LBX) using the InfoEx system. Any 'Hard copy' contributions that are received should be accompanied by a covering InfoEx. In this way a legal audit trail is created through which any future discrepancies can be resolved.</p>
5. Data collation	<p>The AWF is based on an i2 iBase platform. Relevant facts are extracted from MS contributions and entered into the iBase as Entities and Links. Pre-processing, normalising¹⁰ and manual entry of data are very time consuming so for this reason the preferred format for all data contributions will be:-</p> <ul style="list-style-type: none"> • Electronic, Structured, in English. <p>An iBase 'template' is available that can be used for automatic insertion / transfer of data according to the structure used in the AWF. This can be supplied on request.</p> <p>This <u>does not</u> mean that contributions in other formats will be rejected (that decision is always made on the basis of quality, legality & relevance) but it will have significance in terms of prioritisation and processing time.</p>
6. Prioritisation	<p>It is unlikely that the Project Team will be able to process every piece of data that is contributed to the AWF. Prioritisation will therefore be required and will be exercised as follows:-</p> <p><u>Operational / strategic:</u> The AWF is intended to have an operational focus so contributions which have an operational content (or request) will be given priority over strategic work/requests.</p> <p><u>Target Groups:</u> The AWF aims to identify and concentrate effort on specific targeted groups of criminals. Once Target Groups are identified and agreed a prioritisation amongst them will be made in consultation with the Analysis Group. This will then define where resources and effort are applied.</p> <p>The whole Analysis Group will be informed of the creation of new TGs and notified of specific data collection requirements for the TG.</p>
7. Europol activities	<p>It is recognised that the Europol Project Team cannot merely issue the DCP then sit back and wait for the data to arrive. Europol accepts the responsibility to work proactively to encourage, initiate and facilitate MS contributions to the AWF.</p> <p>To achieve this, specific project team members are tasked to:-</p> <ol style="list-style-type: none"> 1) Conduct Open Sources research to identify investigations/events that could lead to contributions. 2) Make regular contact with all MS & Agencies (participating & desired) to maintain and/or develop the relationship that leads to contributions 3) Identify other bodies which can provide useful data (i.e.NGOs, academic institutions, media, individuals at conferences etc) and nurture them. 4) Seek feedback on all disseminations and follow up all intelligence requirements to closure. 5) Take steps to fill all intelligence gaps that are identified during the analysis. 6) Liaise inside Europol with other AWFs/SC Units to identify potentially relevant data/knowledge 7) Use the Index System to identify related data held in other AWFs 8) Use the EISA to identify related useful data held therein. 9) Locate strategic knowledge/products that can assist with operational understanding (context)

⁹ Or recognised National equivalent system

¹⁰ Pre-processing can include translation, scanning & fact extraction. Normalising is the action of converting unstructured data into a structured format which can be automatically imported into iBase. If MS agencies are using iBase, we can provide a copy of our template to facilitate automatic transfer of data.

	<p>10) Query the Dunn & Bradstreet database for information on commercial companies. The quantity, quality and relevance of data contributions will be constantly evaluated¹¹. According to the results of this Europol will:</p> <ul style="list-style-type: none"> • Liaise with MS to reinforce the specific requirements of the DCP, and/or • Alter the DCP to reflect the changing reality of MS contributions and operational needs. 		
8. Contingencies	<p>It is foreseen that a number of problems which could undermine the success of the AWF could arise. Europol will initiate activity to deal with these as follows:-</p> <ol style="list-style-type: none"> 1) Data quantity too low <ul style="list-style-type: none"> • direct liaison with Liaison Bureaux to ensure awareness & understanding of DCP, and to encourage activity likely to generate more contributions. • if agreed with LBX, direct liaison with MS Agencies to do same. 2) Data quality too low (or just asking for X-checks) <ul style="list-style-type: none"> • as with 1) above and in addition • enforce requirement for context/background information; • enrich with open sources research. 3) No focus to contributions <ul style="list-style-type: none"> • select & prioritise specific target areas/groups/persons; • circulate notification of this 'mini-DCP' to all partners; • strictly accept/reject contributions on this basis. 4) Insufficient human resources to process data <ul style="list-style-type: none"> • Identify the problem as soon as possible (before backlogs arise); • ensure all Project Staff are fully engaged on this priority task; • seek temporary manpower support from other SC1 AWF teams; • approach OSG for a permanent increase in human resources. 		
9. Handling codes	<p>Whilst the AWF Project Team respect the need for and use of Handling Codes, in order to facilitate quick and efficient work it is requested that:-</p> <ol style="list-style-type: none"> 1) Avoid H2 unless absolutely necessary (and if so, consider a time limit) 2) For any Target Groups that are created, use H3 TG[Name] 		
10. [spare]	[spare]		
Project Leader	J.Bloggs	Directorate Member	J. Doe
Dates (including specific milestone dates)	Start: Milestone date:		End:

