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From : General Secretariat
To : Multidisciplinary Group on Organised Crime
Subject : Assessment of the SECI Regional Center for combating trans-border crime
- Final Assessment Report

Delegations will find attached the Final Assessment Report on the Assessment of the SECI Regional Center for combating trans-border crime, which will be discussed at the MDG meeting of 21-22 October 2004.



**EUROPEAN COMMISSION
S E C I ASSESSMENT MISSION**

**ASSESSMENT OF THE SECI REGIONAL CENTER FOR
COMBATING TRANS-BORDER CRIME
Bucharest**

FINAL ASSESSMENT REPORT

August 2004

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The opinions and ideas expressed in this document are those of the authors alone and do not necessarily represent the view of any institution associated with them, or necessarily shared by the European Commission.

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ACRONYMS

AIDCO:	EuropeAid Co-operation Office
ATTF:	Anti-Terrorism Task Force
CAFAO:	Customs and Fiscal Assistance Office
CARDS:	Community Assistance for Reconstruction, Development and Stability
CARICC:	Central Asian Regional Information and Coordination Center
DG RELEX:	Directorate General for External Relations
EC:	European Commission
EJN:	European Judicial Network
EU:	European Union
EULEC:	European Institute for Law Enforcement Cooperation
Eurojust:	European Organisation for Judicial Co-operation
Europol:	European Police Office
GUUAM:	Georgia, Ukraine, Uzbekistan, Azerbaijan, Moldova
HA:	Home Administration
HQ:	Headquarter
ICMPD:	International Centre for Migration Policy Development
IOM:	International Organization for Migration
JCC:	Joint Cooperation Committee
JHA:	Justice and Home Affairs
ICPO:	International Criminal Police Organization
LO:	Liaison Officer
MoU:	Memorandum of Understanding
MS:	EU Member States
NCB:	Interpol National Central Bureau
NFP:	National Focal Point
OC:	Observer Countries
OLAF:	European Anti-Fraud Office
PAMECA:	Police Assistance Mission of the European Community to Albania
SAP:	Stabilization and Association process
SCA:	SECI Center Agreement
SECI:	Southeast European Cooperative Initiative
SECIAIS:	SECI Center 'Automated Information System'
SEECF:	South East European Co-operation Process
SEEPAG:	South East European Prosecutors Advisory Group
SEMS:	Standardized Emergency Management System
SWOT:	Strengths, Weaknesses, Opportunities, Threats
TBC:	Trans-Border Crime
TF:	Task Force
THB	Trafficking in Human Beings
ToR:	Terms of Reference
UNMIK:	United Nations Mission to Kosovo
UNODC:	United Nations Office of Drug Control
WCO:	World Customs Organization
WG:	Working Group

1. EXECUTIVE SUMMARY

1.1. Mission Objective and Assessment Methodology

In order to improve regional co-operation in the Justice and Home Affairs (JHA) field, the European Commission (EC) proposed an assessment on the functioning of the SECI Regional Center for Combating Trans-Border Crime.

The overall objective of this assignment is to provide technical assistance to European Commission services, in producing an assessment of the SECI Center, which includes recommendations concerning the state-of-play, or possible partnerships with the SECI Center.

To assess the capacity of the SECI Center in order to gain a better knowledge of its role and activities, provide a picture of the situation, propose recommendations and/or, if necessary, put forward the measures which will make it possible to meet the operational needs, in line with European Union (EU) *Acquis* and EU best practices, an Assessment Team was established, composed of six experts from Europol, Eurojust and from currently deployed personnel under related CARDS assistance projects.

The Assessment Team was supported by a Project Manager from DG EuropeAid, Brussels, and International Centre for Migration Policy Development, Vienna.

The assessment was carried out in two phases: the desk phase and the field phase. During the fieldwork phase, a full week of visits and meetings was organized with all departments and/or Task Forces established within the SECI Center. Further meetings were held with relevant SECI interlocutors, including relevant Ministries of Interior and Justice Departments, Law Enforcement Agencies, Interpol National Central Bureaus (NCB), and Liaison Officers and Prosecutors from Member and Observer Countries.

1.2. The SECI Center

The Southeast European Cooperative Initiative was established in April 1996 on the initiative and support of the United States. Seci was initially presented as a forum, without a firm structure or financial resources and was not intended to interfere with, but rather complement existing regional initiatives. In 1998 a project proposal called "Prevention and Combating Trans-border Crime" was approved for establishment of a Regional Center in Bucharest. In May 1999, a SECI working group produced an "Agreement on Co-operation to Prevent and Combat Trans-Border Crime", and a "Charter of Organization and Operation of the SECI Regional Center for the Combating of Trans-Border Crime" was incorporated into this Agreement. Ten Participating States signed and ratified this Agreement to become SECI Center Member Countries. Later an additional two countries joined the group. The SECI Member Countries are: Greece, Hungary, Slovenia, Albania, Bosnia-Herzegovina, Bulgaria, Croatia, FYRO Macedonia, Moldova, Romania,

Serbia and Montenegro, and Turkey. The SECI Center started to work with management and supporting staff on 1 November, 2000, and became operational in January 2001 assisting each Member Country in preventing, detecting, investigating, prosecuting and repressing trans-border crime, by functioning as a regional focal point for the communication and transmission of information.

In addition to the 12 Member Countries 14 countries and 4 international organisations have the status of Permanent Observers.

1.3. Summary of the Conclusions

1.3.1. Conclusions on the Legal Framework

The SECI Center legal framework is generally inconsistent. It understandably reflects the period in which it was drafted, it shows the political compromise behind the agreements which make up the framework and illustrates the varying attitudes of the Member Countries towards the Center.

Of particular relevance is the question of the international legal status of the SECI Center in terms of whether it qualifies as an international organisation with an international legal personality. It is the opinion of the Assessment Team that the wording of the SCA and that of the Charter (the only documents ratified by the Member Countries, thus having the nature of international agreements) is unclear with regard to the SECI Center's international legal status.

The scope of the SECI Center is not properly defined and there are consistent gaps between the provisions of the various legal documents, and between the provisions and operational day-to-day practice. SCA definition of "trans-border crime" is highly questionable; in particular, the reference to international criminal activities is misleading and alludes to international offences, which are definitely outside the scope of the SECI Center. It is also inconsistent with the widely agreed definition of transnational offences, adopted by the UN Convention on Transnational Organised Crime, which at the time of the drafting of the SCA had not yet been adopted. The SECI Center, in fact, mainly deals with information requests and operations related to offences of all kinds, regardless of the existence of international or cross-border implications.

With regard to agreements signed between the SECI Center and donor countries, it should be noted that these agreements neither create a legal obligation on the part of the SECI Center nor do they constitute any rights on the part of the donor.

The SECI Center Agreement refers to the Council of Europe Convention on Data Protection, but it does not oblige the parties to adopt any specific data protection legislation or confidentiality measures. The SCA has no provisions for the establishment of databases containing personal data.

The SECI Security Manual has a Confidentiality Agreement Template to be signed by the SECI Center Management and the Member Countries before access is granted to the SECI Center computer network. No such agreements have yet been signed.

The current legal framework of the SECI Center does not specify conditions for countries to be attributed Permanent Observer status; neither has it set out the rights and obligations deriving from such a status.

1.3.2. Conclusions on Organisational Structure and Finance

As a result of the SECI Center's operational activities expanding beyond that which was originally set out in the SECI Center Agreement, the current organizational structure and support staff complement is insufficient to carry out these additional tasks effectively, efficiently and in timely-fashion.

The Center is financed partly by Member Countries contributions, partly by extra budgetary sources, donations and sponsorships. In 2003 Member Country contributions represented 32% and the extraordinary contributions, primarily sponsored by the US Government, and represented 68% of the overall income.

The way of financing makes the Center extremely vulnerable. Only the Member Countries contributions are guaranteed (and not even all of them). Member Countries contributions cover only salaries of the staff and running costs. All other activities, such as TF operations and IT investments are dependent on external contributions. In other words, if external contributions dry out it would mean an end to all activities except the exchange of information.

1.3.3. Conclusions on LO/NFP Network

Although the SECI Center Agreement stipulates that each Member Country should have two Liaison Officers (LO) representing both Police and Customs, a number of Member Countries still only have one LO appointed to Center.

Customs is the poor relation of the SECI Center with only 6 of the Member Countries represented by Customs LOs.

There is an insufficient number of single National Focal Points (NFPs) established in accordance with the SCA. Less than half the Member Countries have established a single NFP. In seven countries the coordination at NFP level can be considered as either insufficient or non-existent. Infrastructure in many Member Countries is not set-up to effectively support SECI LOs.

1.3.4. Conclusions on Information Exchange

The level of exchange of data, information and intelligence between the Member Countries (and Observer Countries) is extremely poor. During task force operations, there is a relatively high number of information exchanges, which is not sustained upon the completion of operations.

Data collected on requests made by Member Countries through Liaison Officers in 2003, shows that only 46% of these requests received a response.

Time-scales in receiving a response are too slow and contrary to those set-out in the SECI regulations. Most of requests completed in 2003 (approximately 46%) received a response only after a period of over one month.

Certain Member Countries prefer Customs-to-Customs direct communication or bilateral agreements as a more effective means of communication than using the SECI Center.

With reference to information processing, there are no instructions on the physical keeping of records.

1.3.5. Conclusions on Task Force (TF) Operations

Certain SECI Member Countries are concerned with the increased number of TF Operations by the SECI Center as developments beyond the original concept as set-out in the SCA.

The drugs and human trafficking TFs have well targeted operations and have shown some real results. Another important outcome of human trafficking operations has been that each country completed their own National Action Plan and a Situation Report.

Certain Member Countries expressed their view that the SECI TF Operations are generally too long, thus failing to achieve its declared aims and objectives, as all the criminal elements are fully aware of the operation within a very short period of time.

Some of SECI TF Operations (in the Customs area) basically gathered statistical data and failed to collect the type of information which could be generated into effective intelligence.

Moreover, the results in terms of prosecutions and convictions are poor. Analysis on on "Mirage 2003" operation in Albania revealed that the results in terms of prosecutions and successful trials are not in line with the apparent outcomes of police operations. 'Mirage 2003' operation, despite its declared aim, mainly tackled the offences of document forgery and illegal border crossing, whilst the impact on the targeted objective of trafficking in human beings was limited.

However, from a prosecutorial and judicial viewpoint the operational capacity of the SECI Center plays a positive role in connecting users and suppliers of information relevant to criminal proceedings.

1.3.6. Conclusions on SECI Center's Added-Value

Taking into account recent history and the inherent distrusts that exist between certain SECI Center Member Countries, the success in bringing together these countries to exchange information and work collectively in the fight against Trans-Border Crime is an achievement of the SECI Center that should be positively recognised.

The SECI Center represents a unique and valuable opportunity and it is instrumental in improving the attitude of the Member Countries in the exchange of information in the field of criminal investigations.

In terms of operational capacity, a further added value of the SECI Center is shown by its multilateral nature which allows the simultaneous exchange of information between several countries.

Participation in the SECI Center has promoted the process, in some of the Member Countries, in changing the law enforcement systems aiming at compatibility with relevant EU standards and best practices.

Certain SECI Member Countries and the Assessment Team strongly emphasise that the added value of the SECI Center is that it plays a major role in developing and maintaining the law enforcement cooperation within this sensitive region. Above all, the SECI Center continues to contribute to the overall security and political stabilisation of the region.

1.4. Glossary of Recommendations

1.4.1. Improving the Legal Framework (3.3, 3.6, 3.15, 4.1 refer)

- Revise SECI Center legal framework – taking into account international developments, EU *acquis* and the recent political evolution within the region. (Immediate Action – Medium Term)
- Appoint a fulltime Legal Expert, with knowledge of the region, an understanding of European and International law and also a background in prosecution/judiciary, to assist the Joint Cooperation Committee (JCC) in the revision process. (Short Term)
- Eurojust, European Judicial Network (EJN) and Europol to have a supporting and consultative role in the revision process. (Short Term)

1.4.2. International Legal Status (3.3.1, 3.3.4, 4.1.1 refer)

- Amend the SECI Center Agreement (SCA) in order to formally establish the SECI Center's legal personality. (Immediate Action – Medium Term)
- EU institutions to cooperate more closely with the SECI Center (there are no legal impediments to prevent cooperation other than those which require formal agreements). (Short to Medium Term)

1.4.3. SECI Agreement and Charter (3.3.2, 3.10, 3.13, 4.1.2 refer)

- Clarify and adapt the scope of the SECI Center to reflect current operational practice in relation to the type of information being processed. (Immediate Action – Medium Term)
- Revise SCA to take into account international developments (UN Convention on Transnational Organized Crime). (Immediate Action – Medium Term)

- Modify SCA to reflect: 1). Strategic changes in the movement of the SECI Center from the original concept of 'Trans-border Crime' to 'Organised Crime / Criminal Offences in general' 2). The operational status of the Task Forces (TF). (Immediate Action – Medium Term)
- Introduce legal provisions for data storage into the SCA, in order to ensure the responsible development of a SECI Center database and to guarantee the unanimous support of all Member Countries for this initiative. (Immediate Action – Medium Term)

1.4.4. Promoting the SECI Center (3.7, 3.8, 3.9, 3.10, 4.2 refer)

- SECI Center management and relevant Ministries of all Member Countries to promote role and purpose of the Center. (Immediate Action – Short to Medium Term)
- SECI Center management to visit each Member Country to promote the Center. (Immediate Action – Short to Medium Term)
- Selected operational staff from each Member Country (National Focal Points (NFP)) to visit SECI Center. (Immediate Action – Short to Medium Term)
- Introduce a 24-hour 'on call' service to improve the credibility and operational effectiveness of the Center. (Immediate Action – Short Term)
- Introduce a mechanism for the exchange of 'tactical intelligence' (Europol to assist). (Immediate Action – Short Term)

1.4.5. Improving the Organisational / Management Structure (3.5, 4.3 refer)

- Consideration to be given to reviewing the current organisational chart and staffing complement in-light of the increase in SECI Center operational activity. (Immediate Action – Short Term)

1.4.6. Improving the Operational Support (4.4 refers)

- With the increase in SECI Center operational activity consideration to be given to the developing the current analysis capacity and the establishing of Intelligence and Serious Crime Units. (Immediate Action – Medium Term)

1.4.7. Permanent Observers (3.3, 3.6, 3.15, 4.5 refer)

- Amend SECI Center legal framework with regard to Permanent Observers status. (Immediate Action – Medium Term)

1.4.8. Improving Liaison Officers (LO) / National Focal Points (NFP) Network (3.7, 3.8, 4.6 refer)

- All Member Countries to establish single police and customs NFPs. (Short Term)
- Member Countries should appoint two Liaison Officers (police and customs) to enhance the effective working of the SECI Center. (Short Term)
- Raise the Customs profile within the SECI Centre and secure a greater commitment from Member Countries to provide effective support for Customs related crimes. (Short Term)

1.4.9. Improving Exchange of Information (3.9, 3.10, 4.7 refer)

- Urgently address the level of information exchange (better promotion of the Center could be a key) (Short Term)
- Explore means of sustaining the levels of information exchange and improving the quality, post TF operations (Short Term)
- Review the current procedures for the keeping of physical records and introduce a well-organised and structured filing system (Short Term)

1.4.10. Increasing Effectiveness of TF Operations (3.10, 4.8 refer)

- South East European Prosecutors Advisory Group (SEEPAG) to assist with identifying legislative and procedural differences between the Member Countries. (Immediate Action – Medium Term)
- SEEPAG to highlight the need to harmonise the Member Countries 'Legal Frameworks'. (Medium Term)
- EU bodies to promote these changes and assist the relevant political entities in the process. (Long Term)
- TF operations to be well targeted with scope and time-scale better planned. (Short Term)
- Increase the number of Customs TF targeted operations. (Short Term)

1.4.11. Development of Training and Conference Facilities (4.9 refers)

- International Organisations to recognise the importance of the SECI Center in the development of law enforcement within the region. (Short to Medium Term)
- Encourage International Organisations to support the development of the SECI Center as a regional 'centre of excellence' for law enforcement training. (Short to Medium Term)
- Establish the SECI Center as the focal point for all conferences, seminars and presentations in relation to 'Trans-border / Organised Crime' within the region. (Short to Medium Term)
- Develop a structured Law Enforcement Training Programme inline with EU and International best practices for police and customs officers within the region. (Short Term)

- Sponsors to assist and support Law Enforcement training to be sought from within the EU (Europol to encourage support from their members) (Short to Medium Term)
- Europol to help in the development of a 'training programme'. (Short Term)

1.4.12. Improving Judicial Co-operation (3.11, 3.12, 4.10 refer)

- SEEPAG to continue working as an informal network carrying out tasks analogous to those of the EJM (Medium Term)
- EJM and Eurojust to assist SEEPAG in developing working methods in accordance with EU *acquis* (Medium Term)
- Review 'SEEPAG Strategic Plan' in order to secure political support for the legal grounding of the group. (Short to Medium Term)
- Consideration to be given to the adoption of the SEEPAG initiative within existing EU regional programmes in order to ensure compatibility with EU standards and provide longer-term financing) (Short to Medium Term)
- Secondment to SEEPAG of an EU judicial expert with experience of Organised Crime and a knowledge of the region. (Short to Medium Term)
- Develop an institutional link between SECI Center and SEEPAG in order to establish a joined up approach and develop a model of cooperation between law enforcement and prosecution agencies within the region. (Medium Term)
- SECI Center to inaugurate a new philosophy devoted to the quality of operational activities and to pursuing substantive judicial results. (Short to Medium Term)
- SECI Center to implement a 'Case Monitoring System' based on regular feedback from Member Countries on criminal proceedings resulting from TF operations. (Short Term)

1.4.13. Improving the IT Communication Network (3.13, 4.11 and Annexes 5.1 & 5.3 refer)

- Consideration to be given to positioning the IT capacity as a distinct Unit within Administrative Support Department. (Short Term)
- Undertake a careful selection process for the recruitment of IT specialists. (Short to Medium Term)
- Consideration to be given to the appointment of IT specialists from Member Countries (including the web page developer and programmers). (Short to Medium Term)
- The IT system and network administrator and the helpdesk technicians to be local employees. (Short to Medium Term)
- SECI Center network communication facilities to be enhanced in order to improve data security, add new working facilities for daily activity and develop network availability. (Medium Term)
- Essential equipment to improve the data flow and processing within the SECI Center to be added to the current configuration. (Medium Term)

1.4.14. Enhancing EU Support (3.9, 4.9, 4.12 refer)

- In time the SECI Center should become a Europol Regional Office, as an ever increasing number of Member Countries are joining the EU and a number of others are in the accession phase. (Long Term)
 - It is in the best interests of the EU to give greater support to the SECI Center as the Member Countries are on the front-line of every major area of crime which is ultimately targeted for the EU. (Short to Long Term)
 - Consideration should be given to Europol advisors being permanently based in the SECI Center. (A multifunctional role including coordinating a SECI Center development plan, a training programme, and the organisation, structure and general improvement of information exchange). (Short to Medium Term)
 - The EC should take responsibility for assisting the SECI Center to its next phase of development and for the future. (Short to Long Term)
 - There should be a gradual transition from the US to the EU in supporting the implementation of Law Enforcement change within the region including advice, training and assistance in the introduction of EU and international best practices. (Short to Long Term)
- Summary of the Recommendations

2. INTRODUCTION

In the framework of improving the regional co-operation in the Justice and Home Affairs (JHA) field, considered as the major element of the Stabilization and Association process (SAP) in the Western Balkans, the European Commission (EC) proposed an assessment on the functioning of the SECI Regional Center for Combating Trans-Border Crime. After the EC proposal was presented to the Joint Cooperation Committee (JCC) during its 18th Meeting, on 14 -15 April 2004, all the SECI Member Countries agreed in principle to the European Commission proposal to conduct an assessment of the SECI Center.