¹¹ Through use of the system developed by HENU WG3

Annex 5 – AWF feasibility study for Third Countries

The AWF should be based on a feasibility study and a commitment from concerned partners. Before joining/being associated with an AWF the candidate party should ensure those important issues such as legal obstacles, data protection and ownership of information are solved.

1. AWF	
2. Third Country	

3. General Information

3.1 Which competent authorities are envisaged to participate in/ contribute to this AWF/TG? (e.g. Police, Gendarmerie, Customs, Border Police, Illegal immigration service, etc)
Please specify:

3.2 Assignment of a National Contact Person¹² (NCP), available to assist the Europol AWF Project Team dealing with issues of particular interest to your country?
Now Later
 When:

3.3 Please provide his / her contact details
Please specify:

4. Significance of the crime phenomenon / organised crime group (OCG) that is subject of the AWF/TG

¹² In addition to the general guidance in developing the project provided by the Analysis Group, the NCP plays a pivotal role in the project, since the NCP should ensure that:

- the relevant national law enforcement and, where appropriate, judicial authorities are sufficiently informed on the objectives and working of the AWF;
- all relevant law enforcement agencies (both central and decentralised) are committed to the AWF;
- constraints at the national level impacting upon the commitment to the AWF are timely identified and addressed;
- the Europol AWF Project Team is aware of specific requirements of an operational or strategic nature;

The role of the NCP will neither conflict with the provision laid down in the Europol convention nor will it jeopardise the role of the national ELOs or ENUs. The NCP is considered as the extension of the Europol AWF Project Team at a national level.

4.1 Nature and extent of the crime phenomenon / OCG within your country

Please specify:

4.2 Level of concern at national level of this crime phenomenon / OCG; is it a national priority issue with the law enforcement / judicial authorities?

Please specify:

4.3 Nature¹³ and repercussions¹⁴ of current law enforcement initiatives into this crime phenomenon / OCG

Please specify:

4.4 Limitations or obstacles of a legal, structural or other nature that (could) influence the provision of relevant data emanating from the initiatives mentioned under 4.3

Please specify:

5. Available data

With respect to the data your country intends to provide on this crime phenomenon / OCG, indicate

- the type
- the owner¹⁵
- specific requirements for the supply to the AWF¹⁶
- freshness¹⁷

5.1 Operational data

5.1.1 Information¹⁸ or 'soft data'

Owner

Requirements

Freshness of data

< 1 month 1 – 6 months > 6 months Historic (after closure of

¹³ Pro-active intelligence gathering exercise, criminal investigation, multi-agency project, strategic assessment, etc

¹⁴ Local, regional, national, international impact

¹⁵ 'Owner of the data' is considered the individual or agency that, by law or other (binding) provision, is empowered to authorise the supply, dissemination and / or use of this data

¹⁶ Handling codes, etc

¹⁷ Length of time between data collection in your country and supply to the AWF

investigation/court procedure)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------------	--------------------------	--------------------------	--------------------------	--------------------------

5.1.2 **Evidence or 'hard data'**

Owner

Requirements

Freshness of data

< 1 month 1 – 6 months > 6 months Historic (after closure of investigation/court procedure)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

5.2 **Strategic Data**

Owner

Requirements

Freshness of data

< 1 month 1 – 6 months > 6 months Historic (after closure of investigation/court procedure)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

6. Structure and format of data

6.1 **Structured data will be provided electronically using**

MS Access MS Excel I-base Other (please specify)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
--------------------------	--------------------------	--------------------------	--

6.2 **Non-structured data will be provided electronically using¹⁹**

Please specify

6.3 **Data will not be provided electronically²⁰**

6.4 Which will be the standard language of the contributions to the AWF?

¹⁸ Information (Intelligence) is intended to steer and / or to enhance the efforts of the law enforcement action, not of evidential standard

¹⁹ MS Word, InfoEx, E-mail etc.

²⁰ Hard copy, PDF, Tif, Gif etc.

Please specify:

6.5 If English is not the standard language, is your country in a position to provide translation into English on its own initiative or upon request by the AWF Project Team?

Yes No

Comment:

6.6 Will the data be evaluated prior to its supply to the AWF²¹?

Always Sometimes Never

7. Level of commitment

7.1 Limitations or constraints, other than the ones covered before, which will / may influence your commitment to the AWF

Please specify:

7.2 Level of envisaged commitment

Active, implying

- Participation in the monitoring, development and evaluation of the AWF
- active promoting of the AWF with the relevant authorities
- provision of data on own initiative and on request
- giving proper consideration to the products of the AWF

Supportive, implying

- promoting of the AWF with the relevant authorities
- provision of data on own initiative and on request
- giving proper consideration to the products of the AWF

Passive, implying

- provision of data on request only
- giving proper consideration to the products of the AWF

Other, please specify:

²¹ Use of 4 x 4, 5 x 5 or similar assessment

7.3 Indicate the envisaged duration of this commitment.

Please specify:

7.4 How will the level of commitment be evaluated?

Please specify:

7.5 Are sufficient human and financial resources available to fulfil this commitment?

Please specify:

7.6 Could resources be made available to support the AWF within Europol (e.g. secondment of national analysts or experts)?

Please specify:

7.7 Ability and / or willingness to participate in a Joint Investigation Team (JIT) or any similar joint operational initiative that may result from the AWF

Please specify:

7.8 Any comment or specific requirement with respect to your participation, other than the ones that are mentioned before?

Please specify:

8. Decision on participation

On the basis of this assessment, is your country willing to participate at the indicated level of commitment in the proposed AWF / TG

Yes

No

Name:

Title/Function:

Date:

Signature:

Annex 6 – AWF feasibility study for Third Organisations

The AWF should be based on a feasibility study and a commitment from concerned partners. Before joining/being associated with an AWF the candidate party should ensure those important issues such as legal obstacles, data protection and ownership of information are solved.

1. AWF	
2. New party	

3. General Information

3.1 Assignment of a Contact Person²² (CP), available to assist the Europol AWF Project Team dealing with issues of particular interest to your organisation?

Now Later

When:

3.2 Please provide his / her contact details

Please specify:

4. Significance of the crime phenomenon / organised crime group (OCG) that is subject of the AWF/TG

4.1 Level of concern at your organisational level of this crime phenomenon; is it a priority issue?

Please specify:

²² In addition to the general guidance in developing the project provided by the Analysis Group, the (National) Contact Person plays a pivotal role in the project, since the (N)CP should ensure that:

- the relevant national law enforcement and, where appropriate, judicial authorities are sufficiently informed on the objectives and working of the AWF;
- all relevant law enforcement agencies (both central and decentralised) are committed to the AWF;
- constraints at the national level impacting upon the commitment to the AWF are timely identified and addressed;
- the Europol AWF Project Team is aware of specific requirements of an operational or strategic nature;

The role of the NCP will neither conflict with the provision laid down in the Europol convention nor will it jeopardise the role of the national ELOs or ENUs.

4.2 Nature²³ and repercussions²⁴ of current initiatives within your organisation into this crime phenomenon / OCG

Please specify:

4.3 Limitations or obstacles of a legal, structural or other nature that (could) influence the provision of relevant data emanating from the initiatives mentioned under 4.2

Please specify:

5. Available data

With respect to the data your organisation intends to provide on this crime phenomenon / OCG, indicate

- the type
- the owner²⁵
- specific requirements for the supply to the AWF²⁶
- freshness²⁷

5.1 Operational data

5.1.1 Information²⁸ or 'soft data'

Owner

Requirements

Freshness of data

< 1 month 1 – 6 months > 6 months Historic (after closure of investigation/court procedure)

5.1.2 Evidence or 'hard data'

Owner

Requirements

Freshness of data

²³ Pro-active intelligence gathering exercise, investigation, multi-agency project, strategic assessment, etc

²⁴ Local, regional, national, international impact

²⁵ 'Owner of the data' is considered the individual or agency that, by law or other (binding) provision, is empowered to authorise the supply, dissemination and / or use of this data

²⁶ Handling codes, etc

²⁷ Length of time between data collection in your country and supply to the AWF

²⁸ Information (Intelligence) is intended to steer and / or to enhance the efforts of the law enforcement action, not of evidential standard

< 1 month investigation/court procedure)	1 – 6 months	> 6 months	Historic (after closure of
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5.2 Strategic Data

Owner

Requirements

Freshness of data

< 1 month investigation/court procedure)	1 – 6 months	> 6 months	Historic (after closure of
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. Structure and format of data

6.1 Structured data will be provided electronically using

MS Access	MS Excel	I-base	Other (please specify)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

6.2 Non-structured data will be provided electronically using²⁹

Please specify

6.3 Data will not be provided electronically³⁰

6.4 Which will be the standard language of the contributions to the AWF?

Please specify:

6.5 If English is not the standard language, is your country in a position to provide translation into English on its own initiative or upon request by the AWF Project Team?