The Assessment of SECI Center conducted within the overall CARDS Regional 2001 project¹, was contracted between the European Commission and the Austrian Ministry of Interior, with International Centre for Migration Policy Development (ICMPD) as an implementing partner.

2.1. Scope of Mission

The overall objective of the assignment is to provide technical assistance to European Commission services, in producing an assessment of the SECI Center, which includes recommendations concerning the state-of-play, or possible partnerships with the SECI Center.

The mission will assess the capacity of the SECI Center in order to gain a better knowledge of its role and activities, provide a picture of the situation, propose recommendations and/or, if necessary, put forward the measures which will make it possible to meet the operational needs, in line with European Union (EU) *Acquis* and EU best practices. This will give orientations to the EC to provide regional assistance, as regards police, legal and customs cooperation at a more operational level, in the perspective of eventual European integration of the region.

Thus, in order to understand better the perspectives of choice, the scope of the mission is to examine objectives, competencies, methodology of work, the existing prospects as well as the results already obtained by the principal actor already in place, the Southeast European Cooperative Initiative (SECI) Centre.

2.2. Specific Objectives

The specific objectives of the assessment were to establish how the objectives of the SECI Center are covered, qualitatively and quantitatively, focusing in particular on:

- The compatibility and compliance with EU *Acquis* and best practices;

¹ "Justice and Home Affairs (JHA) Situation Reports"

- The use, destination and effectiveness of police intelligence exchanged to the benefit of investigations, conducted by Law Enforcement Agencies or Prosecutors Offices, which either solicit or provide information (number, type of judicial cases concerned, identification of the added value of the SECI Center co-operation);
- In the framework of the Co-operation agreement between the SECI Center for combating trans-border crime, the Government of Romania and Interpol Headquarters, on communication connectivity for the exchange of information, to assess the effectiveness and efficiency of the exchange of information provided;
- The added value of the SECI Center with respect to other existing mechanisms should be assessed (Interpol, EU bilateral, world customs organisation, potentially Europol and Eurojust etc.);
- The joint management of information of a different nature (judicial, police and customs) has to be fully assessed. In parallel, the mix-up of judicial, police and custom processes of co-operation has to be carefully reviewed;
- Analysis of the prevention, detection and combating capacity of the SECI Center against trans-border crime, with regard to the number and type of internal files and statistics, in general and in the particular fields of judicial results and court decisions;
- On the basis of the assessment of these results and the findings of the analysis, a set of recommendations will be established. These recommendations should notably put into perspective the compatibility of the current SECI Center approach, work methodology and results obtained with relevant EU best practices. Appropriate recommendations are expected on the most appropriate ways to prepare the possible direct involvement of Europol and Eurojust, in the perspective of European integration of this region.

2.3. Approach and Methodology

The assessment has been carried out in two phases:

- the desk phase, which mainly took part in the workplace of the experts, and
- the field phase, which included visits to the SECI Center in Bucharest, and, where appropriate, to relevant authorities in participating countries for evaluating the partnership.

A full week of visits and meetings was organized with all departments and/or Task Forces established within the SECI Center (trafficking in human beings, illegal drugs trafficking, commercial fraud, financial crime, stolen vehicles, anti-smuggling).

In order to also obtain the analysis and description of the added value provided in police/customs intelligence or analysis of information by the SECI Center to its partners. Following this week of visits, meetings and analysis of actions, further meetings were held with relevant SECI interlocutors, including relevant Ministries of Interior and Justice Departments, Law Enforcement Agencies, NCBs, and Liaison Officers and Prosecutors from Member and Observer Countries. The expert team was split into groups in order to facilitate visits to different authorities simultaneously.

2.4. Composition of the Assessment Team

The Assessment Team was composed of six experts supported by a Project Manager from DG EuropeAid, Brussels, and International Centre for Migration Policy Development, Vienna. The Assessment Team included one expert from Europol, two from Eurojust (sharing one post) and three others with long-term recent or ongoing experience in police, justice and customs assistance projects, or missions in the Western Balkans region. Recruitment of the latter was from expert staff currently deployed under related CARDS assistance projects such as PAMECA and EC Customs Mission (CAFAO) as this was considered a crucial criterion in order to guarantee both confidentiality and to ensure expertise with first-hand knowledge of the region.

Table 1: Composition of the Assessment Team

No	Name	Field of Expertise	Representative of
1	Mr. Klaus Schmidt	Team Leader	PAMECA
2	Mr. Rosario Aitala	Legal Expert	PAMECA
3	Mr. Manfred Seitner	Police Expert	Europol
4	Mr. Alan Wilson	Customs Expert	CAFAO
5	Mr. Jean-François Bonhert	Legal Expert	Eurojust
6	Ms. Rajka Vlahovic	Legal Expert	Eurojust

Table 2: Project Management

No	Name	Job Title	Representative of
1	Mr. Bruce Todd	Project Manager	DG EuropeAid/A2
2	Mr. Francisco Esteban Perez	Thematic Support	DG EuropeAid/A3
3	Ms. Sladjana Ćosić	Project Officer	ICMPD
4	Mr. Martijn Pluim	Programme Manager	ICMPD

2.5. Schedule of Activities

In order to assess the real and potential contribution of the SECI Center to the regional cooperation, the Assessment Team held a number of meetings within the SECI Center and with national administration partners, essentially relevant Ministries of Interior and Justice Departments, Law Enforcement Agencies, Interpol National Central Bureaus (NCB), and Liaison Officers and Prosecutors from Member and Observer Countries.

Table 3: Project Calendar

No	Activities	April	May				June				July				August	
	Week Nr.	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2
1	A kick-off briefing with the Commission services in Brussels. A detailed briefing of experts on the assignment and technical specifications. Arrangements of practical aspects of experts' deployment by ICMPD.															
2	First round of visits/meetings at SECI Center/Bucharest															
3	Second meeting in Brussels.															
4	Second round of visits/meetings at SECI Center/Bucharest															
5	Field visits and meetings with SECI partners in other countries. Work on the draft report.															
6	Preparation of SWOT Analysis.															
7	Meeting at ICMPD in Vienna, finalisation of the draft report.															
8	Final reading of the report															

3. MAIN FINDINGS AND ASSESSMENT

3.1. The Establishment of the SECI Center

3.1.1. History

The Southeast European Cooperative Initiative (SECI) was established in April 1996 on an initiative and support of the United States. SECI was initially presented as a forum, without a firm structure or financial resources and was intended to not interfere with, but rather complement, existing regional initiatives. On 15 April, 1998 at a meeting in Geneva the SECI Agenda Committee² approved the Romanian delegation's project proposal called 'Prevention and Combating Trans-border Crime' for establishment of a Regional Center in Bucharest. In May 1999, a SECI working group produced an 'Agreement on Co-operation to Prevent and Combat Trans-Border Crime', and a 'Charter of Organization and Operation of the SECI Regional Center for the Combating of Trans-Border Crime' was incorporated in this Agreement. Initially ten Participating States signed and ratified this Agreement³ to become SECI Center Member Countries. They were later joined by an additional two countries bringing the total to twelve. They are: Greece, Hungary, Slovenia, Albania, Bosnia-Herzegovina, Bulgaria, Croatia, FYRO Macedonia, Moldova, Romania, Serbia and Montenegro, and Turkey. The SECI Center started to work with management and supporting staff on 1 November 2000, and became operational in January 2001, functioning as a regional focal point for the communication and transmission of information.

3.1.2. Mission

According to the SECI Center Agreement, the mission of the SECI Center is to assist each Member Country in preventing, detecting, investigating, prosecuting and repressing trans-border crime.

However, according to the current SECI Center presentation delivered to the Assessment Team on 4 May 2004, the mission of the SECI Center is to support the common efforts of the SECI participating countries in combating organized crime, in order to improve the business environment in SEE, and to make it more attractive for investments with the declared aim of reaching economic and political stability within the region.

² Whose members are high-ranking government officials from each of the participating countries of the Initiative.

³ Albania, Bosnia and Herzegovina, Bulgaria, Greece, Hungary, FYRO Macedonia, Moldova, Romania and Turkey signed and ratified the Agreement on 26 May 1999. The other SECI Member Countries signed the document at later stages: Croatia on 13 November 1999; Slovenia on 29 August 2000; and Serbia and Montenegro on 20 June 2003.

3.1.3. Main Goals

The SECI Center's main goals, as set out in the above mentioned presentation, are as follows:

- To encourage law enforcement cooperation among the countries of the region and facilitate the access of Southeast Europe to European integration;
- To be a forum in which representatives of the participating States meet to discuss common regional problems calling for concerted action;
- To develop and enhance the analysis and dissemination of actionable information and intelligence through increased cooperation among member States;
- To support Task Forces in the development and implementation of regional operations in countering specific areas of organized crime;
- To support law enforcement agencies in the development of coordinated investigations in order to arrest and convict persons involved.

3.1.4. Structure

The SECI Center organizational structure is determined under the provisions of Charter of Organization and Operation and JCC decisions. The present structure is as follows:

- 1) Director,
- 2) Deputy Director (also Head of the Operational Support Department),
- 3) Operational Support Department (2 positions),
- 4) Legal and Administrative Department (6 positions),
- 5) Liaison Officers (24 positions).

The SECI Center is located in the Parliament building in Bucharest, Romania.

3.2. Legal Framework

- Agreement on Cooperation to Prevent and Combat Trans-border Crime (SECI Agreement). (See Annexes on Legal Documents of SECI);
- Charter of organization and Operation of the SECI Regional Center for the Combating of Trans-border Crime. Charter of organization and Operation of the SECI Regional Center for the Combating of Trans-border Crime is incorporated in the Agreement (see Annexes on Legal Documents of SECI);
- Headquarters Agreement between the SECI Center and Romania;
- Rules of Procedure of the Joint Co-operation Committee;
- Rules of Organization and Operation of the SECI Center;
- General Guidelines of the Task Forces;
- General Standards and Procedures for the Processing of Information;
- Security Manual;
- Rules on Data and Information Access, Control and Deletion;
- JCC Resolution on the Criteria for Granting Status of Permanent Observers to the SECI Center.

3.3. Analysis of Legal Framework

In order to fully comply with the requirements given by the SECI Center Terms of Reference, the legal analysis has been carried out in three stages. Initially, the legal framework was evaluated taking into consideration the objective significance of each document, given by its wording and by the systematic context. Secondly, these findings were discussed with the relevant interlocutors (the SECI management, Legal Department and staff, LOs, law enforcement and prosecutorial authorities) in order to assess how legal regulations are applied into operational practice. Finally, the Assessment Team carried out a comparison between the SECI Center legal framework, the

EU acquis and other international standards in the field of international cooperation in criminal matters, international law and other relevant legal fields.

From the judicial viewpoint, it should be duly emphasised that the SECI Center for the first time ever brings together representatives of the twelve Member Countries, other states, and international organisations acting as observers. Overall, the SECI Center has a considerable potential, even if outcomes in terms of prosecutions and trials are still relatively poor and often not appreciable (see 3.11 analysis of the ‘Mirage 2003’ operation).

The SECI Center legal framework is inconsistent and understandably reflects the period in which it was drafted. The political compromise behind the agreements and the different attitudes of the Member Countries towards the Center are also reflected.

Recommendations ‘Improving the Legal Framework’ and Permanent Observers’ refer.

3.3.1. International Legal Status

Of particular relevance is the question of the international legal status of the SECI Center in terms of whether it qualifies as an international organisation with an international legal personality. This is one of the preconditions for the SECI Center to enter into formal relationships with EU bodies, such as Europol and Eurojust. Article 42 of the Europol Convention allows Europol to enter into relationships with ‘third bodies’ defined as ‘international bodies’. Similarly, Article 27 of the Eurojust Framework Decision enables Eurojust to exchange information necessary for the performance of its tasks with ‘international organisations and bodies’.

It is the opinion of the Assessment Team that the wording of the SCA and that of the Charter (the only documents ratified by the Member Countries, thus having the nature of international agreements) is unclear with regard to the SECI Center’s international legal status. The question of the legal personality of the Center cannot be resolved by reference to these documents alone. The Assessment Team has also considered other sources, such as the opinion of the Legal Service of the Council of the EU and also the views of the Legal Department of the SECI Center. The Legal Service of the Council of the EU could not conclude that the SECI Center has international legal personality⁴. On the other hand, the response of the SECI Center’s Legal Department, which asserts the Center’s legal personality, is not convincing. It is therefore the opinion of the Assessment Team that in order to resolve this matter, the SCA should be amended to clarify the intentions of the signatory parties. The SCA should clearly state that the Member Countries intend to attribute to the SECI Center full international legal personality. This situation however should not prevent Europol or other EU institutions from entering into forms of co-operation other than those regulated by formal agreements.

Recommendation ‘International Legal Status’ refers.

⁴ Opinion of the Legal Service of the Council of the EU, dated 20 October 2003

3.3.2. SECI Agreement and the Charter

The Agreement on Cooperation to Prevent and Combat Trans-Border Crime (SCA) is the founding legal document of the SECI Center. It has the nature of an international agreement, having been ratified by the Parliaments of the Signatory Parties.

It should be noted that the scope of the SECI Center is not properly defined and that there are consistent gaps between the provisions of different legal documents, and between the provisions and the operational day-to-day practice. Whilst the SCA and the other documents refer to cooperation in the field of 'trans-border' crime, some later documents as well as common practice refer more generally to 'the fight against crime', or 'organised crime' or other specific offences. Conversely, the SECI Center, in fact, mainly deals with information requests and operations related to offences of all kinds, regardless of the existence of international or cross-border implications.

Article 2, (1) of the SCA defines the scope of the Agreement, providing that the Parties "shall assist each other ... in preventing, detecting, investigating, prosecuting and repressing trans-border crime", while Art. 1 (1) (b) of the SCA defines 'trans-border crime' as "all violations or attempted violations of national laws and regulations aimed at organising, directing, aiding or facilitating international criminal activities". The latter definition is highly questionable. In particular, the reference to international criminal activities is misleading and alludes to international offences, which are definitely outside the scope of the SECI Center. It is also inconsistent with the widely agreed definition of transnational offences, adopted by the UN Convention on Transnational Organised Crime, which at the time of the drafting of the SCA had not yet been adopted. According to the latter definition (Art. 3 (2) Convention) offences are "*transnational in nature if they are committed in more than one State; if they are committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State; if a criminal group that engages in criminal activities in more than one State is involved; or if they have substantial effects in a State different from the State of commission.*"

Recommendation 'SECI Agreement and the Charter' refers.

3.3.3. Agreements with Donors

With regard to agreements signed between the SECI Center and donor countries, it should be noted that these agreements neither create a legal obligation on the part of the SECI Center nor do they constitute any rights on the part of the donor. These agreements specify the donor allocation to particular projects, which only binds the SECI Center to use these donations for specified purposes.

3.3.4. General Standards and Procedures for the Processing of Information

The SECI Agreement contains in Article 4 the general provisions on confidentiality of information and protection of personal data. The principle of the SCA is that "information obtained shall be afforded the same degree of confidentiality by the requesting party that applies to similar information in the requesting party's custody". Data received will have the protection at least equivalent to that afforded by the supplying party.

The agreement refers to the Council of Europe Convention on Data Protection, but the agreement does not oblige the parties to adopt any specific data protection legislation or confidentiality measures. Some of the SECI Member Countries and Permanent Observer Countries have not ratified the European Convention on Data Protection nor have they adopted and implemented national legislation. Data protection instruments such as independent data protection authorities are absent in some of the SECI Member and Observer Countries. Overviews describing data protection and the confidentiality situation in the Member and Observer Countries, or tables of equivalence of their protection levels do not exist. Article 5 of the SCA places liability and legal protection for unauthorized or incorrect data processing with the parties in accordance with their national law.

The SCA has no provisions for the establishment of databases containing personal data. The processing and exchange of data and information within the framework of the SECI Center is regulated in detail through the General Standards and Procedures for the Processing of Information. These 'General Rules' and other internal regulations have not been signed or ratified by the Member Countries; however, they have been adopted by the JCC. The 'General Rules' determine the parties which are exchanging data and information:

- 1) Liaison Officers,
- 2) National Focal Points,
- 3) Permanent Advisors,
- 4) Permanent Observers,
- 5) Other governmental entities with relevant agreements concluded,
- 6) Non-governmental entities (except sensitive personal data),
- 7) Task force members.

The instructions on data handling are more detailed specifying and explaining the SCA and they provide rules for exchange of information, information requests, transmitting and receiving information, and the input of information into a database.

In accordance with the SCA, the organisation and operation of the SECI Center is regulated in the 'Rules of Organisation and Operation of the SECI Center'. Chapter VII defines the status of Permanent Advisors and Permanent Observers. Provisions and responsibilities for advisors and observers related to the sharing of information, data security and data protection are:

- Ensuring and facilitating the sharing of information between the seconding government's national law enforcement and customs agencies and the SECI Center Management;

- Facilitating with their national governments requests for information by Member Countries of the SECI Center;
- The provision of information by initiative, as well as the receipt of information in situations relevant to the mission of the SECI Center;
- The Permanent Observer, unless otherwise directed by the Director of the SECI Center, will have the right to consult all available information, with the prior written consent including the conditions on information exchange of the requested authority, facilities and equipment in accordance with provisions set forth in the SCA as well as the regulations of the SECI Center.

Recommendation 'SECI Agreement and Charter' refers.

3.3.5. Rules on Data and Information Access, Control and Deletion

The JCC has adopted 'Rules on Data and Information Access, Control and Deletion' based on the SCA, 'Rules of Organization and Operation', and the 'General Rules'. These rules provide for the planned establishment of the SECI Center 'Automated Information System' (SECIAIS) and gives guidelines for data and information exchange, storage and processing.

The content of SECIAIS will be data related to suspect persons and / or trans-border criminals / offenders; their illegal activities and assets, and other subjects used to facilitate crime or being their result.

3.3.6. Security Manual

A Security Manual is adopted to ensure the security of the SECIAIS and the protection of processed and exchanged information. The Manual stipulates procedures and measures for security and confidentiality, and also provides the user's rights and obligations related to the system.

As an annex, the Security Manual has a Confidentiality Agreement Template to be signed by the SECI Center Management and the Member Countries before access is granted to the SECI Center computer network. No such agreements have yet been signed.

3.3.7. Data Protection Bodies

In April 2004, the JCC decided to establish a Supervisory Body to increase the data protection and the accuracy of information exchanged, and a Technical Commission to be responsible for the proper functioning of the SECIAIS.

The Supervisory Body consists of representatives of four Member Countries and one Permanent Observer Organisation. The Technical Commission consists of two Member Country representatives and one SECI staff member.

The JCC also decided in April 2004, in light of the EC Assessment of the SECI Center, to postpone the establishment of the SECIAIS pending the findings of this report.

3.4. The Joint Co-operation Committee

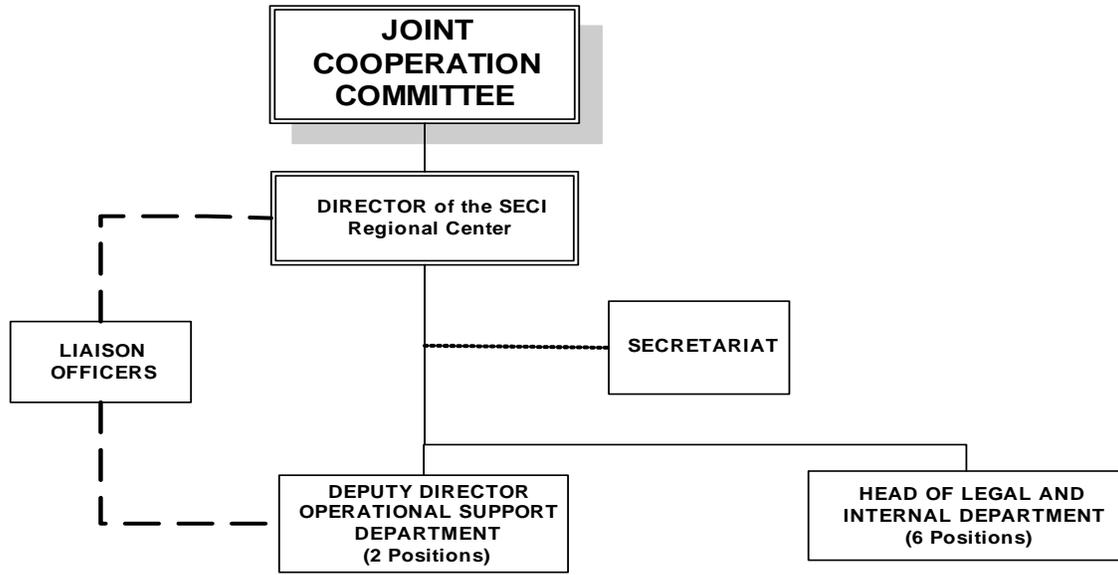
The Joint Cooperation Committee (JCC), consisting of representatives of the signatory States (Albania, Bosnia and Herzegovina, Bulgaria, Greece, Hungary, the Former Yugoslav Republic of Macedonia, Moldova, Serbia and Montenegro, Slovenia, Romania, Turkey, and Croatia), has pledged to implement the language of the Agreement and set-up the operational and administrative structures of the SECI Regional Crime Center. Interpol and the World Customs Organisation serve as permanent advisers to the JCC.

3.5. SECI Center Management, Staff and Logistics

The SECI Center's organizational structure is determined under the provisions of the Charter of Organization and Operation and JCC decisions. According to provision 5 of the Charter the director is elected by two-thirds majority of the JCC to serve for a two-year term office and will be responsible for the management and organization of all personnel at the SECI Center. The current organizational structure of the SECI Center is inefficient.

Figure 1: The current organizational structure of the SECI Center⁵

⁵ Source: Charter of Organization and Operation and JCC decisions



As a consequence of the SECI Center’s operational activities expanding beyond that which was originally set out in the SECI Center Agreement, the current support staff complement is insufficient to carry out the resulting additional tasks either effectively, efficiently and/ or in timely-fashion.

Recommendation ‘Improving the Organisational / Management Structure’ refers.

3.6. Permanent Observers

The current legal framework of the SECI Center does not specify conditions for countries to be attributed Permanent Observer status; neither has it set out the rights and obligations deriving from such a status. Accordingly, Observer Countries in fact enjoy a status identical to that of Member Countries, apart from not being entitled to vote in the JCC and not being bound to pay a membership fee. A Member Country has automatic participation, whereas an Observer Country can only participate if they respect the rules and regulations of the SECI Center (written declaration). It should also be noted that the right of an Observer Country to exchange information with a Member Country does not appear to be restricted or regulated. This issue is particularly delicate in view of the possible future involvement of the EU in the SECI Center. It would also pose sensitive problems, if a database was to be introduced without access being properly regulated.

The current Permanent Observer Countries are: Austria, Azerbaijan, Belgium, Canada, France, Georgia, Germany, Italy, The Netherlands, Portugal, Spain, Ukraine, United Kingdom and United States of America. In addition, international organizations with Permanent Observer status are: International Organization for Migration (IOM), European Institute for Law Enforcement Cooperation (EULEC), International Centre for Migration Policy Development (ICMPD), and United Nations Mission to Kosovo (UNMIK).

The Permanent Observer Country status remains a contentious issue. Certain SECI Member Countries expressed their concerns in relation to rights and obligations for Observer Countries. At

the last JCC meeting it was agreed that the regulations to approve /accept a new Permanent Observer Country to the SECI Center need to be modified. These amendments must stipulate clear regulations to any country, which is to achieve Permanent Observer Status. This is currently not regulated in the SECI Center Agreement (SCA).

In the opinion of the representatives of certain Member Countries, this situation is unacceptable and they believe that the current status of Permanent Observers should not be maintained without new restrictions and limitations.

Recommendations 'Improving the Legal Framework' and 'Permanent Observer' refer.

3.7. Liaison Officers

The SECI Center Agreement stipulates that each Member Country should have two Liaison Officers (LO) representing both Police and Customs, however, a number of the Member Countries still have only one LO appointed to the Center. There are currently eighteen LO assigned by Member Countries (see Table 4).

Table 4: Location of Liaison Officers

Nr	Member Country	Police LO	Seconded since:	Customs LO	Seconded since:
1	Albania	✓		X	
2	Bosnia and Herzegovina	✓	Sept 2003	X	
3	Bulgaria	✓		X	
4	Croatia	X		✓	2 years
5	Greece	✓		✓	
6	Hungary	✓		✓	
7	Macedonia	✓		✓	
8	Moldova	✓	Dec 2003	X	
9	Romania	✓		✓	
10	Serbia and Montenegro	✓		X	
11	Slovenia	✓	One and half years	X	
12	Turkey	✓	Three and half years	✓	Three and half years

Source: SECI Regional Center

Customs is the poor relation of the SECI Center with only 6 of the Member Countries represented by Customs LOs. Therefore, the customs profile within the SECI Center needs to be raised and a greater commitment from Member Countries Home Administrations to support customs related crimes is required. There is also a need for an increase in the number of Customs task force targeted operations. This lack of customs representatives is seen as a problem by most of the LOs and in their opinion both a Police and Customs LO is required, if the SECI is to be genuinely effective. Apart from the work requirements, there are also job specialisation and leave commitments.

As already stated, the SCA stipulates that each Member Country should have two LOs (Police and Customs). The vast majority of the Member Country LOs interviewed expressed that, in their

opinion, the appointment of two LOs is essential to the effective working of the SECI Center. In principal, this view was held by certain SECI Member Countries: “there should be a Police *and* Customs presence in SECI”.

Recommendations ‘Improving LOs/NFPs Network’ and ‘Promoting the SECI Center’ refer.

3.8. National Focal Points

There is an insufficient number of single National Focal Points (NFPs) established in accordance with the SCA. Only five out of twelve Member Countries have set up single NFPs containing representatives of central police and customs administrations. Three countries have two NFPs: one for the police and one for the customs. Two other countries have NFPs only with their police service and a further two with just their customs administration. In seven countries the coordination at NFP level can be considered insufficient or non existent. (See Table 5).

Table 5: Location of National Focal Points

Nr	Member Country	Police	Customs	Combined Police and Customs
1	Albania			✓
2	Bosnia and Herzegovina	✓	✗	
3	Bulgaria	✓	✓	
4	Croatia	✗	✗	
5	Greece	✓	✗	
6	Hungary			✓
7	Macedonia	✓	✗	
8	Moldova	✗	✓	
9	Romania			✓
10	Serbia and Montenegro	✓	✗	
11	Slovenia	✓	✓	
12	Turkey	✓	✓	

Source: SECI Regional Center

Less than half the Member Countries have established a single NFP. There is a need for more joint police / customs NFPs. Infrastructure in many Member Countries is not set-up to effectively support SECI LOs and a greater commitment from the Member Countries home administrations is urgently required.

Certain SECI Member Countries expressed their concerns that the obligations for the creation of a NFP as set out in the SCA were not being adhered to by the majority of the Member Countries and that this should be addressed at the highest level. Seven Member Countries still have to fulfil their obligation in setting up a single NFP.

Recommendations ‘Improving LOs / NFPs Network’ and ‘Promoting the SECI Center’ refer.

3.9. Exchange of Data, Information and Intelligence

The level of exchange of data, information and intelligence between the Member Countries (and Observer Countries) is extremely poor. Data collected on requests made by Member Countries through Liaison Officers in 2003 shows that only 689 requests for information were exchanged during the year (an average of 2 per day).

Overall, only 46% of these requests received a response (see Table 7). During TF operations, there is a relatively high number of information exchanges. However, this level of exchange is not sustained upon the completion of these operations. Furthermore, time-scales in receiving a response are too slow and contrary to those set out in the SECI regulations. In most cases, these delays are attributed to the response times at the local operational level of Member Countries. According to the SECI regulations, the requests should be completed within 5, 15, or 30 days from the receiving date, however, the majority of requests completed in 2003 (approximately 46%) only received a response after a period of over one month (see Table 6).

Table 6: Time Scales of Responded Requests 2003

	Response time scales	No of responded requests (in %)
1	5 days	15%
2	5-15 days	4%
3	15-30 days	8%
4	1 month	27%
5	More than 1 month	46%
	Total	100%

Source: 2003 Annual Report, SECI Regional Center

Often Member Countries do not respond to requests for up to 6 months, if at all. Furthermore, the data in Table 7 shows that Romania initiates 40% of total requests. Moldova initiated 110 requests and all other countries less than 100 requests in 2003.

Table 7: Number of requests received/initiated by country (2003)

No	Member Country	2003		2004	Comments on 2004 data
		Initiated	Completed		
1	Albania	16	38%		
2	Bosnia and Herzegovina	21	43%	86	
3	Bulgaria	47	34%		
4	Croatia	N/a	N/a	N/a	200 in 2 years
5	Greece	9	44%	25	Out of 5 initiated: 1 Police, 4 Customs
6	Hungary	54	61%		
7	FYR of Macedonia	95	7%	61	32 Police, 29 Customs
8	Moldova	110	51%		
9	Romania	272	59%		
10	Serbia and Montenegro	15	80%	44	
11	Slovenia	4	25%	19	15 outgoing, 4 incoming

12	Turkey	39	28%	49	42 received and 7 made
13	SECI Center	7	14%		
14	TOTAL	689	46%		

Source: 2003 Annual Report, SECI Regional Center

According to certain Member Countries, Customs-to-Customs direct communication is a preferred and more effective means of communication rather than by using intermediate channels. Furthermore, certain Member Countries Police Forces prefer to use bilateral agreements where possible, as they believe this is a quicker method of information exchange than by using the SECI Center. At present, Operational officers have a tendency to use the established contacts.

With reference to information processing, there are no instructions on the physical keeping of records. In other words, there is no organised or structured filing system, documents are kept in plain files and stacked, there is no particular system applied, each file contains a unique reference number taken from the LO Record Book. The computer software for recording information requests at the SECI Center is similar to that of the LO Record Book. The information is used by the SECI Center for statistical and management purposes. Each file record is only accessible to either the requesting or the receiving Member Country LO. The SECI Center should review the current procedures for the keeping of physical records and introduce a well-organised and structured filing system.

Recommendations 'Promoting the SECI Center', 'Improving Exchange of Information' and 'Enhancing EU Support' refer.

3.10. Task Force Operations

In December 2000, the 7th JCC adopted the SECI Regional Center Guidelines with regard to Task Forces (TFs).

According to the General Guidelines of the Task Forces (TFs), through implementation of regional actions and coordination of investigations, the TFs are aimed at combating a variety of trans-border crimes including illicit drug trafficking, trafficking in human beings, customs valuation fraud, commercial fraud, financial and cyber crime, trafficking in small arms, trafficking in stolen vehicles and trafficking in radioactive and other dangerous substances.

From information supplied by the SECI Center, the operational activity of the SECI Center is conducted in accordance with the Regulations of the SECI Center, the Strategic Plan and the Annual Action Plan. The Center provides a venue for the Member Countries to exchange law enforcement-related information in a quick and timely manner, as well as to coordinate multi-national investigations in the SEE region, in the framework of the Task Forces.

Each of the Task Forces is established and organised at the initiative of one or more of the Member Countries, in compliance with the Task Force General Guidelines; their activities are developed on the basis of dedicated Annual Action Plans, agreed to by the participating Member and Observer Countries, and other international partner organisations.

The SECI Center's concept of 'Task Force' is operation-focused, being an important cooperation tool. Its members, which are law enforcement officers from either the police and/or the customs

administration of the Member Countries, work together and exchange information on the specific topic of the respective Task Force. They include *inter alia* law enforcement experts from Member Countries, Observer Countries, international organisations and SECI Supporting States.

There are currently six active Task Forces within the SECI Center, as follows:

- Trafficking in Human Beings

- Illegal Drug Trafficking

- Financial and Computer Crimes

- Stolen Vehicles

- Anti-Smuggling and Anti-Fraud

- Anti-Terrorism (Small Arms and Light Weapons, Weapons of Mass Destruction)

Certain SECI Member Countries see the increase in the number of TF Operations by the SECI Center as developments beyond the original concept as set out in the SCA. Contrary to the initial intention of the SECI Centre to act as a 'service provider' facilitating the exchange of information, it now also acts as an Operational Coordination Unit for TF Operations.

All the TF operations have been carried out with the cooperation of Member Countries Police and Customs. The drugs and human trafficking TFs have well targeted operations and have shown some real results.

Operations Mirage I, II and III (2002 / 2003 / 2004 respectively) targeted human trafficking in South Eastern Europe. According to the statistics released by the SECI Center, during 'Mirage 2003' 463 victims were identified, and during the Operation 'Mirage 2004' 107 victims were identified, 44 of which were females. Two major routes for human trafficking were also identified during the course of this operation (Romania was at the centre of each route) and a number of large-scale investigations have been initiated.

According to the information provided by the SECI Center, a number of repatriated victims are ready and willing to testify against the traffickers. In cooperation with Interior Ministries of Member Countries and with the assistance of international law enforcement agencies, the SECI Center organised the transportation of certain victims of trafficking from their country of origin to Member Countries, as key witnesses in the trial against their traffickers⁶. Another important outcome of human trafficking operations has been that each country completed their own National Action Plan and a Situation Report.

⁶ One very successful case of cooperation from Bosnia and Herzegovina involved two Romanian witnesses who testified in front of an international prosecutor against human trafficker Milorad Milakovic.

During the Drugs Task Force Operations, a relatively high number of requests were initiated. For the period of Operation “Containment II”, the statistics of the SECI Center show that 396 requests were generated. This figure could certainly be classified as satisfactory by comparison with the SECI Center annual number of 689.

Certain Member Countries expressed their view that the SECI TF Operations are generally too long. For instance, Operation ‘Bulldog’, which lasted for three months, was far too long and failed to achieve its declared aims and objectives, as all the criminal elements were fully aware of the operation within a very short period of time. Europol have already stated that high-impact operations in their opinion have a limited value. With regard to Operation ‘Bulldog’, there were no targeted results, but only information collection. The operation basically gathered statistical data and failed to collect the type of information, which could be generated into effective intelligence. In contrast, the drugs and trafficking in human beings TFs were better targeted and achieved some real results.

Recommendations ‘SECI Agreement and Charter, Promoting the SECI Center’, ‘Improving Exchange of Information’ and ‘Increasing Effectiveness of TF Operations’ refer.

3.11. Analysis of the ‘Mirage 2003’ Operation - Albania

In order to properly assess the prosecutorial and judicial outcomes of operational activities, the team led an in-depth analysis of cases, which resulted from the ‘Mirage 2003’ Operation in the Republic of Albania.

To this end the Assessment Team liaised closely with the Albanian State Police and Office of the General Prosecutor, both of whom were very cooperative and provided detailed information. Due to the need for confidentiality, documents released by the Albanian authorities, upon which this analysis is based, will not be attached to this report.

According to the information made available on the SECI Center web site, the ‘Mirage 2003’ Operation was a continuation of ‘Mirage 2002’ and was focused exclusively on trafficking of women. The operation as a whole resulted in the identification of 463 victims of trafficking as well as of 595 traffickers, 31 of which were convicted.

According to the data provided to the Assessment Team by the Albanian State Police the ‘Mirage 2003’ operation resulted in 129 criminal proceedings, which led to 32 convictions⁷ (see Table 8).

Table 8: Legal proceedings originated by ‘Mirage 2003’ Operation in Albania

Legal proceedings					Perpetrators					
<i>Total</i>	<i>Under investigation</i>	<i>Court cases</i>	<i>Completed</i>	<i>Suspended/di smitted</i>	<i>Total</i>	<i>Sentenced to imprisonment</i>	<i>Sentenced to fine</i>	<i>Dismissed cases</i>	<i>Cases that are still to be tried</i>	<i>Cases that are still under investigation</i>

⁷ One perpetrator was sentenced to seven years and six months imprisonment for trafficking of females for prostitution; two perpetrators were sentenced to four months imprisonment for illegal border crossing; 29 perpetrators were sentenced on condition of two years imprisonment.

129	41	43	38	7	225	33	34	3	60	95
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Source: Albanian State Police

The Office of the General Prosecutor reported that out of 127 cases⁸, 9 cases were not verified due to insufficient data and 14 cases were not relevant to the 'Mirage 2003' Operation.

Of the remaining 104 cases, the majority refer to forgery, illegal border crossing and assisting in illegal border crossing; some relate to prostitution and the exploitation of prostitution and a limited number to trafficking of women and children.

114 people were charged with offences of forgery, illegal border crossing and assisting in illegal border crossing, whilst only 51 persons have been charged with trafficking of women or with exploitation of prostitution and trafficking of children.

Of the 43 people charged with trafficking of women or exploitation of prostitution⁹, 29 were arrested, 14 were subject to other precautionary measures pending trial, 24 were committed for trial and 5 have already been sentenced. 8 people were arrested and charged with trafficking of children, 5 of which have already been committed for trial.

In general, the analysis revealed that the results in terms of prosecutions and successful trials are not in line with the apparent outcomes of police operations. The Assessment Team concur with the opinion expressed by the General Prosecutor of Albania that the 'Mirage 2003' operation, despite its declared aim, mainly tackled the offences of forgery of documents and illegal border crossing, whilst the impact on the targeted objective of trafficking in human beings was limited.