Yes No

Comment:

²⁹ MS Word, InfoEx, E-mail etc.

³⁰ Hard copy, PDF, Tif, Gif etc.

6.6 Will the data be evaluated prior to its supply to the AWF³¹?

Always Sometimes Never

7. Level of commitment

7.1 Limitations or constraints, other than the ones covered before, which will / may influence your commitment to the AWF

Please specify:

How do you overcome these constraints, please specify:

7.2 Level of envisaged commitment

- Active, implying
 - Participation in the monitoring, development and evaluation of the AWF
 - active promoting of the AWF with the relevant authorities
 - provision of data on own initiative and on request
 - giving proper consideration to the products of the AWF

- Supportive, implying
 - promoting of the AWF with the relevant authorities
 - provision of data on own initiative and on request
 - giving proper consideration to the products of the AWF

- Passive, implying
 - provision of data on request only
 - giving proper consideration to the products of the AWF

- Other, please specify:

7.3 Indicate the envisaged duration of this commitment.

Please specify:

7.4 How will the level of commitment be evaluated?

Please specify:

7.5 Are sufficient human and financial resources available to fulfil this

³¹ Use of 4 x 4 , 5 x 5 or similar assessment

commitment?

Please specify:

7.6 Ability and / or willingness to participate in a Joint Investigation Team (JIT) or any similar joint operational initiative that may result from the AWF

Please specify:

7.7 Any comment or specific requirement with respect to your participation, other than the ones that are mentioned before?

Please specify:

8. Decision on participation

On the basis of this assessment, is your organisation willing to participate at the indicated level of commitment in the proposed AWF / TG

Yes No

Name:
Date:

Title/Function:
Signature:

Annex 7 - Evaluation of the information with regard to the 4x4-System.³²

1. The source of information shall be assessed as far as possible by the information provider using the following source evaluation codes:

(A): where there is no doubt of the authenticity, trustworthiness and competence of the source, or if the information is supplied by a source who, in the past, has proved to be reliable in all instances;

(B): source from which information received has in most instances proved to be reliable;

(C): source from which information received has in most instances proved to be unreliable.

(X/D): the reliability of the source cannot be assessed.

2. Information shall be assessed as far as possible by the provider on the basis of its reliability using the following information evaluation codes:

(1): information whose accuracy is not in doubt;

(2): information known personally to the source but not known personally to the official passing it on;

(3): information not known personally to the source but corroborated by other information already recorded;

(4): information which is not known personally to the source and cannot be corroborated.

³² Article 11 - Council Act of 3 November 1998 adopting rules applicable to Europol Analysis files

		evaluation of the source				
		A	B	C	X	
		<i>no doubt</i> of the authenticity, trustworthiness and competence <i>of the source</i> , or if the information is supplied by a source, who, in the past, has proved to be <i>reliable in all instances</i>	source from whom information received has in <i>most instances</i> proved to be <i>reliable</i>	source from whom information received has in <i>most instances</i> proved to be <i>unreliable</i>	the reliability of the source <i>cannot be assessed</i>	
evaluation of the information	1	information whose <i>accuracy is not in doubt</i>	A1	B1	C1	X1
	2	information <i>known personally to the source</i> but <i>not known personally to the official passing it on</i>	A2	B2	C2	X2
	3	Information <i>not known personally to the source</i> but <i>corroborated by other information</i> already recorded	A3	B3	C3	X3
	4	information which is <i>not known personally to the source</i> and <i>cannot be corroborated</i>	A4	B4	C4	X4

Figure 1: 4x4 System

Impact on the assessment of the information:

- Confirmed: Information evaluated as A1, A2, B1 or B2 can be considered and therefore linked as confirmed.
- Unconfirmed: All other have to be considered as being of unconfirmed nature.

Annex 8 - Use of Handling Codes

Introduction

This document aims at giving guidance to Europol staff working in the Analytical Work Files (AWF), Member States (MS) and Third Parties (TP) when applying Handling Codes for the exchange of information with the Analysis Work Files at Europol. This implies that the document is written from an **AWF perspective**.