However, as far as the added value of the SECI Centre is concerned, it must be noted that in the opinion of the Albanian police officer in charge of the 'Mirage 2003' operation, the SECI Center played an important role in the operational coordination and proved effective in obtaining real-time information.

To conclude from a prosecutorial and judicial viewpoint, the opinion of the Assessment Team is that the operational capacity of the SECI Center plays a positive role in connecting users and suppliers of information relevant to criminal proceedings. It should be noted that the role of the SECI Center is purely to facilitate these operations and acts as a service provider. Moreover, the results in terms of prosecutions and convictions are poor. This is due to a general tendency to collate data, which is irrelevant to the declared aim of the operation itself (numbers of controlled people or places). They also include in the results figures which are entirely unrelated to the operation.

Since the ultimate aim of any criminal investigation is to bring culprits to trial, the Assessment Team recommends that the SECI Centre inaugurates a new philosophy devoted to the quality of operational activities and to pursuing substantive judicial results. It is advised that an appropriate monitoring system is implemented and based on regular feedback from Member Countries on the criminal proceedings, which resulted from operations.

Recommendation 'Improving Judicial Cooperation' refers.

⁸ It is noted that for unspecified reasons, while the Albanian Police refers to 129 cases, the General Prosecutor Office makes reference to 127 cases.

⁹ Separate data of charges for trafficking of women proper and mere exploitation of prostitution are not available. However, it must be duly emphasised that the offences of exploitation of prostitution of Albanian women committed in the country are very unlikely connected to trafficking offences. Thus these proceedings are not relevant to our end.

3.12. Judicial and Prosecutorial Cooperation

In the field of judicial and prosecutorial cooperation, apart from the positive inputs by the SECI Center to investigations and prosecutions arising from effective police cooperation which is referred to in paragraph 2.10 above, account must be taken of the South Eastern European Prosecutors Advisory Group (SEEPAG) initiative, which is being developed in close cooperation with the SECI Center. This initiative is at an early stage and, in the view of the Assessment Team, it represents an important opportunity for the future.

Although the SECI Center legal framework does not provide for judicial cooperation between the parties, the US Government through its ongoing financial support programme provided the SECI Center with the financial means to develop a dedicated prosecutorial advisory group SEEPAG. SEEPAG is being developed both as a result of the US financial input and on the initiative of Serbia and Montenegro. The purpose of SEEPAG is to provide support of an advisory nature to the SECI Center, and it is therefore appropriate to briefly examine its development to date within the context of the SECI Assessment Mission.

SEEPAG is not yet formally established, it is currently working as an informal network, so the question of its legitimacy remains unresolved and furthermore, its scope is still unclear. SEEPAG meets quarterly: the first meeting was held in December 2003, the second and the third in April and July 2004 respectively. Prior to and during the second meeting of SEEPAG, draft documentation was circulated relating to the formal establishment of the group and its strategic plan. This plan, plainly influenced by their US partners, includes “the use of the SECI Center’s legal and communications mechanisms to share evidence and coordinate on strategies and operational planning across borders to gather evidence, make arrest and other steps towards prosecution”¹⁰. However, this documentation was not adopted and was revised for discussion at the meeting in July 2004.

It is too early to provide a comprehensive analysis of the effectiveness and activities of SEEPAG as it is still in the early stages of development. However, it must be noted that it is the first time that a group of prosecutors from the SEE region has been brought together and this in itself must be recognised as a positive initiative. The SECI Center should therefore capitalize on this opportunity and seize on the goodwill of the group whilst endeavouring to develop SEEPAG in a way compatible with the EU best practices.

In the view of the Assessment Team, SEEPAG should continue working as an informal network carrying out tasks analogous to those of the European Judicial Network (EJN) namely facilitating cases where possible and exchanging relevant information on prosecutions whilst working on the institutionalization of SEEPAG. For this purpose, a realistic politically acceptable strategic vision and action plan needs to be adopted. SEEPAG should continue to retain a link to the SECI Center in order to develop a joined up approach and model for law enforcement and prosecutors within the region. This point is important, in view of the approximation of the SEE area to EU standards particularly bearing in mind the formalised nature of Europol and Eurojust cooperation.

At this stage, EJN, which operates as a network of contact points, provides a more appropriate and realistic example for the development of SEEPAG rather than Eurojust, which is a permanent

¹⁰ Source: SEEPAG draft strategic plan and documentation prepared for the second meeting held in April 2004

and empowered network with legal personality whose authority rests on the political union of the EU. In time, as the Member Countries, not currently members of the EU, become EU Member States, the SEEPAG focal points could continue with an EJM contact point type role which is complementary to the Eurojust role.

As agreed at the SEEPAG meeting in April 2004, ad hoc working groups were set up to address specific issues of importance within the region. One of the groups is dealing with the documents necessary to institutionalise SEEPAG, whilst other groups are looking at the existing legislation in the following areas: trafficking in human beings, witness protection, data protection, drug trafficking and specialist investigation techniques. Each of the groups has been tasked with assessing the relevant current legislation in existence within the region, to identify major gaps and report back to the SEEPAG meeting in July. Although the SEEPAG members are mainly prosecutors working in organised crime, they do not have the ability to act on their findings. Unlike Eurojust they are not in a position to draw the attention of their national authorities to the need for amendments in legislation or procedures, which require improvement. Consideration should therefore be given to whether or not the SEEPAG could assist SEECF in their regional legislative development projects.

A SEEPAG protected web site has been proposed and is currently being developed by the US Department of Justice. Access to this web site restricted to SEEPAG Member Countries will enable users to load information on best practices and criminal cases. This raises important data protection and security issues and could give rise to possible breaches in mutual legal assistance arrangements and national legislation.

Preparation of SEEPAG meetings and general organisation of the group is presently managed by the lead co-ordinator who has a full-time position in the Office of the Prosecutor General of Serbia. There are no additional resources for the lead co-ordinator in terms of secretarial support or office space, and there is also no long term financing plan for the SEEPAG initiative.

It is hoped that the introduction of SEEPAG will improve prosecutor/law enforcement relations and encourage feedback from prosecutors on the results of SECI related operations.

Recommendation 'Improving Judicial Cooperation' refers.

3.13. IT Communication Network

The SECI Center has developed communication and IT facilities to increase the capabilities in fighting illegal migration, drugs, trafficking in human beings and the fight against terrorism. These data communication and processing facilities mainly provide the following:

- to allow fast and secured encrypted data/voice/fax communication between SECI Center and National Focal Points (NFP), with low cost technical solutions,
- to develop the SECI intelligence capacity, creating a specific database and the related software application,
- to create improved work facilities for the daily tasks of the LOs and the NFPs.

The IT communication network of the SECI Center is composed of two networks:

1. INTRANET is the internal network of the SECI Center and includes:
 - a. Windows 2000 file and mail server and MS Exchange Server
 - b. 7 workstations
 - c. 1 network printer
 - d. 1 router Cisco 1720
 - e. 1 PIX Firewall and WEB Page with encrypted section

2. INTERNET is the network which connects the SECI Center with the NFPs and includes:
 - a. 1 MS Windows NT 4.0 file and internal e-mail server with MS Exchange 5.5;
 - b. 1 MS Windows 2000 with Oracle 8i database server for internal software developments;
 - c. 1 MS Windows 2000 encryption server and encrypted mail server (with Cisco CryptoCard software);
 - d. 1 Unix with Oracle 8i database server for "Case Management Software" application;
 - e. 28 MS Windows NT 4.0 and 2000 with MS Office 2000;
 - f. 2 network printers and one plotter for I2 analyst notebook (investigation analysis software);
 - g. PIX Firewall 515;
 - h. CISCO Router 3600 with 8 analogue modems interface;
 - i. CISCO switches 2950 Catalyst for network connections;
 - j. 12 notebooks for remote connections to SECI encrypted e-mail server.

All workstations are IBM, the servers are Compaq and HP, and the printers are XEROX, Lexmark and HP (plotter).

The new SECI Center electronic communication system funded by Germany is expected to improve significantly the level and quality of information exchange among the Member Countries. Aimed at increasing the existing capacities of the NFPs, the project will bring them to the same level of communication. By providing similar equipment to all Liaison Officers stationed at the SECI Center and to their respective NFPs, the SECI Center would be able to build its own communication channels and database. This development should ensure a greater commitment from the Member Countries to setting-up a much needed joint NFPs (Police and Customs).

The JCC has decided to develop a database containing personal criminal data and information, called the SECI Information System. This is the second project developed in cooperation with the German Government that will provide an encrypted system which will make safer the communication flow between the NFPs and the SECI Center. However, some Member Countries have stated that they will not participate in the development of a database without the proper legal status and the legal provision for data storage and exchange of information.

The means of communication between the SECI Center and NFP's is currently inadequate. Presently, nine Member Countries communicate by means of phone, fax and the regular postal services. Three countries use the already established Interpol network (or are preparing to do so). Plans have been made to introduce an electronic communication network between the SECI Center and all NFPs and, in parallel, to use the Interpol network to the national NCBs.

Recommendations 'SECI Agreement and Charter' and 'Improving the IT Communication Network' refer.

3.13.1. SECI Upgrade 2003

The SECI Upgrade 2003 project was designated mainly to enhance communication facilities, to increase the data security, to add new working facilities for the daily activity and to improve the network availability. The project included improvements in two main directions:

- To develop the SECI Center network communication facilities, and
- To introduce equipment for the improvement of data flow.

For the development of the network communication facilities the following functionalities were requested:

- Encrypted VPN over Internet between NFPs and the SECI Center HQ;
- Enhanced security of the internal network through application proxy for database and mail access;
- Intrusion detection and protection at server and network level.

In order to improve the daily activity of the LOs and also to create new facilities with regard to the development of the SECI Center web page and operative database, the necessary equipment was provided. The total cost for this equipment is approximately €100,000. For the detailed list of items see Annex 5.1.

3.13.2. SECI Upgrade 2004

The improvements proposed in this upgrade are built upon the SECI Center IT Network architecture described in more detail in 'SECI Upgrade 2003'. Aiming the development of the SECI Center network to a virtual system designed to be used for fast voice/fax/data exchange with NFPs and in order to further improve daily activity of the LOs and NFPs, the following equipment is required:

- Technical Facilities for NFPs
- Technical Facilities for the SECI Center

For the NFPs, there is also a need for the following:

- 1) Antivirus software (Symantec) – 12 licenses with 1 year Update subscription;
- 2) Multifunctional machines (fax-printer-copier-scanner) – 12 pcs. for NFPs and 2 pcs. For SECI Center Usage;

- 3) Encryption facilities for faxes and voice calls – 12 pcs. for SECI HQ in the countries and 12 pcs. for SECI NFPs. The server generating encryption keys will be installed in SECI Center. Training for LOs is needed in order for them to use these new devices;
- 4) Audio Conference and Data Sharing System – allows for NFPs to use audio conference and data sharing facilities in a secure way.

The estimated total cost for these facilities is approximately €130,000.

In addition, a Sound Installation in the Stability Hall is needed. This should be a conference system with simultaneous translation facilities for two languages plus one pilot and two mobile translation booths. The IT equipment includes:

- 1) Memory upgrade for Tektronix Phaser 1235 color printer;
- 2) Veritas software upgrade that is existing network backup software;
- 3) Backup server;
- 4) Professional photo camera;
- 5) Upgrade the number of licenses of Hummingbird that is Document Management Software from 30 to 40;
- 6) Upgrade to Cisco Secure Access Control ver. 3.2 for Windows;
- 7) Different spare parts for maintenance;
- 8) Movement of Case Management Software from Oracle/Windows server to Oracle/Unix server;
- 9) Software for desktops and server management; Novell ZENworks Suite;
- 10) Software upgrade for PIX 515 Firewall;
- 11) Upgrade for Web/mail server that is Compaq Proliant DL;
- 12) A risograph for color document multiplication;

- 13) Easy staff transport small cart;

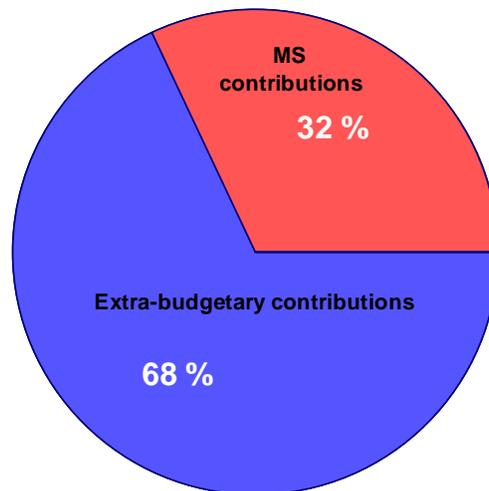
The estimated total expenditure is €120,000, with the total project estimated at €250,000.

3.14. Finance

The SECI Center is financed by Member Countries as well as by extra-budgetary sources, donations and sponsorships. During 2003, the SECI Center has achieved incomes in total value of approximately USD 1.44 million. Approximately 68% (USD 994,500.85) of the income was provided by extra-budgetary sources primarily sponsored the US Government (see [Figure 2](#)). In 2003, the external voluntary contribution by the US Government of USD 704,970 was used to finance operations and projects in the area of drug trafficking, trafficking in human beings, counter terrorism, support of GUUAM member countries and special support to the representatives of Moldova. The support of the US Federal Bureau of Investigation (FBI) was granted for organizing training courses, while the US Secret Service contribution was used by the TF on Financial and Computer Crime¹¹ (see [Figure 4](#)).

The Member Countries contributions represented 32% (USD 469,886) of the overall income. The Member Countries contributions cover only salaries of the management and staff, presently a total of 13 persons (approximately 45%) and the running costs of the SECI Center, such as maintenance, utilities, consumables, cars, etc (approximately 55%). External contributions are financing all other activities such as TF activities, operations, projects and IT investments. Greece and Turkey have always contributed the largest amount to the annual budget of the SECI Center (each one contributing USD 80,000 annually during the period 2002-2004).

Figure 2: SECI Income Sources for 2003

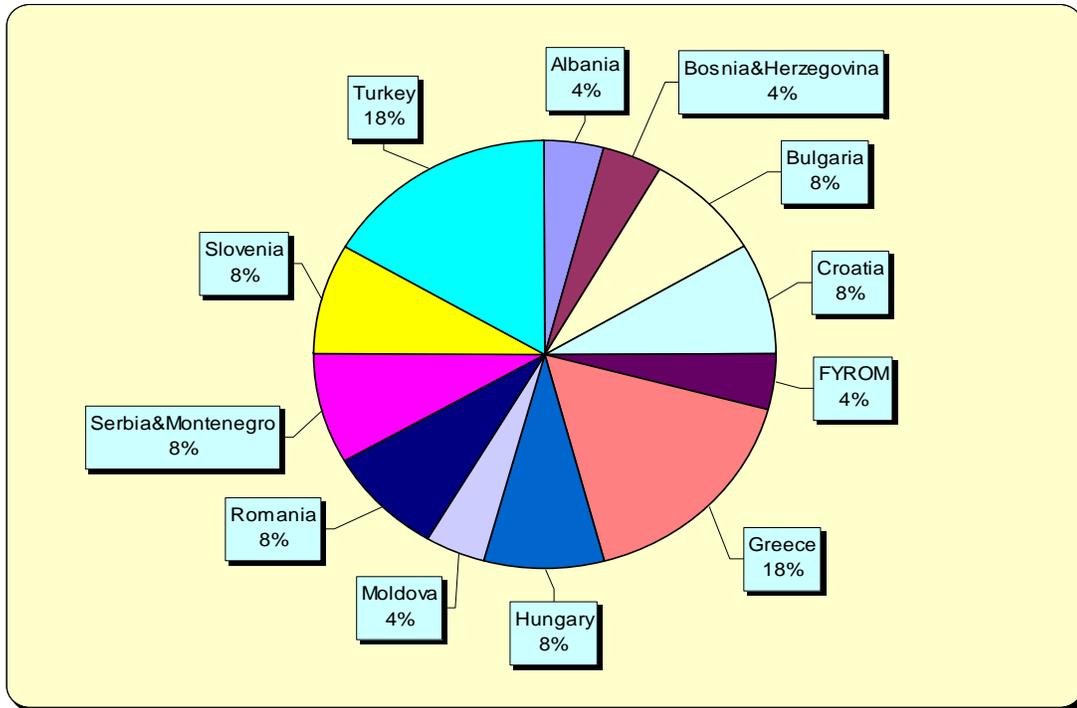


Source: 2003 Annual Report, SECI Regional Center

¹¹ Sponsorships from US Secret Service and FBI make up approximately 1.3% of total contributions.

This way of financing makes the SECI Center extremely vulnerable, where only the Member Countries contributions are guaranteed (and not even all of them). In other words, a dry out of extra-budgetary sources would mean an end to all activities except the exchange of information.

Figure 3: The Share of Member Countries Contributions in the Budget 2004

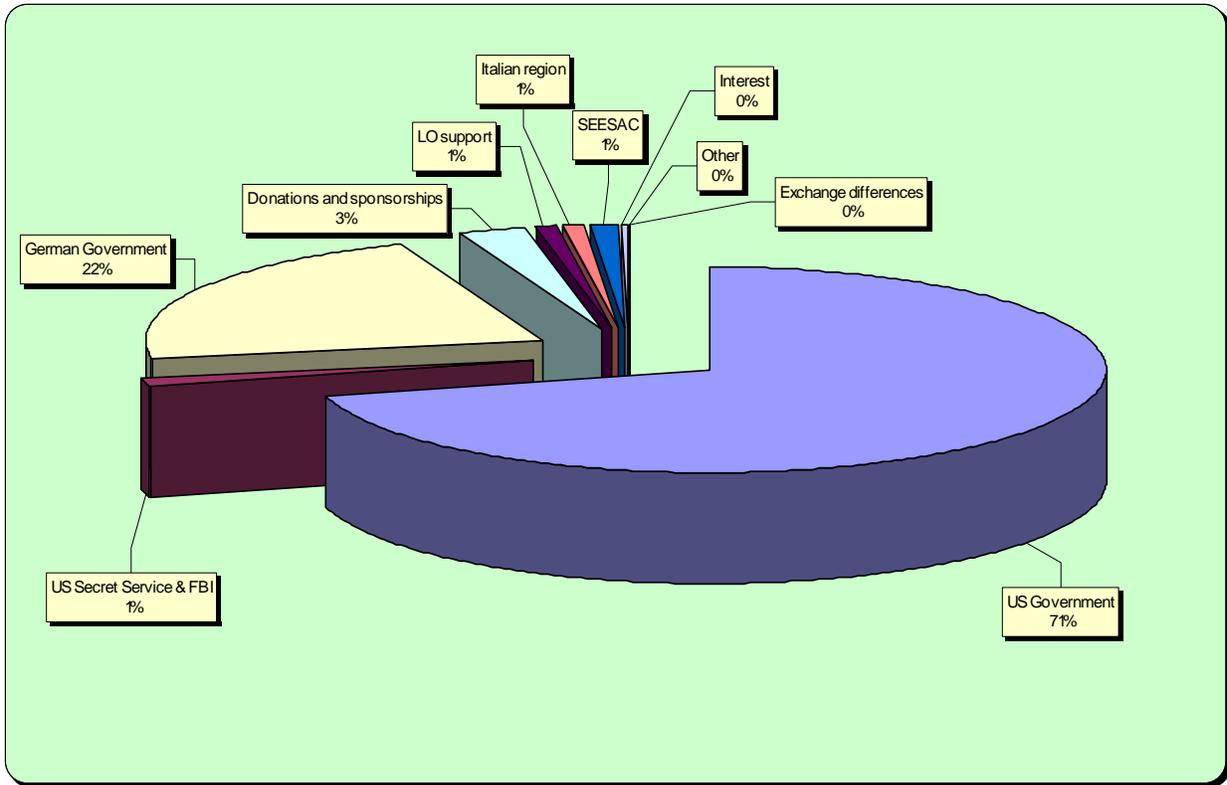


Source: SECI Regional Center

Data from SECI Annual Report 2003 shows that the total income has increased for 2003 compared to 2002, where the money from extra-budgetary sources has increased by much more than the Member Countries contributions' increase¹². This indicates that the financing of the SECI Center has become more vulnerable, depending more on others than on its members.

¹² In 2002 the total income of the SECI Center was USD 757,000. MS contributed USD 400,000 (53%). Additional income of USD 357,000 was provided by the US Government, which makes out 47% of the total income. In 2003 the MS contributions represented 32% of the total income. Extra-budgetary contributions represented 68% of the total income (USD 1,436,872.35).

Figure 4: The Share of Extra-Budgetary Contributors of the SECI Center for 2003

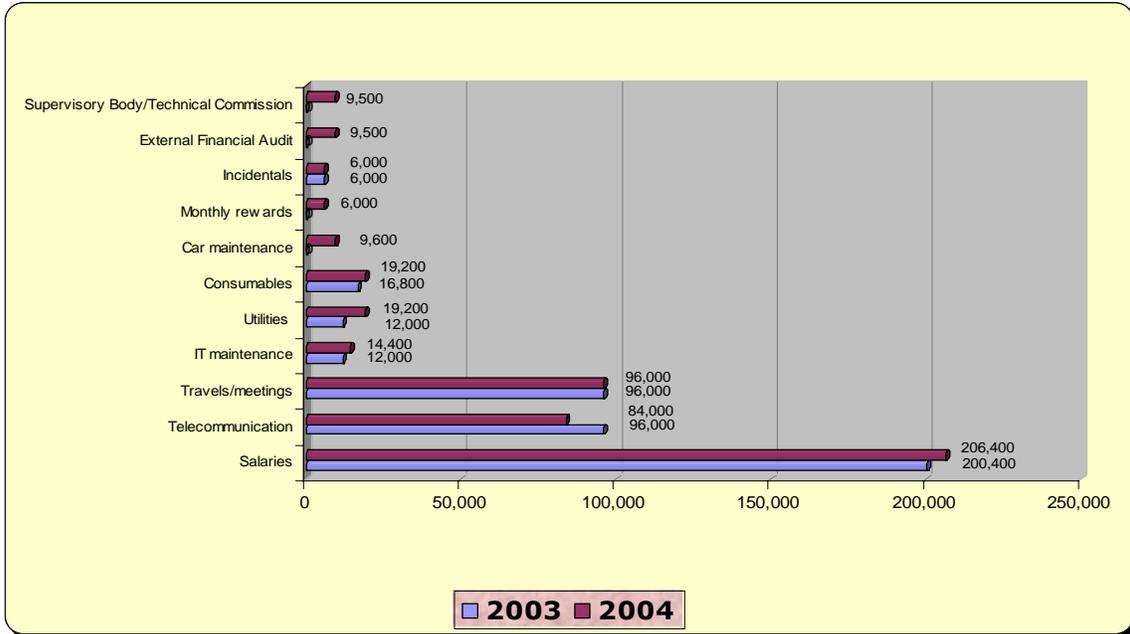


Source: SECI Regional Center

The SECI Center’s Annual Budget for the year 2004 approved by JCC is USD 480,400. This is composed by Member Countries contributions that are grouped into three different categories. This amount does not include the extra-budgetary sources. Having in mind the Member Countries financial resources, the SECI Center Budget is very restricted and not well developed. For example, the SECI Center does not make arrangements for support staff to receive social insurance (i.e. for illness, maternity, industrial accidents, hospital expenses), pension contributions, or welfare benefits (in case of death, inability to work or other disability). The number of the persons working as permanent staff in the SECI Center is also very limited and at the minimum level.

According to the SECI Annual Report 2003, the SECI Center has spent less than half of its total incomes in 2003. The highest amount has been spent on the salaries of management and staff, and a significant amount on travelling and meetings (see [Figure 5](#)). In 2003 compared to 2002 total expenses have increased by less than the total income. During this period of time, expenses on travels and meetings have almost doubled.

Figure 5: Structure of Member Countries Expenses for 2003-2004



Source: SECI Regional Center

The SECI Center differs from other similar organisations (Interpol/Europol) in that it finances training, assists in supporting elements of specific investigations and it runs the TF Operations. The SECI Center finances:

- 1) Trips for field-officers to participate in investigations,
- 2) Law Enforcement Officers of Member Countries to visit the SECI Center (e.g. training, meetings, conferences),
- 3) Travel to training courses in other countries.

The SECI Center facilitates the cooperation between Member Countries field-officers on the ground and during TF Operations. Certain SECI Member Countries believe that there is too much emphasis on meetings, conferences and training and not enough on information exchange and operations.

3.15. Permanent Advisors

In accordance with the SECI Agreement, Interpol and World Customs Organization (WCO) have been given a status of Permanent Advisors. The permanent participation of these institutions in

the decisional process and the development of the policy of the SECI Center ensure a continuous coordination in order to avoid duplication of effort.

With regard to WCO, a Memorandum of Understanding (MoU) on cooperation has been agreed and approved by the JCC and is expected to be signed in the near future. The Cooperation Agreement on Communication Connectivity for the Exchange of Information between Interpol and the SECI Center is finalized and again should be signed shortly.

The US in their status of Permanent Observer Country have also deployed several advisors in the areas of intelligence, analysis and justice, in the service of the Drugs Enforcement Administration (DEA), the United States Secret Service (USSS), the Immigration Service, the State Department, Federal Bureau of Investigation (FBI) and the Department of Justice. In addition, since November 2003, the Italian financial police 'Guardia di Finanza' has been given the status of temporary advisor to the SECI Center in the field of financial investigations and customs matters. In July 2004, a two-year extension to this appointment has been granted by the Italian Government and is expected to be approved by the JCC in the near future.

Agreements for mutual cooperation have been signed with International Migration Organization (IOM), the European Institute for Law Enforcement Co-operation (EULEC) and the International Center for Migration Police Development (ICMPD).

SECI has also held discussions with Europol and expects to develop a similar working relationship in the near future. With regard to any future cooperation, the possible appointment of Europol advisors should not be hindered by the current lack of international legal personality of the SECI Center. Moreover, there is no legal impediment to prevent Europol or any other EU institution from entering into forms of co-operation with the SECI Center other than those regulated by formal agreements.

Recommendations 'Improving the Legal Framework' and 'Permanent Observer' refer.

3.16. Added Value

Taking into account recent history and the inherent distrusts that exist between certain SECI Center Member Countries, the success in bringing together these countries to exchange information and work collectively in the fight against Trans-Border Crime is an achievement of the SECI Center that should be positively recognised. There have been dramatic changes in Balkan's Law Enforcement over the past few years, which resolved a real need to establish a 'centre' which would bring together these various agencies and organisations for the long-term benefit of the region.

The SECI Center represents a unique and valuable opportunity and it is instrumental in improving the attitude of the Member Countries in the exchange of information in the field of criminal investigations. Moreover, the SECI Center represents for certain Member Countries the one and only channel to exchange information on criminal cases. In terms of operational capacity, a further added value of the SECI Center is shown by its multilateral nature which allows the simultaneous exchange of information between several countries. Consequently, the current delay in receiving responses to information requests could be drastically reduced and real-time connections made possible, with potential benefits for the effectiveness of investigations,

particularly when police / customs operations are ongoing. Another benefit from this development could be the coordination role of the SECI Center in respect to controlled deliveries.

Certain SECI Member Countries, initially not convinced by the concept of the SECI Center, have now realised the important role it has to play in the region and consider it as an important means of cooperation with non-EU countries. Participation in the SECI Center has promoted the process, in some of the Member Countries, in changing the law enforcement systems aiming at compatibility with relevant EU standards and best practices. Furthermore, the SECI Center has encouraged Member Countries to learn from each other and upgrade their practices and procedures in the area of the law enforcement. In the framework of mutual assistance and exchange of experience, the SECI Center and its Member Countries have provided technical expertise and advice to two working groups¹³ within the GUUAM region. Using the SECI Center as a model, the United Nations Office of Drug Control (UNODC) plans to create two similar law enforcement structures, one in Central Asia and another in the Gulf area.¹⁴

Certain SECI Member Countries and the Assessment Team strongly emphasise that the added value of the SECI Center is that it plays a major role in developing and maintaining the law enforcement cooperation within this sensitive region. Above all, the SECI Center continues to contribute to the overall security and political stabilisation of the region.

3.17. The SECI Center View

The SECI Center Management and liaison officers have expressed their views on the future of the Center. The Assessment Team has received two documents outlining the SECI Center view. The two documents are annexed as non-legal documents.

The documents contain short, medium and long term objectives for the improvement of the SECI Center. Short term proposals include the signing of a strategic agreement with Europol, improvement of the co-operation between Member Countries and training. They also recommend that in the short term Europol experts are stationed at the Center. In the medium term it is proposed that the SECI Center Agreement is changed, whilst, in the long term, the objective for the SECI Center is that it becomes a regional center of Europol or a Europol regional branch.

¹³ The WG in Baku, Azerbaijan and Kiev, Ukraine.

¹⁴ One in Tashkent, Uzbekistan called Central Asian Regional Information and Coordination Center (CARICC) and another in the Gulf area called the Gulf Cooperation Council.

4. RECOMMENDATIONS

4.1. Improving the Legal Framework

In the view of the Assessment Team, the legal framework of the SECI Center needs to be considerably revised, taking into account relevant international developments, the EU *acquis* and the recent positive political evolution within the region. In the event of possible involvement by the EU in the SECI Center, it is strongly advised that a legal expert with good knowledge of the region, an excellent understanding of European and international law and a background in prosecution and/or judiciary is appointed in order to assist the JCC in the revision process. A supporting consultative role by Eurojust, the EJN and Europol should also be considered.

4.1.1. *International Legal Status*

The question of the legal personality of the SECI Center, which is a precondition for it to enter into formal agreements or to exchange information with EU bodies, must be resolved. In the opinion of the Assessment Team, the entire legal framework of the SECI Center and principally the SCA should be amended in order to settle this matter and to clarify the intentions of the signatory parties. The SCA should clearly state that the Member Countries intend to attribute full international legal personality to the SECI Center. However, there is no legal impediment to prevent EU institutions from entering into forms of co-operation with the SECI Center other than those, which require formal agreements.

4.1.2. *SECI Agreement and Charter*

In the view of the Assessment Team the scope of the SECI Center must be clarified and adapted to current operational practice which regulates the way in which different types of information are processed, whether or not related to transnational or cross-border cases. Moreover, the SECI Agreement and the whole legal framework should be revised to take into account relevant international developments, in particular the UN Convention on Transnational Organised Crime.

The SCA also needs to be modified in order to reflect the strategic changes in the movement from the original concept of 'trans-border crime' to 'organised crime'/'criminal offences in general' and the current operational status of the SECI Center (Task Forces). In addition, legal provisions for data storage need to be introduced into the SCA as a matter of urgency so as to have the unanimous support of all Member Countries in the development of the SECI Center database.

4.2. Promoting the SECI Center

There is a real need to promote the SECI Center, in particular the work of their various Task Forces to the Management and Operational Staff of all Law Enforcement Agencies in each of the Member Countries. This should be the responsibility of the SECI Center management, working together with the relevant Ministry of each Member Country by giving directives to operational staff and managers. In general, the credibility and operational effectiveness of the SECI Center needs to be improved.

To achieve this objective, the SECI Center Management should organise visits to each and every Member Country to promote the role and purpose of the SECI Center in order to develop a greater awareness at the operational level and to ensure that the Member Countries significantly improve their participation. Consequently, each Member Country will benefit from these promotional activities and will positively profit from their investments (value for money). In turn, reciprocal visits by appropriate country representatives (NFPs) to the SECI Center would raise the awareness of the Center's capabilities.

There is also a need to improve the credibility and operational effectiveness of the SECI Center, and the introduction of a 24-hour 'on-call' service could assist. In addition, with the imminent introduction of the new SECI electronic communication system funded by Germany and whilst awaiting the findings of the supervisory body formed to establish the feasibility of the SECI Center having a intelligence database for use by all Member Countries, consideration could be given to developing a mechanism for the exchange of 'tactical intelligence' (with Europol assistance).

4.3. Improving the Organisational / Management Structure

With the SECI Center operational activity increasing and becoming much more dynamic than was originally envisaged, the question for an enhanced IT and analysis capacity has become a subject for discussion. Therefore, the SECI Center should consider developing a new Organisational Chart to include additional posts.

4.4. Improving the Operational Support

Improvement of the current analysis capacity and the establishing of two additional units (Intelligence Unit / Serious Crime Unit) would help to enhance the strategic and the operational capacity of the SECI Center.

Bearing in mind that any efficient activity regarding data storage, processing and communication can only be carried out using modern equipment, well-trained personnel and above all a well-structured and organised IT section, consideration should be given to positioning IT as a distinct Unit within the Administrative Support Department.

4.5. Permanent Observers

In the view of the Assessment Team, the legal framework of the SECI Center should be amended to clearly specify the conditions pursuant to which countries are to be accorded Permanent Observer status as well as the rights and obligations deriving from such status.

4.6. Improving LO / NFP Network

A greater commitment from the Member Countries Home Administrations to establish single Police and Customs National Focal Points is urgently required. The obligations for Member Countries to create single NFPs as set out in the SCA is currently not being adhered to by the majority of the Countries and this should be addressed at the highest level.

The Assessment Team also supports the view of the vast majority of the Member Country LOs that the appointment of two LOs (Police and Customs) is essential to the effective working of the SECI Center. Currently, only six of the Member Countries are represented by Customs LOs.

Furthermore, as Customs is quite evidently the poor relation of the SECI Center, it is essential that the Customs profile within the Center is raised and a greater commitment from Member Countries Home Administrations to support customs related crimes is required.

4.7. Improving Exchange of Information

The situation on the level of information exchange among the Member Countries (and Observer Countries) needs to be addressed as a matter of urgency. Better promotion of the SECI Center could again be a key, but also a greater commitment from the Member Countries Home Administrations is urgently required. As already stated, during Task Force Operations, a relatively high number of requests are initiated. However, this level of activity is not sustained on completion of these Operations. Thus a means of sustaining the levels of information exchange and improving the quality should be explored.

4.8. Increasing Effectiveness of TF Operations

One of the problems highlighted from the SECI Center Task Force Operations has been the incompatibility of the various Member Countries legislation and law enforcement procedures (e.g. witness protection). In addition, inconsistencies have arisen between national legislations, the European *acquis* and international developments in the field of police, customs and judicial cooperation. The SEEPAG initiative should assist with identifying legislative and procedural differences and highlight the need for harmonisation of the Member Countries' frameworks. The Assessment Team proposes that EU bodies promote these changes and assist the relevant political entities in this process. See also recommendation 'SECI Agreement and Charter'.

Europol has clearly stated that high-impact operations have limited value. TF operations should therefore be well targeted, and the scope and time-scale better planned. TF operations to date have, in the main, gathered statistical data and failed to collect the type of information, which could be generated into effective intelligence. There is a need to stimulate a more dynamic element into TF operations and as already stated, a means of sustaining the levels of information exchange generated during these operations should be explored. There is also a need for an increase in the number of Customs TF targeted operations.

4.9. Development of Training and Conference Facilities

The facilities and set-up of the SECI Center are exceptional and should ideally be put to more effectual use. Consequently, there is real potential to develop the Center into, not only an effective mechanism for the exchange of information, but also into a regional centre of excellence for law enforcement training and the focal point for all conferences, seminars and presentations in relation to anti-crime matters (police, customs and judicial).

As already stated, the SECI Center represents a unique and valuable opportunity for the law enforcement agencies of the region and has been instrumental in improving the attitude of the Member Countries in the exchange of information in the field of criminal investigations.

The Assessment Team recommends that Member Countries, Permanent Observers and International Organisations (e.g. Interpol, Europol, WCO, ICMPD, IOM) recognise the importance of the role of the SECI Center in the development of law enforcement within the region. These organisations should be encouraged to support this development by fully utilising the excellent training and conference facilities located within the SECI Center.

The benefits for the SECI Center, in their role as the core conference facilitator within the region, would be to gain much needed recognition and, in addition, this development would certainly improve their credibility by natural association. As for the International Organisations, they would profit from using the already existing infrastructure provided and they would also ensure, that by using the SECI Center as a focal point, a coordinated programme for law enforcement assistance and development within the region.

Furthermore, the Assessment Team recommends that a structured Law Enforcement Training Programme inline with EU and International best practices should be developed for police and customs officers within the region. Sponsors to assist and support Law Enforcement training should be sought from within the EU. Europol could help in the development of any training programme and could use their contacts to encourage support for this initiative from their members

Recommendation "Enhancing EU Support" also refers.

4.10. Improving Judicial Co-operation

In the view of the Assessment Team SEEPAG should continue working as an informal network carrying out tasks analogous to those of the European Judicial Network (EJN) namely facilitating

requests for mutual legal assistance, extradition and the exchange of information on legislation for mutual benefit. For this purpose it is proposed that the EJM and Eurojust assist in developing the working methods of SEEPAG in accordance with the EU *acquis*.

Furthermore, the strategic plan of SEEPAG as presented at the April 2004 meeting is over ambitious and needs to be made more realistic in order to secure the political support necessary for the legal grounding of the group within the region. In order to ensure compatibility with EU standards and provision of longer term financing, serious consideration should be given to the adoption of the SEEPAG initiative within existing EU regional programmes, including the secondment to the group of an EU judicial expert, preferably a prosecutor with organised crime experience and knowledge of the region.

The Assessment Team envisage the development of an institutional link between the SECI Center and SEEPAG in order to establish a joined up approach and develop a model for cooperation between law enforcement and prosecution agencies within the region. The SEEPAG should also contribute to an appropriate case monitoring system within the SECI Center as specified below.

The Assessment Team also recommends that the SECI Centre inaugurates a new philosophy devoted to the quality of operational activities and to pursuing substantive judicial results. It is advised that an appropriate monitoring system is implemented and based on regular feedback from Member Countries on the criminal proceedings, which resulted from operations.