The use of Handling Codes is critical for the creation of mutual trust when exchanging information. A correct use of the Handling Codes should balance the need to protect the information against the requirement to share the information as much as possible.

Handling Codes should be used in the same manner, both by Europol and the MS. This document gives a guidance to come to a uniform approach by elaborating several scenarios. However, the provider of the information decides in the end which Handling Code applies.

Underlying principles:

- A MS or TP joining an AWF makes the principal commitment to **share information** with the other participants in the AWF. For this reason, the unanimous agreement of the participating MS has to be obtained before a new member can join the AWF. This implies that the MS and TP participating in an AWF are privileged to the information in that AWF.
- According to art. 2.4. of the Europol Convention **competent authorities** are *all public bodies existing in the Member States, which are responsible under national law for preventing and combating criminal offences*. These bodies **can** receive information from Europol. However, it is the Europol National Unit of every MS which decides where the information goes to.
- In accordance with art. 17.2 of the Europol Convention, providers of information can put **restrictions** on the use of the information they provide. For this purpose the Handling Codes are used in the Information Exchange (InfoEx) System. The use of these restrictions has to be based on the national provisions of the providing Member State or Third Party. Art. 17.2 states that in the case of certain data, the communicating Member State or the communicating Third Party can stipulate particular restrictions on use to which such data is subject in that Member State or Third Party. This means that when the national provisions don't stipulate a particular restriction on the use of certain information, the information should be sent to Europol without particular restriction as well.
- Any user of this information must comply with the restrictions, put forward by the provider. Only when national law foresees an **exception**, these restrictions can be waived. However, in such cases, the data may only be

- used after **prior consultation** of the communicating Member State whose interests and opinions must be taken into account as far as possible.
- This exception does not exist for **Third Parties**; they can only transmit Europol information to MS and other Third Parties with cooperation agreement after having obtained the agreement of the provider. This **onward transmission** of information by a Third Party is regulated in the Council Act of 12 March 1999 adopting the rules governing the transmission of personal data by Europol to third States and third bodies.
 - Handling Codes regulate the **dissemination** of information whereas Classification Levels regulate the **physical treatment** of the information. It is not because a contribution would be labelled as *Confidential* that automatically the dissemination is regulated. The computerised systems of Europol are accredited up and to *Restricted*. This means that an AWF can still receive a contribution classified as Confidential but it is not possible to process the information in any database.
 - It is **not mandatory to lift a Handling Code** to be able to forward the information to another party. There is a current practice to ask the provider to “lift” the Handling Code if the information becomes relevant for another party (mostly with the H2 Handling Code). In fact the Handling Code obliges to seek the permission of the provider to disseminate the information. So it is perfectly possible in case of a hit on H2 data that the data is forwarded, to the party for which the information is relevant, still carrying the H2 Handling Code. This party can then see the information but would need to ask the permission of the provider to further use it.

Scenarios:

No Handling Code is applied

The consequence of not applying a Handling Code is that the information is intended for the Analysis Group of the AWF it is sent to. This means that the information can be freely shared within the Analysis Group. Following the need to know principle, the AWF will send the information whenever they detect a link with a member of the Analysis Group. This can be because there is a hit generated on previously sent information or because the new information simply mentions a link to another country and/or Third Party. The following example can clarify this:

On 02/02/08 Germany sends an InfoEx without any handling code to AWF Soya giving the following information: Two suspects were arrested in Wiesbaden with counterfeit Euros. Suspect X is an Italian national, living in France; suspect Y is a Lithuanian suspect, living in Poland. The investigation revealed that the suspects had made frequent contacts with telephone numbers in Belgium, The Netherlands and Austria.

The AWF Soya team checks the information in the database and sees that Sweden had already an investigation on suspect X. This information is combined with the

German contribution resulting in a Hit Notification that is sent to all the countries mentioned in this example. If, for instance, Belgium should not be a member of the AWF, then the permission of Germany would be asked to send the information to Belgium since the information is “leaving” the Analysis Group of AWF Soya.

If the checks in the Soya database had not given any hit, the AWF Soya team would have forwarded the German contribution to all the MS mentioned in the contribution following the same principles. This “Duty to notify” can be found in art. 13 of the Europol Convention.