4.11. Improving the IT Communication Network

Bearing in mind that any efficient activity regarding data storage, processing and communication can only be carried out using modern equipment, well-trained personnel and above all a well-structured and organised IT section, consideration should be given to positioning IT as a distinct Unit within the Administrative Support Department. The selection process of IT personnel needs to be carefully undertaken, recruiting only IT specialists with strong technical skills. Furthermore, consideration could be also given to appointing IT specialists from Member Countries. The fact that the IT specialists' activities require strong relations with various local companies, it is recommended that the system and network administrator as well as the helpdesk technicians be local employees. The web page developer and the programmers may be from any other Member Country.

In the mid-term, the SECI network communication facilities need to be enhanced in order to improve data security, add new working facilities for daily activity and develop network availability. Essential equipment required to improve the data flow and processing within the SECI Center should be added to the current configuration.

4.12. Enhancing EU Support

A commonly held view of many of those represented within the SECI Center, which is supported by the Assessment Team and was also expressed during all Member Countries visits, is that the Center should ideally become a Europol Regional Office, as an ever increasing number of

Member Countries are joining the EU and a number of others are in the accession phase. Furthermore, there is a degree of frustration and disappointment at the lack of apparent recognition and support from the EU (in particular Europol), politically and financially.

SECI Member Countries are on the front-line of every major area of crime which is ultimately targeted for the EU; it is therefore in the best interests of the EU to support the SECI Center. Most of those interviewed during this assessment believe that, to date, the current level of support and recognition for the SECI Center from the EU has been poor.

Consideration should be given to Europol advisors being permanently based in the SECI Center. Their role would be multifunctional including coordination of a SECI Center development plan, a training programme, and the organisation, structure and general improvement of information exchange.

With regard to future cooperation between Europol and the SECI Center, the possible appointment of Europol advisors to the Center should not be hindered by the current lack of international legal personality of the SECI Center. Moreover, there is no legal impediment to prevent Europol or any other EU institution from entering into forms of cooperation with the SECI Center other than those regulated by formal agreements.

Currently, the policy of the SECI Center Management is that all legislations, procedures and technical operations should be in line with the EU *acquis*.

An assertion made by certain SECI Member Countries, which is supported by the Assessment Team is that the EC should take responsibility for assisting the SECI Center to its next phase of development and for the future. There should be a gradual transition from the US to the EU in supporting the implementation of Law Enforcement change within the region including advice, training and assistance in the introduction of EU and international best practices.

5. ANNEXES

5.1. SECI Upgrade 2003

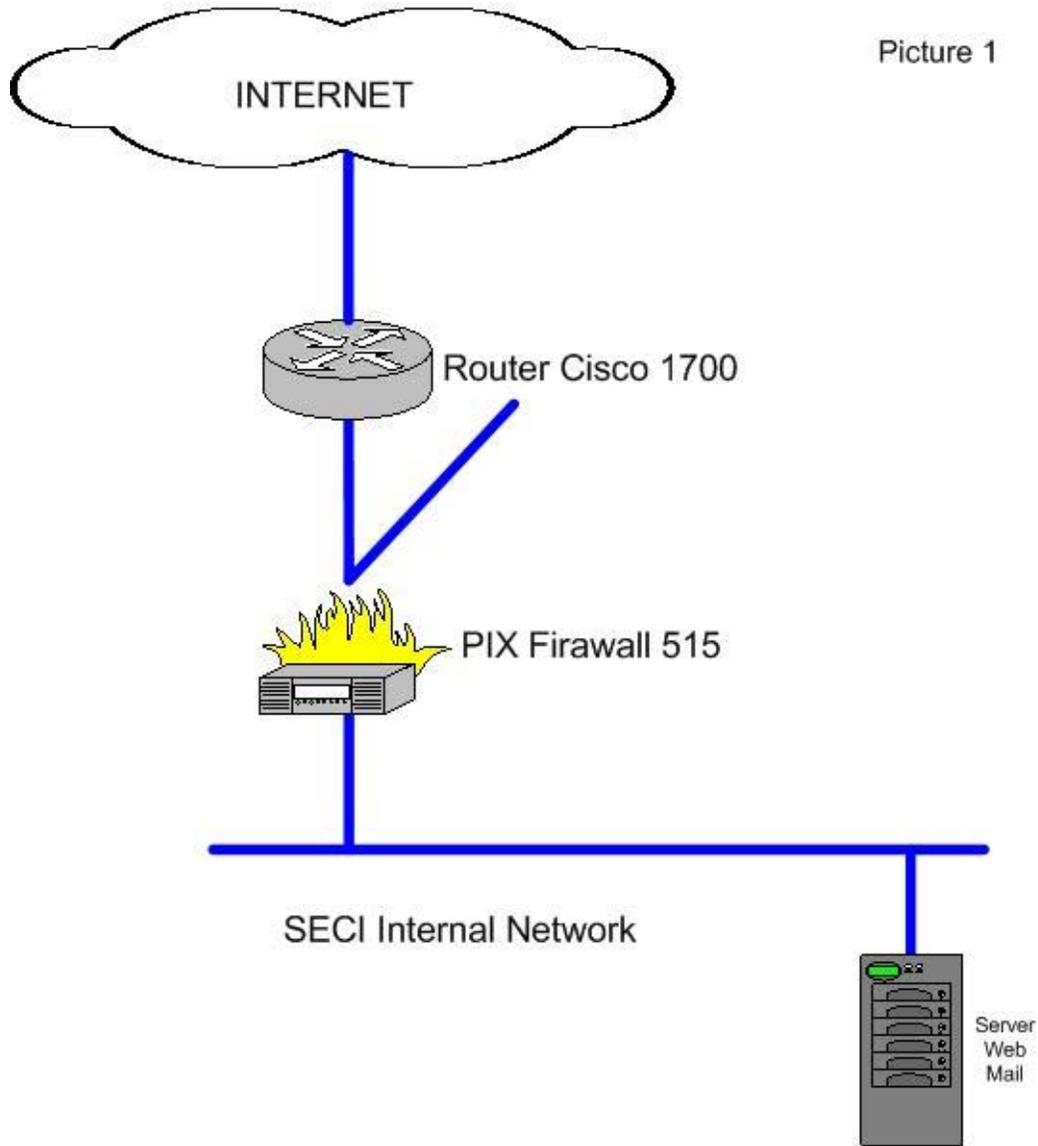
- 1) Desktop PC's – 12 pcs.
- 2) Desktop Printers – 10 pcs.
- 3) UPS – 10 pcs.
- 4) Scanners – 5 pcs.
- 5) ABBYY Fine Reader Corporate Ed. Software for W2k server – 20 clients
- 6) Hardware upgrade for the main file server Compaq Proliant 5500
- 7) Hardware upgrade for the database server Compaq Proliant ML 370
- 8) 24- port Switch Cisco – 2 pcs.
- 9) Min. 20 GB Harddisk – 6 pcs
- 10) Voice/Fax/Data Terminals – 2 pcs
- 11) XEROX Copier – 1 pcs.
- 12) Antivirus software for W2k server – 1 pcs.
- 13) 16-subscriber card for PBX Ericsson to allow the connection of new faxes –1 pcs
- 14) Update PBX Ericsson software to allow new services – 1 pcs.
- 15) Software upgrade for main file server from Windows NT 4.0 to Windows 2003 Standard Server (50 clients) and Exchange Server 5.5 to Exchange Server 2000
- 16) Multifunctional machines –fax, printer, copier, scanner – 6 pcs.
- 17) Software for SECI WEB page future developments– 1 pcs
- 18) Hardware Facilities for 1 workstation
- 19) IBM notebook – 4 pcs.
- 20) Development of Case Management Software

- 21) Sound amplifier for Europe Hall – 1 pcs
- 22) Document Management Software (50 clients)

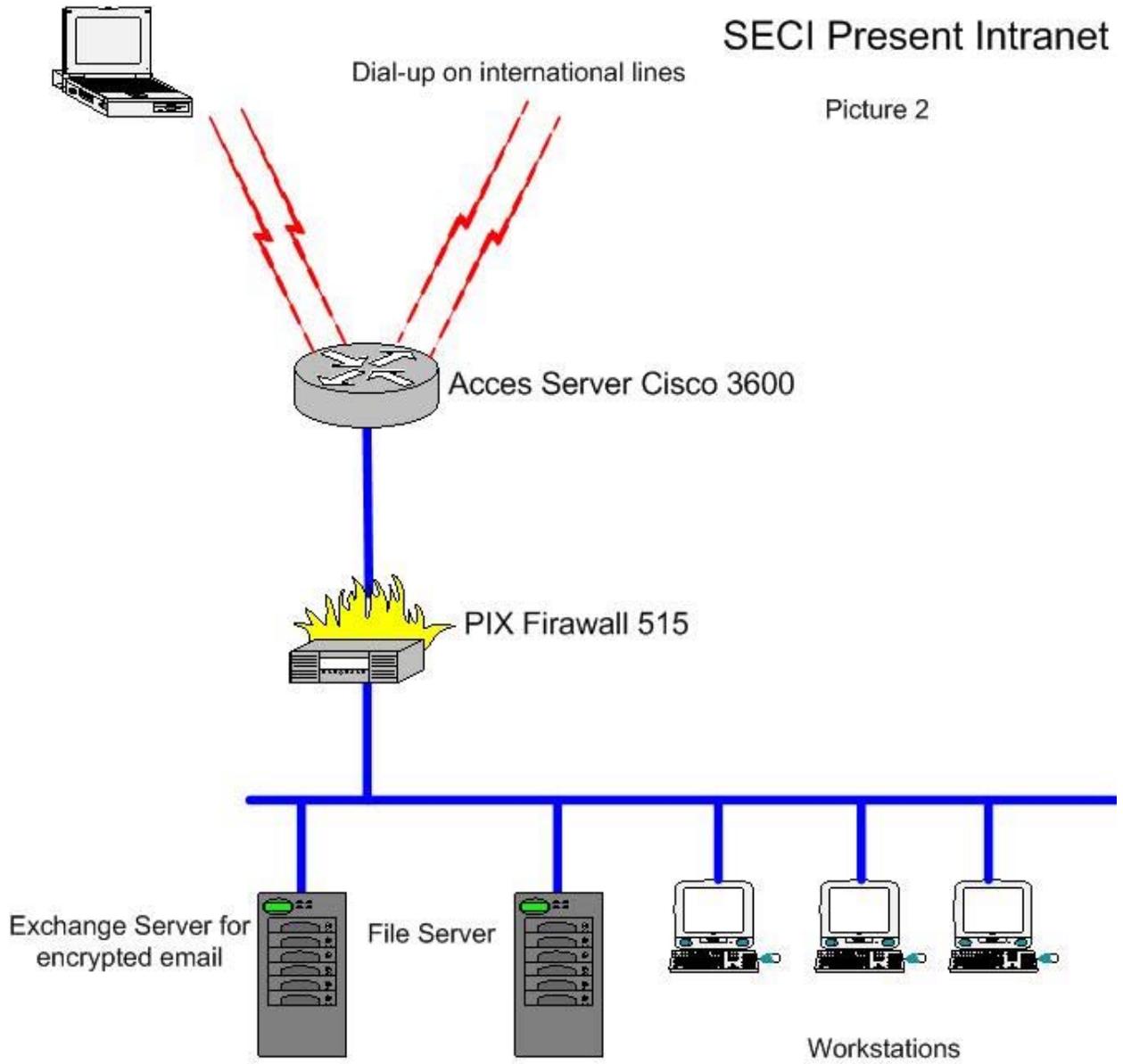
5.1.1. *SECI Present Internet Connection*

SECI Present Internet Connection

Picture 1

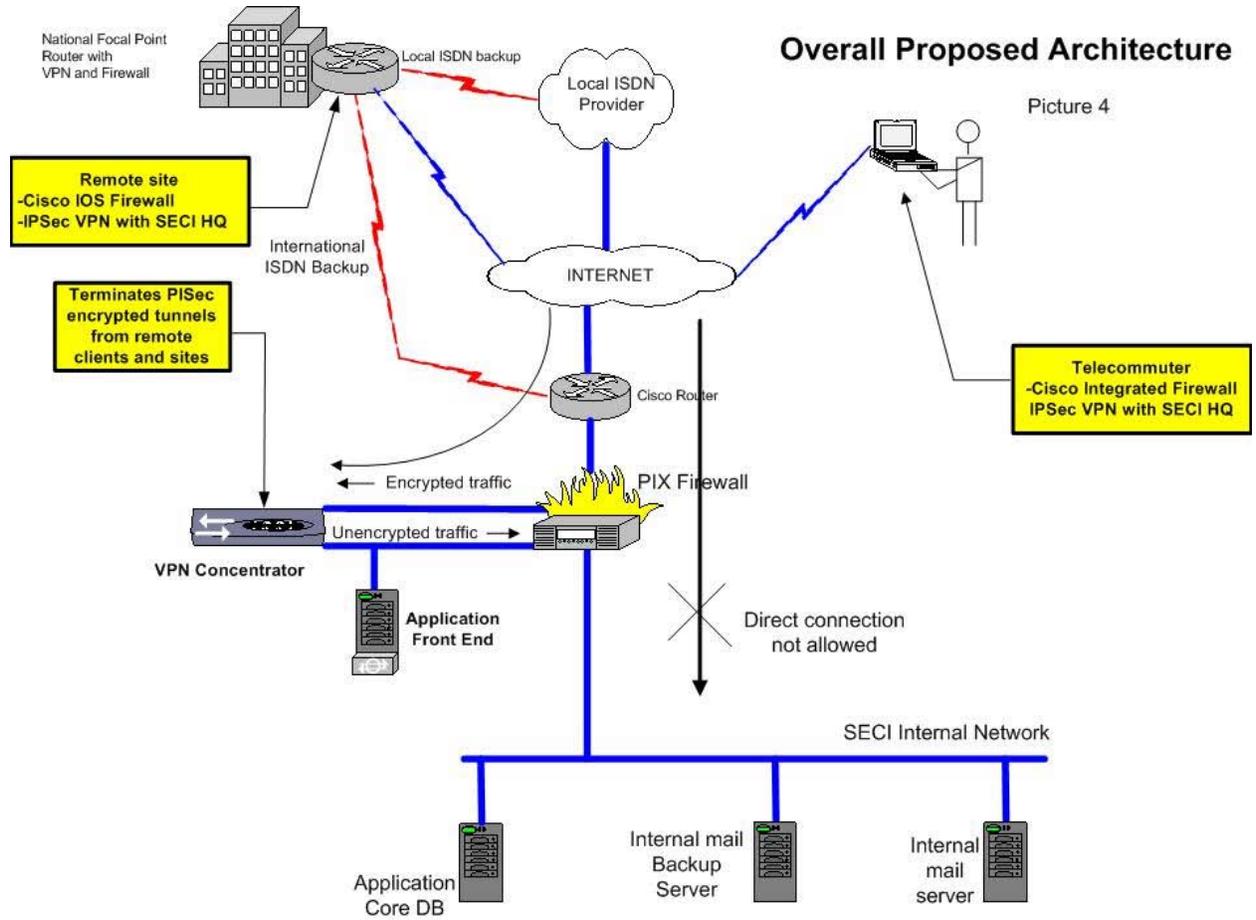


5.1.2. SECI Present Intranet

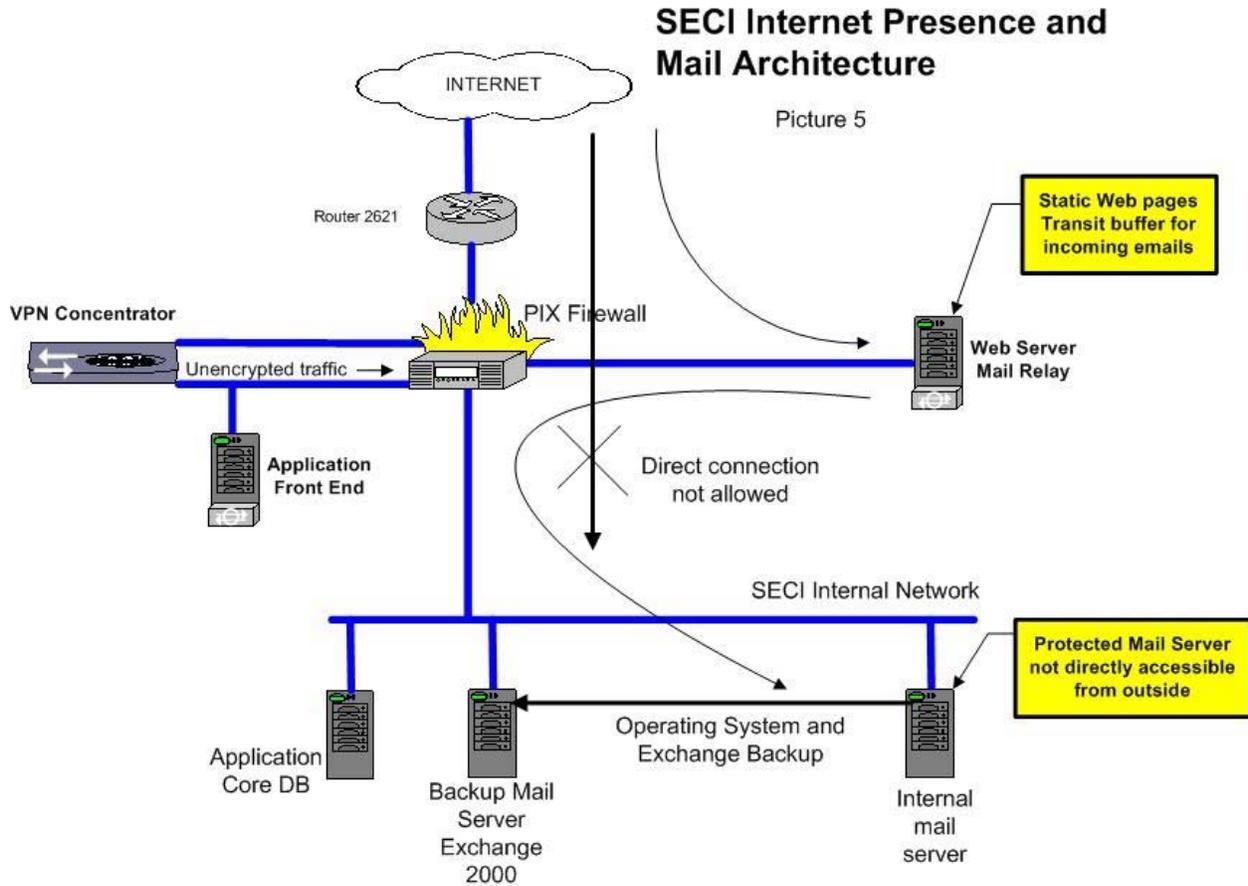


Picture 2

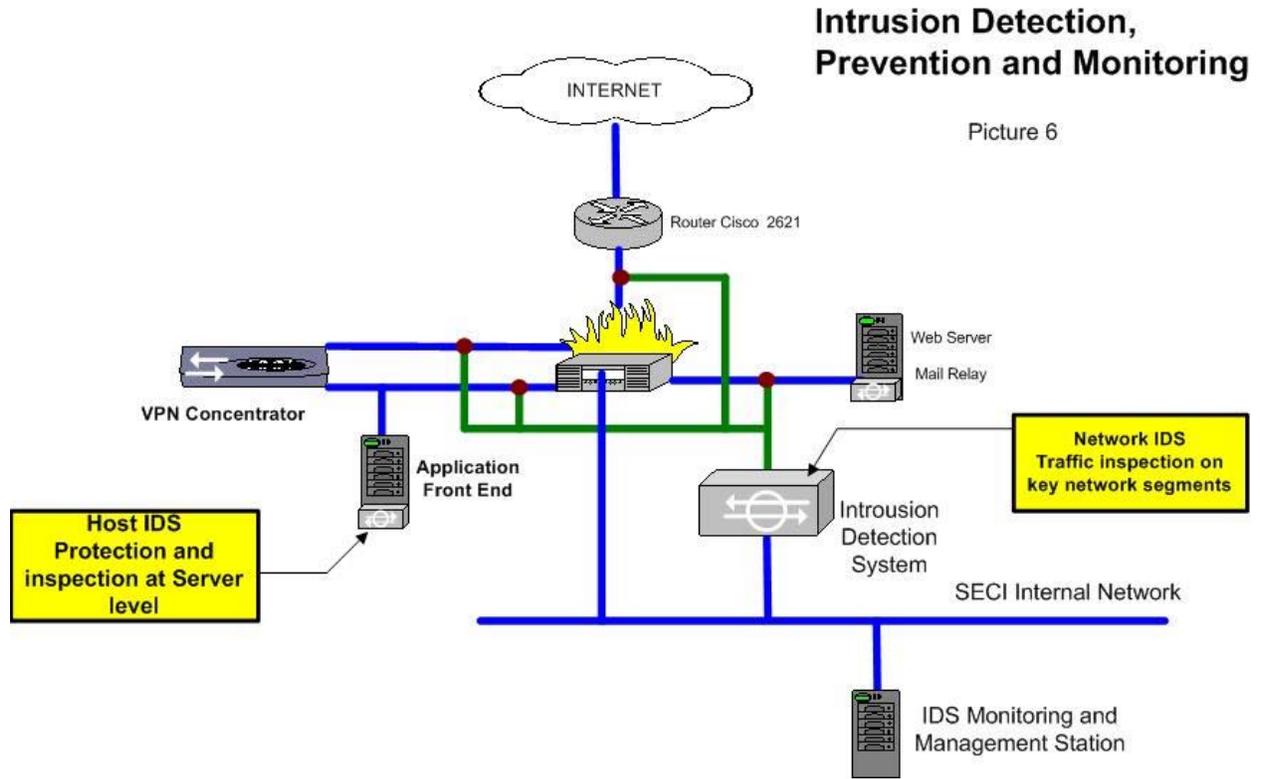
5.1.4. SECI Overall Proposed Architecture II



5.1.5. SECI Internet Presence and Mail Architecture



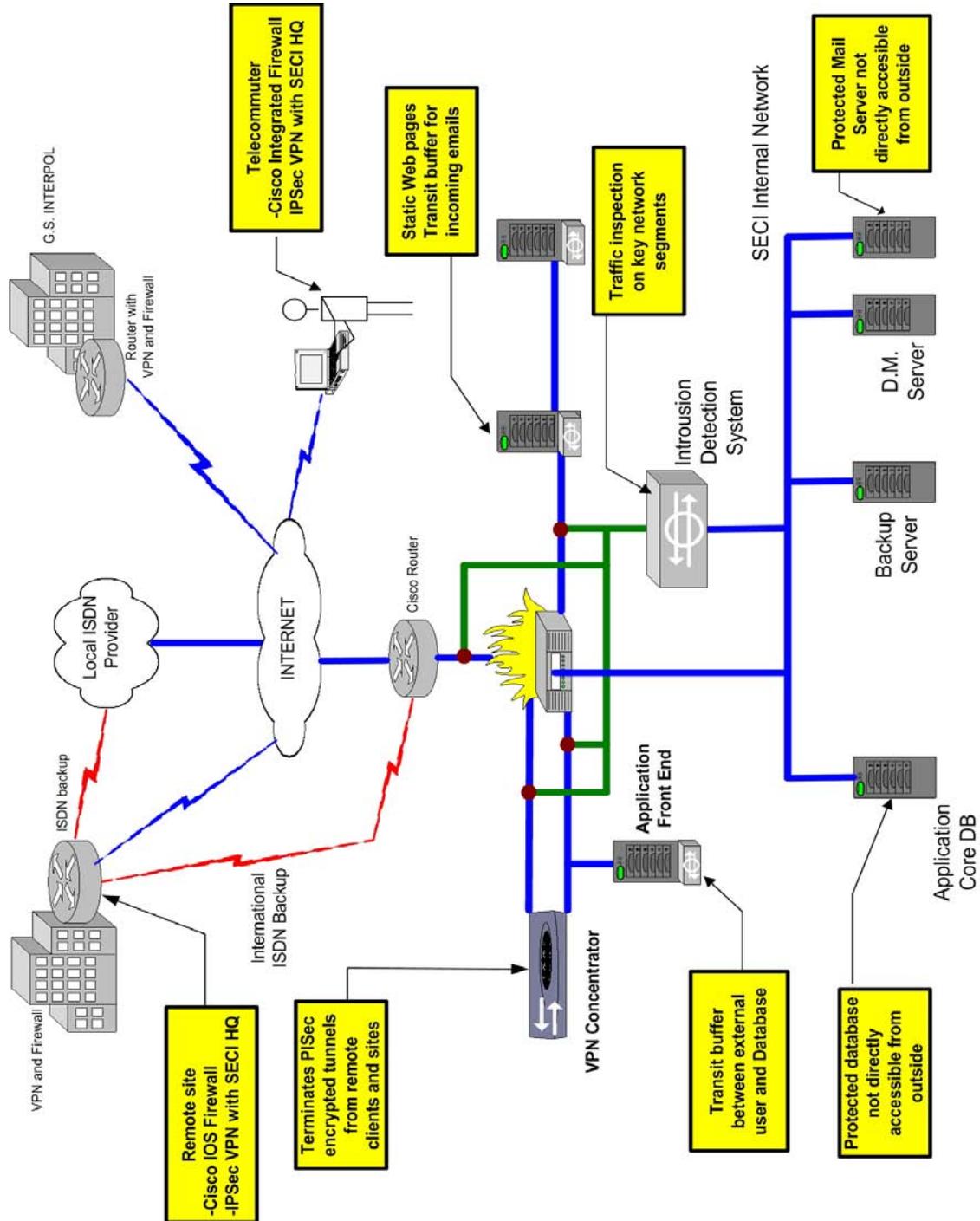
5.1.6. Intrusion Detection, Prevention and Monitoring



5.2. Improving the SECI Center Network

Figure 6: A Suggested SECI Center IT Network

Assessment of SECI Regional Center for Combating Trans-Border Crime



LEGAL DOCUMENTS

5.3. SECI Agreement on Cooperation to Prevent and Combat Trans-border Crime

The Governments signing the Agreement, hereinafter referred to as "Parties",

Desiring to enlarge and to diversify their cooperation within the framework of the Southeast European Cooperative Initiative;

Considering the importance of commercial links among the Parties and with other countries, and desirous of contributing to the harmonious development of those links;

Recognising their mutual interest in combating Trans-border crime and developing closer regional law enforcement cooperation;

Convinced that crime conducted across the borders of the Parties is a serious threat to sovereignty and to legitimate commerce which can be effectively combated by cooperation among enforcement authorities;

Believing that, in order to obtain this objective, there should be an undertaking to develop cooperation of the widest possible scope among enforcement authorities;

Considering that trans-border crimes are prejudicial to the economic, fiscal and commercial interest of their respective countries;

Noting existing Agreements, arrangements or treaties on mutual assistance, and other international Agreements on law enforcement already accepted by the Parties;

Have agreed as follows:

Article 1 Definitions

For the purpose of this Agreement:

a. the term "trans-border law enforcement and customs authorities" means national competent authorities designated by the parties; this designation shall be confirmed with the SECI Secretariat and can be changed upon notification to the Secretariat;

b. the term "trans-border crime" refers to all violations or attempted violations of national laws and regulations aimed at organizing, directing, aiding or facilitating international criminal activities;

c. the term "customs laws" means the laws and regulations enforced by the customs administrations concerning the importation, exportation, and transit or circulation of goods as they relate to customs duties, charges, and other taxes or to prohibitions, restrictions, and other similar controls respecting the movement of controlled items across national boundaries;

d. the term "information" means data in any form, documents, records, and reports or certified or authenticated copies thereof;

e. the term "person" means any natural or legal person;

f. the term "personal data" means all information relating to an identified or identifiable natural person;

g. the term "property" means assets of every kind and legal documents or instruments evidencing title to or an interest in such assets;

h. the term "provisional measures" means:

- 1) temporarily prohibiting the conversion, disposition, movement, or transfer of property, or
- 2) temporarily assuming custody or control of property on the basis of an order issued by a court or competent authority, or other means;

i. the term "forfeiture" means the deprivation of property by order of a court or competent authority and includes confiscation where applicable;

j. the term "requesting authority" means the authority described in article 1(a) that requests assistance in conformity with article 8 point 1;

k. the term "requested authority" means the authority described in article 1(a) from which assistance is requested in conformity with article 8 point 1.

Article 2

Scope of the Agreement

1. The Parties, through their designated authorities shall assist each other, in accordance with this Agreement, in preventing, detecting, investigating, prosecuting and repressing trans-border crime.
2. This Agreement shall not be interpreted as prejudicing or affecting the application of the Treaty on European Union, the Schengen Agreement of 14 June 1985 and the Convention for the application of the Schengen Agreement of 19 June 1990, international Agreements, Agreements on mutual assistance, and other international Agreements on law enforcement already accepted by the Parties; nor any mutual legal assistance, Agreement, arrangement or treaty currently in force between any of the Parties to this Agreement, or which may subsequently be concluded by them.
3. Each Party shall execute requests for assistance made pursuant to the Agreement in accordance with its national law.

4. In order to improve the effectiveness of the prevention, detection, investigation and prosecution of trans-border criminal violations, and as active members of ICPO-Interpol for police matters, World Customs Organization for customs matters, the SECI participating countries shall exchange and develop criminal information in partnership with their law enforcement authorities and with the Interpol General Secretariat and WCO.

Article 3

Forms of Specific Assistance

1. Upon request or upon its own initiative, a Party shall provide assistance to another Party in the form of information concerning trans-border crime.
2. Upon request, a Party shall provide assistance in the form of information necessary to ensure the enforcement of national laws and regulations, and the accurate assessment of customs duties and other taxes by the Parties.
3. Upon request or upon its own initiative, a Party may provide assistance in the form of information, including but not limited to, information concerning:
 - a. methods and techniques of processing passengers and cargo;
 - b. the successful application of enforcement aids and techniques;
 - c. enforcement actions that might be useful
 - d. new methods used in committing offences.
4. The Parties shall cooperate in:
 - a. facilitating effective coordination;
 - b. establishing and maintaining channels of communication to facilitate the secure and rapid exchange of information;
 - c. as appropriate, providing mutually any other kind of technical assistance through the exchange of professional, scientific and technical knowledge;
 - d. the consideration and testing of new equipment or procedures; and
 - e. any other general administrative matters that may from time to time require their joint action.
 - f. the implementation of the methods of controlled deliveries in compliance with the national law of the parties concerned.
5. Upon request, the Parties shall inform each other whether goods exported from the territory of one Party have been lawfully imported into the territory of the other Party. If requested, the information shall contain the procedure used for clearing the goods.
6. Upon request, a requested Party shall provide, to the extent of its ability, within the limits of its available resources, and pursuant to national law, information relating to:
 - a. persons known to the requesting authority to have committed a trans-border crime or suspected of doing so, particularly those moving into and out of its territory;
 - b. goods either in transport or in storage identified by the requesting authority as giving rise to suspected illicit traffic toward its territory;and
 - c. means of transport suspected of being used in offences within the territory of the requesting Party.
7. Upon request or on their own initiative, the Parties shall furnish to each other information regarding activities that may result in trans-border crimes. In situations that could involve

substantial damage to the economy, public health, public security, or similar vital interest of another Party, a Party wherever possible, shall supply such information without being requested to do so.

8. In conformity with national law, the Parties shall provide assistance through the use of provisional measures and in proceedings involving property and proceeds, and/or instrumentalities of trans-border crime, subject to these provisional measures.
9. The Parties may, subject to their national law:
 - a. dispose of property, proceeds, and instrumentalities forfeited as a result of assistance provided under this Agreement in control of the property, proceeds, and instrumentalities;
 - b. transfer forfeited property, proceeds, or instrumentalities, or the proceeds of their sale, to the other Party upon such terms as may be agreed.

Article 4

Confidentiality of Information and protection of personal data

1. Information obtained under this Agreement shall be afforded the same degree of confidentiality by the requesting authority that applies to similar information in its custody.
2. Without prejudice to the provisions of the Convention for Protection of Individuals with Regard To Automatic Processing of Personal Data (Council of Europe, ETS No. 108 Strasbourg 28 Jan. 1981) personal data received under this Agreement will have protection at least equivalent to that afforded by the supplying Party.
3. Information obtained under this Agreement shall be used solely for the purposes of this Agreement. Where requesting authority asks for the use of such information for other purposes, including its dissemination to another state, it shall obtain the prior written consent of the requested authority, which furnished the information. Such use shall then be subject to any conditions established by that authority.
4. Unless the requested Party indicates otherwise, Paragraph 3 shall not impede the use of information in any judicial or administrative proceedings subsequently instituted for commission a trans-border crime. The Parties may, in their records of evidence, reports and testimonies and in proceedings and charges brought before the courts, use as evidence information obtained and documents consulted in accordance with the provisions of this Agreement. The competent authority, which supplied that information, shall be notified before such use.

Article 5

Liability and legal protection for unauthorised or incorrect data processing

1. Each Party shall be liable, in accordance with its national law, for any damage caused to an individual as a result of legal or factual errors in data transmitted at SECI Center.
2. Only the Party in which the event which gave rise to the damage occurred may be the subject of an action for compensation on the part of the injured party, who shall apply to

the courts having jurisdiction under the national law of the SECI state involved.

3. A Party may not plead that another Party had transmitted inaccurate data in order to avoid its liability under its national legislation vis-a-vis an injured party. If these legal or factual errors occurred as a result of data erroneously communicated or of failure to comply with the obligations laid down in this Agreement on the part of one or more Parties or as a result of unauthorised or incorrect transmitted, the other Party in question shall be bound to repay, on request, the amounts paid as compensation unless the data were used by the party in the territory of which the damage was caused in breach of this Agreement.

Article 6

Files and Documents

1. Upon request, the requested authority shall provide properly authenticated copies of files, documents and other materials, relating to trans-border crimes.
2. Unless the requesting authority specifically requests originals or copies, the requested authority may transmit computer-based information in any form. The requested authority, at the same time, shall supply all information relevant for interpreting or utilising computer-based information.
3. If the requested authority agrees, officials designated by the requesting authority may examine, in the offices of the requested authority, information relevant to a trans-border crime, and make copies there of or extract information therefrom.

Article 7

Witnesses and experts

1. An official of a requested authority may be authorised to appear, within the limitation of the authorisation granted, as expert or witness in administrative or judicial proceedings in the requesting Party regarding the matters covered by the present Agreement, and provide files, documents, or other materials or copies thereof. The request for an appearance shall indicate specifically on what matter and by virtue of what title or qualification the official will appear as witness or as expert.
2. The requesting Party is duty bound to take all necessary measures for the protection of the personal security of the officials during their stay in the territory of its state, under Paragraph 1 of this article. The transport and daily expenses of these officials shall be borne by the requesting Party.

Article 8

Communication of Requests

1. Requests pursuant to this Agreement shall be made in writing directly by the designated authorities in English or in such other language acceptable to the requested authorities. Information deemed useful for the execution of requests shall accompany the request. In

urgent situations, oral requests may be made and accepted, but shall be confirmed in writing within 48 hours. Each Party shall designate a national single point of first contact to transmit and receive requests, and disseminate its contact details via the Centre Secretariat.

2. Requests shall include:
 - a. The name of the designated authorities and of the persons therein making the request;
 - b. the nature of the matter or proceedings, including the laws, rules and other legal provisions involved
 - c. a brief statement of the facts and trans-border crimes involved;
 - d. the nature of the assistance sought;
 - e. the reason for the request, and the use to which the information will be put;
 - f. the names and addresses of the persons concerned in the matter written in accordance with their international identifying documents, if known.

Article 9

Execution of Requests

1. The requested authority shall take all reasonable measures to execute a request and shall endeavour to secure any measure necessary for that purpose.
2. If the requested authority can not itself execute the request, it shall take steps to obtain its execution as it were acting on its own behalf and in compliance with its national law, and so advise the requesting authority.
3. The requested authority shall conduct or, if feasible and in accordance with national law, permit the requesting authority to conduct such inspections, verifications, fact-finding inquiries, or other investigative steps, including the questioning of experts, witnesses, and persons suspected of having committed a trans-border crime, as are necessary to execute a request.
4. In order to facilitate concerted action, and upon request, the requesting authority shall be advised in advance of the time and place of any action to be taken in execution of a request.
5. Upon request, the requested authority shall authorise, if feasible and in accordance with its national law, to the fullest extent possible, officials of the requesting authority to be present in the territory of the requested authority to assist in execution of a request.
6. The requested authority shall comply with a request that a certain procedure be followed to the extent that the national law of the requested Party does not prohibit such procedure.

Article 10

Exemptions

1. Where a requested authority determines that granting assistance would infringe upon sovereignty, security, public policy or other substantive national interest, or would be

inconsistent with national law and regulations, it may refuse or withhold assistance, or may grant it subject to the satisfaction of certain conditions or requirements.

2. If the requesting authority would be unable to comply if the requested authority made a similar request, it shall draw attention to the fact in its request. Compliance with such a request shall be at the discretion of the requested authority.
3. The requested authority may postpone assistance on the grounds that it will interfere with an ongoing investigation, prosecution, or proceeding. In such instance, the requested authority shall consult with the requesting authority to determine if assistance can be given subject to such terms or conditions as the requested authority may require.
4. In the event that a request cannot be complied with, the requesting authority shall be promptly notified and provided with a statement of the reasons for postponement or denial of the request. Circumstances that might be of importance for the further pursuit of the case shall also be provided to the requesting authority.

Article 11

Costs

1. The Parties shall normally waive all claims for reimbursement of costs incurred in the implementation of this Agreement with the exception of expenses for witnesses, fees of experts, and the cost of translators and interpreters other than government employees.
2. If expenses of a substantial and extraordinary nature are or will be required to execute the request, the authorities shall consult to determine the terms and conditions under which the request will be executed as well as the manner in which the cost shall be borne.