If later on, the cross check system would reveal that suspect Y, mentioned in the German contribution, is also inserted in another AWF, the AWF Soya team would again ask the permission of Germany to share that information with the other AWF(s), following the same principles as above.

A further consequence of not applying any Handling Code is that the information can be used as evidence in judicial proceedings without having to ask the permission of the provider.

Handling Code H1 – This information must not be used as evidence in judicial proceedings without the permission of the provider.

The consequence of applying this Handling Code is that the information can be shared on the police level. Also the prosecutor can be informed about this information but before using it as evidence, the provider has to be asked for permission. The key issue with this handling code is when exactly information is formally used as evidence. This will differ depending on the national legal system but the way it should be understood is *from the moment the information could become accessible for the defence*. If this Handling Code is not applied, the authorisation is given to use it in court.

If the question is brought forward by a member of the AWF who would like to use the information in a court proceeding, the mere agreement of the provider might not be sufficient for the use in court. Again, this depends on the national legal system. In concrete terms this means that some countries will have to “formalise” AWF information into evidence material which has been obtained by means of mutual legal assistance before that information will actually be used before court. For other countries this will not be necessary.

This also applies for the information exchange with **Eurojust**. It has to be stressed that such exchange takes place between Europol and Eurojust as a European Body. Therefore Eurojust is entitled to receive and use information carrying Handling Code H1. If a Eurojust national member would “switch hats” and start acting as a national representative, the procedure for **onward transmission** by a Third Party would have to be applied.

Also if Eurojust would use the Europol information to coordinate the prosecution in several countries, the principles of onward transmission by a Third Party apply.

Handling Code H2 – This information must not be disseminated without the permission of the provider.

How far does H2 allow information to be disseminated? In the case of information sent to a country or a Third Party, to the competent authorities of that country/Third Party. It is up to every country (HENU) and/or Third Party to identify the competent authority. In the case of a country, the Convention stipulates (Art. 2.4) that this means *all public bodies existing in the Member States, which are responsible under national law for preventing and combating criminal offences*. When a contribution is sent to an AWF at Europol, it will be processed in the database and linked to other information if relevant. Only the AWF team at Europol can access this information, Europol cannot disseminate this information to any other country or organisation, including members of the AWF, without written permission of the provider.

A problem that can occur is when there is a so-called “double H2” or “double hidden hit”. This means that when a H2 contribution is sent to an AWF, there is a hit with a previous H2 contribution. In this case, the provider of the oldest contribution has to be asked first if that data can be shared with the new contribution, without revealing who the provider of this contribution is. If the answer is positive, the data can be shared and the same question can be asked to the provider of the new contribution. If the answer is negative, the best thing to do is to apply a pragmatic approach whereby the AWF asks the consent of both providers to bring them in touch with each other.

Handling Code H3 – Other restrictions apply (followed by free text).

This Handling Code is mostly used for the restriction of dissemination to the participants in certain Target Groups or Subprojects. This means that every time this Handling Code is used, an additional restriction has to be added. The following principles apply here:

- The Handling Code *H3 – AWF* on information sent **to** an AWF has no added value. This code basically tells the AWF team that the contribution is addressed to the AWF so the information can be shared with the participants is necessary. However, by addressing the AWF, this is already implied, as is explained above in point 2. For the analysts: from the moment that something is written in the appropriate text field of the Admin Contribution tab, the contribution will be considered as “hidden” (i.e. the same as with H2) by the Index System.
- On the other hand, information sent from an AWF to a MS or Third Party should carry Handling Code *H3 – AWF*. This indicates to the receiver of the information that the information can be freely shared with the other members of the AWF but not with others.
- This Handling Code should not be used as an addressee field. If for instance a provider wants to protect the contribution that is meant for TG Shellnet in AWF Sustrans, only H2 should be put on the information and not a combination of H2 and *H3 – Target Group Shellnet*. The fact that the contribution is meant for TG Shellnet can be put in the text of the contribution.

Any combination of H2 and H3 should therefore be avoided because they give conflicting messages. H2 *forbids* dissemination without prior agreement of the provider; H3 *obliges* dissemination to a certain group.

Conclusion:

As mentioned in the introduction, Europol can only give guidance on the use of Handling Codes. The actual decision comes from the provider of the information. However, the following should be taken into account:

- The aim of participating in an AWF is to share information with the other participants or associated parties;
- When Handling Codes are applied, there should be a common understanding between Europol and its partners on the consequences of every Handling Code;

Handling Codes should only be used when they are necessary and in realistic combinations.

DRAFT