Article 12

Implementation of the Agreement

- 1) A Joint Cooperation Committee is hereby established in Bucharest, consisting of representatives of the designated authorities of the Parties, with each Party having one vote in the Committee. A representative of ICPO-Interpol and World Customs Organization shall serve as a permanent adviser to the Joint Cooperation Committee. The Joint Cooperation Committee shall meet at least once a year at place and on a date with an agenda fixed by mutual consent.
- 3)
 1. The Joint Cooperation Committee shall, inter alia:
 - (a) ensure the proper functioning of this Agreement;
 - (b) examine all issues arising from its application;
 - (c) take measures necessary for cooperation in accordance with the scope of this Agreement;
 - (d) exchange views on any points of common interest regarding cooperation, including future measures and the resources for them;
 - (e) recommend solutions aimed at attaining its objectives.

2. The Joint Cooperation Committee which is the highest institutional body of the SECI Center shall adopt its rules of procedure by consensus.
3. The Joint Cooperation Committee shall consult with other relevant international agencies, such as the United Nations Economic Commission for Europe (UNECE), the United Nations Office for Drug Control and Crime Prevention (UNODCCP), WCO, Interpol and Europol on the effective functioning of the Agreement and of the SECI Centre.

Article 13

Southeast European Cooperative Initiative Regional Center for Combating Trans-border Crime (SECI Centre)

- 1) The SECI Center will be established in Bucharest, Romania.
- 2) The SECI Center will operate in accordance with a Charter of Organisation and Operation of the SECI Center for Combating Trans-border Crime to be adopted by the Parties as soon as possible and annexed to and incorporated in this Agreement.
- 3) The activity of the SECI Center will be coordinated by the Joint Cooperation Committee.

Article 14

Application

This Agreement shall be applicable to the state territory of each Party.

Article 15

Settlement of Disputes

In case of a dispute between two or more Parties or between a Contracting Party and the Center concerning the interpretation or application of this Agreement, the Parties concerned shall consult and, if necessary, they shall submit the dispute to the Joint Cooperation Committee for consideration and appropriate action.

Article 16

Entry into Force and Termination

This Agreement shall enter into force on the first day of the month following the date on which three Parties notify the depository of the completion of their national procedures required for the entry into force of the Agreement.

For each state participating in SECI, acceding to this Agreement after its entry into force, this Agreement shall enter into force on the first day of the month following the date on which that state notifies the depository of its instrument of ratification, acceptance, approval or accession.

For any state, other than a state participating in SECI, the decision to allow accession to this Agreement after its entry into force can be taken only by consensus of the SECI participating states. For those states, this Agreement shall enter into force on the first day of the month following the date on which that state notifies the depository of its instrument of ratification, acceptance, approval or accession.

The Government of Romania shall act as depository of this Agreement. The depository shall inform the Parties of the notification referred to in paragraphs 1 and 2 as well as the date of entry into force of the Agreement.

A Party may withdraw from this Agreement at any time by notification to the depository which shall transmit a certified copy to each party. Withdrawal shall take effect three months from the date of notification. Ongoing proceedings at the time of withdrawal shall nonetheless be completed in accordance with the provisions of this Agreement.

Article 17 Amendments

Amendments to this Agreement may be proposed by any Party. Any proposed amendment shall be sent to the depository who shall communicate it to the parties.

Parties shall notify the depository as soon as possible of their acceptance of proposed amendments to this Agreement.

Amendments adopted in accordance with paragraph 2 by consensus shall enter into force in accordance with article 16.

If an objection to the recommended amendment is notified to the depository, the amendment shall be deemed not to have been accepted and shall be of no effect.

The original of this Agreement in a single copy in the English language shall be deposited with the Government of Romania, as depository, which shall transmit a certified copy to each party.

IN WITNESS WHEREOF, the undersigned, being duly authorised by their respective Governments, have signed this Agreement.

Done at Bucharest, Romania

on May 26, 1999

Ambassador Extraordinary and Plenipotentiary
to Bucharest

.....
H.E. Mr. Marko BELLO

Deputy Minister – Ministry of Civil Affairs
and Communications

.....
Recica NUDZEIM

Chief Secretary - Ministry of Interior

.....
Mr. Bojhidar Dimitrov POPOV

Secretary General – Ministry of Justice

.....
Mr. Georgios ANDREOPOULOS

Deputy State Secretary – Ministry of Foreign Affairs

Mr. Rudolf JOO

Undersecretary – Ministry of Interior

.....
Mr. Ulber LJUFI

Minister of Interior

.....
H.E. Mr. Victor CATANA

Undersecretary – Undersecretariat for Customs

.....
Mr. Ramazan ULUDAG

Minister of Interior

.....
H.E.Mr. Constantin Dudu IONESCU

Director General – Customs Directorate

.....
Mr. Josip KNEZIĆ

5.4. Charter of Organisation and Operation of the Southeast European Cooperative Initiative – SECI–Regional Center (SECI Center) for the Combating of Trans-border Crime

1. CENTER OBJECTIVES

- 1.1 Development of effective joint interagency working relationships at the SECI Center and between and within participating states.
- 1.2 The parties, through their liaison officers, will cooperatively seek to identify, prevent, investigate and combat trans-border crime through information and document exchange and other appropriate activities as provided for in the Agreement.
- 1.3 Assistance to pending customs and criminal investigations of trans-border crime.
- 1.4 Identification, study and proposals on issues which have a bearing on the quality of law enforcement cooperation in the region.
- 1.5 Coordination of liaison with ICPO-Interpol and the World Customs Organisation to minimize duplication of effort and maximize the impact of the various programs existing and being developed.

2. CENTER PARTICIPANT ACTIVITY

- 2.1 SECI Center activity shall be in accordance with the terms of the SECI “Agreement on Cooperation to Prevent and Combat Trans-border Crime”.
- 2.2 The SECI Center shall use the ICPO-Interpol and World Customs Organisation standard procedures and technical system for the transmission, storage, search, retrieval and analysis of agreed categories of information related to trans-border crime as agreed by the Joint Cooperation Committee.
- 2.3 The SECI Center will organize ad-hoc working meetings, and as appropriate and consistent with the national law, will support operational activities within participating states, at their request.
- 2.4 In order to appoint or to withdraw liaison officers to the SECI Center, the parties will in writing notify the Director of the SECI Center, who will then notify the Joint Cooperation Committee.

3. PERMANENT OBSERVERS

- 3.1 Status of a Permanent Observer shall be approved by the Joint Cooperation Committee.

4. STATUS OF THE CENTER

4.1 The SECI Center shall be the subject of an agreement between SECI Joint Cooperation Committee and the host country. This agreement shall address the privileges and immunities of personnel and premises, as well as the services and security and other arrangements to be provided by the host country.

5. ORGANIZATION AND OPERATION OF THE CENTER

5.1 Personnel and structure

5.1.1 A director from a party to the Agreement shall be elected by a two-thirds majority of the Joint Cooperation Committee to serve for a two year term of office and will be responsible for the management and organization of all personnel at the SECI Center. That Director may be re-elected to a second two year term by a two-thirds vote and by consensus for a third two year term. The Director may be terminated, for cause, by a two thirds vote of the Joint Cooperation Committee.

5.1.2 The Joint Cooperation Committee, in coordination with the Director shall define the Strategic Plan (vision, mission, and performance standards) for the SECI Center.

5.1.3 Liaison officers (customs, police and border enforcement attachés) may be seconded to the SECI Center by participating countries.

5.1.4 The building and maintenance for the SECI Center shall be provided by the host country. The supporting staff (technical and administrative) shall be provided by the host country, and as appropriate, by a member state.

5.2 Funding

5.2.1 Responsibility for the funding of the SECI Center's budget shall be established by the Joint Cooperation Committee.

5.2.2 A system of funding, budget planning and supervision of expenses shall be developed and approved by the Joint Cooperation Committee.

5.2.3 The salary of the SECI Center's director will be funded through the budget of the SECI Center, its limits being determined by the Joint Cooperation Committee. The salary of liaison officers will be paid by the sending state.

5.5. General Guidelines with Task Forces

I. General Principles

Consistent with the Southeast European Cooperative Initiative (SECI) for Combating Transborder Crime, the SECI Regional Center located in Bucharest, Romania, will play an integral role in supporting and coordinating the activities of SECI Regional Task Forces. The SECI Regional Center is responsible for contributing to the fight against crime by supporting law enforcement agencies¹⁵ of the SECI member States.

II. Definition of Task Forces

Task Forces are a working method for specialized support in different areas in order to fulfill the mission of the SECI Center.

The Task Forces are specialized joint teams consisting of representatives of the SECI Agreement States, law enforcement agencies coordinating their efforts against specific organized crime activities.

III. General Mission of the Task Forces

The SECI Task Forces general mission is to provide an effective and efficient law enforcement response to transborder and other criminal activities in the Southeast European region. The ultimate goal of the Task Forces, working in cooperation with the relevant national authorities and international organizations, is to identify and significantly reduce organized crime activities in the region.

IV. Establishment and Development of Task Forces

Member States of the SECI Agreement have the right to propose and the Joint Cooperation Committee to approve the establishment of a SECI Task Force.

They may carry the SECI designation only if a majority of the SECI participating states is engaged in the work of the task force.

- SECI Task Force proposal should contain the following information:
- Clear and concise goals consistent with the SECI Agreement.
- Name, position, address, and telephone number of the individual in the Member State making the request to establish a new task force, and the point of contact (individual) responsible for coordinating the establishment of the task force.
- The first task force meeting should be held within six months after the Joint Cooperation Committee has approved the proposal and have the following agenda:

¹⁵ That includes customs authorities

- Identify the coordinator/manager of the Task Force
- Identify the permanent members, including the member States and law enforcement agencies involved in the Task Force.
- Draft a strategic plan based on the initial proposal and an action plan, including the commencement date.
- Establish the date and agenda of the next task force meeting

V. Responsibilities

The SECI Regional Center will give appropriate support to the task forces:

- The Director of the Operational Support Department (OSD) is responsible for supporting and coordinating the exchange of information among the different task forces, national single points of first contact, observers, international organizations, and the SECI Regional Center.
- The OSD represents the SECI Regional Center at the task force meetings in support of general SECI success.
- The OSD is responsible for coordinating both the strategic plan and the action plan of the task forces in concept with the SECI Agreement.
- If the meetings are held at the SECI Center the OSD is responsible for recording the minutes of the task force meetings and forwarding to the participants.
- SECI Regional Center will assign an appropriate liaison officer based on the approval of the seconded authorities who will support, assist, and coordinate the exchange of information between the SECI Regional Center and the individual Task Forces.
- Individual Liaison officers in the SECI Regional Center will be designated as program managers of specific fields, i.e., narcotics, slavery, fraud, auto theft, etc.
- If a task force meeting is held at the SECI Regional Center, the meeting will be coordinated with the appropriate Liaison Officer, for example, the Liaison Officer supporting that particular task force or the program manager of that specific field.

The country (member State) that proposes the establishment of a task force will provide a task force coordinator. It is recommended that the coordinator will:

- Chair and coordinate the first task force meeting.
- Present a briefing regarding the justification and goals of the task force.
- Schedule and convene task force meetings in close cooperation with the SECI Regional Center, Director of OSD.
- Record the minutes of task force meetings and forward to the participants if the meeting is not held in the SECI Center.
- Arrange and receive proposals regarding task force activities.
- Maintain connectivity between the SECI Regional Center and members of the task force through their National Single Point of First Contact.
- Prepare and submit reports on a semi-annual basis to the Director of OSD who will inform the Committee accordingly.

Participating States are expected to nominate one or more permanent law enforcement agents to the task force:

- The agent should be a representative of a law enforcement agency participating in the task force.
- He or she should have the right to take part in all activities, debates, and decisions.
- He or she should have the right to maintain a direct connection with the other members of the task force; but at the same time, he or she should inform the National Single Points of First Contact.

The advisors and the permanent observers, as members of a task force, should be granted the rights listed in the Rules of Organization and Operation of the SECI Center.

International institutions, organisations a/o may participate in the activities of the task force according to the Rules of Organisation and Operation of the SECI Center. This participation should be seen as a “two ways process” that will allow the Regional Center to be part/to be informed by similar activities of these institutions.

VI. Task Force Budget

All members will pay their own costs, including travel, accommodations, board, and allowance.

Common costs paid from the SECI budget will be:

- Publications produced by the SECI Regional Center
- Conferences held at the SECI Regional Center
- Research and Analysis conducted by the SECI Regional Center

The organisation of the Task Forces and their priorities will take into account the chance to develop financed oriented projects.

Appendix to General Guidelines with Task Forces

Explanatory Note for the modification of the General Guidelines with Task Forces

General Guidelines with Task Forces were reviewed and compared with the existing practice of the Task Forces.

Since the General Guidelines were approved by the JCC its directions were implemented for the task forces. Up to now there were no contradictions between the regulations and the practice. Experience showed us that there is no need for a comprehensive modification of the regulations of this document. The only discrepancy lies in the time of organization of the first task force meeting, according to the JCC approval. Seven task forces were established in the last two years but in most of the cases the first task force meeting was organized in a longer time frame than stipulated in the text of the Guidelines (two months).

In accordance with this fact, the only modification should be done in this respect and the preparatory phase of the task force should be extended to six months, as follows:

“The first task force meeting should be held within six months after the Joint Cooperation Committee has approved the proposal and have the following agenda:

- Identify the coordinator/manager of the Task Force
- Identify the permanent members, including the member States and law enforcement agencies involved in the Task Force.
- Draft a strategic plan based on the initial proposal and an action plan, including the commencement date.
- Establish the date and agenda of the next task force meeting.”

Yalcin Cakici
Director

5.6. General Standards and Procedures for the Processing of Information

Chapter I – General disposals

Art.1 – Objective

- 1.1 The General Standards and Procedures for the Processing of Information called hereinafter the “General Rules” shall regulate the order and conditions of exchange of information between the participants as defined in article 3 below, in the framework of the SECI Center, applying the provisions of the Agreement for Cooperation to Prevent and Combat Transborder Crime (SECI Agreement).
- 1.2 The General Rules are based on the regulations of the SECI Center, being in accordance with the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Council of Europe ETS no. 108, Strasbourg 28 Jan. 1981) and other related international regulations, considering as well as national regulations of the Parties.

Art. 2 – Terms and definitions

The following terms: “law enforcement authorities”, “requested authority”, “requesting authority”, “transborder crime”, “information”, “person”, and “personal data”, will be understood as they are defined in the SECI Agreement (Art.1).

For the purposes of this document, the definitions for the other terms shall be:

- 2.1. *“National Focal Points”* are the Single National Points of First Contact as stated in article 8 of the SECI Agreement;
- 2.2. *“Supplying participant”* is the participant from the categories in article 3 of this document who supplies information either on request [requested authority] or on its own initiative;
- 2.3. *“Receiving participant”* is the participant from the categories in article 3 of this document who receives information either on request [requesting authority] or on its own initiative;
- 2.4. *“Analysis”* means the process of breaking down into pieces and study each piece of information;
- 2.5. *“Special categories of data”* shall mean personal data revealing racial or ethnical origin, political opinions, participation in an association and sindicalistic organization or religious or other beliefs, as well as personal data concerning health or sexual life. The same shall apply to personal data relating to criminal convictions;
- 2.6. *“Processing of personal data”* includes the following operations if carried out in whole or in part whether or not by automatic means: storage of data, carrying out of logical and/or arithmetical operations on those data, their alteration, erasure, retrieval or dissemination.

Art. 3 – Participants

The exchange of data and information is carried out in accordance with the present General Rules, between:

- a. the Liaison Officers of the Parties (police and customs);
- b. National Focal Points;
- c. the Permanent Advisors (ICPO-INTERPOL and WCO);
- d. the Permanent Observers;
- e. other governmental entities which have concluded relevant agreements with the SECI Center;
- f. non-governmental entities, with the exception of the information defined in art. 2.5;
- g. Task Forces members.

Chapter II – Procedures of exchanging information

Art. 4 – Fields

- 4.1. The exchange of information shall have as an object the transborder crime within the limits of the competence of the relevant authorities.
- 4.2. The information shall consider, among others:
 - a) methods and techniques of processing passengers and cargo;
 - b) the successful application of enforcement aids and techniques;
 - c) enforcement actions that might be useful;
 - d) new methods used in committing offences;
 - e) persons known to the requesting authority to have committed a transborder crime or suspected of doing so, particularly those moving into and out of its territory;
 - f) goods either in transport or in storage identified by the requesting authority as giving rise to suspected illicit traffic toward its territory;
 - g) means of transport suspected of being used in offences within the territory of the requesting Party.

Art. 5 – The request for assistance

- 5.1. The exchange of information will be carried out according to the provisions of Article 8 from the SECI Agreement, on the basis of a request for assistance.
- 5.2. The request for assistance will be addressed in writing, in English or any other language agreed by the requesting/requested authorities.
- 5.3. The request for assistance will contain the information stipulated by Article 8, paragraph 2 from the SECI Agreement at the request of requested/requesting authority. These requests can be filled in with additional information.
- 5.4. In top urgent cases, the requests for assistance may be communicated orally and shall be confirmed in written within 48 hours.
- 5.5. For each request of assistance, a standard form will be filled in (Annex 1).

Art. 6 – The transmitting and receiving of the requests for assistance

- 6.1. The requests for assistance shall be transmitted/received by the Liaison Officers and recorded in a register. The evidence will be kept in a standard register (Annex 2), as well as in IT secured system;

- 6.2. The transmission of the requests for assistance shall be executed within no more than 48 hours.

Art. 7 – Responding to requests for assistance

- 7.1 The designated national authorities shall respond to requests for assistance within 30 days in ordinary cases, within 15 days in urgent cases and within 5 days in top urgent cases. In the conditions in which these terms are over passed, the requested authorities will be obliged to inform in writing about the stage of the inquiries and the reasons of the delay;
- 7.2 The Liaison Officers will play an active role in responding to requests by following the course of the investigations and requesting additional verification, if necessary. The additional data requested or provided are registered at the initial number of the request.

Art. 8 – The refuse of providing assistance

The requests for assistance may be, in exceptional cases, refused according to the provisions of article 10 from the SECI Agreement,. The requested authority shall promptly notify the requesting authority with a statement of the reasons the information could not be provided.

Art. 9 – Transmission of information

- 9.1 Upon their own initiative, the participants may furnish to each other information regarding activities that may result in fighting against transborder crime. In such case, the supplying participant should specify the purpose of the transmission.
- 9.2 The participants have the obligation to indicate the source of the information supplied, unless an exception is requested and granted.
- 9.3 The supplying participant must ensure that information communicated is correct, up to date, relevant and in compliance with articles 1.1 and 4.1 of the present rules.
- 9.4. Special categories of data shall only be transmitted, whenever it is necessary, in addition to other data supplied.
- 9.5. The supplying participant shall indicate any restriction on use of and access to the information, and precise any condition of deletion.
- 9.6. No personal data shall be transmitted where an adequate level of data protection is not guaranteed by the receiving participant.
- 9.7. When transmitting an information, the supplying participant shall indicate the level of confidentiality.
- 9.8. The exchanged information, either upon request for assistance or upon the own initiative, shall be used only for the purposes mentioned in the SECI Agreement article 4.3.

Art. 10 – Input of an information in a database

- 10.1 Before registering an information received in a database, the receiving participant must determine if it is relevant, in compliance with art. 1.1 and art. 4.1 of the present rules, and if it does not contravene to any rule that applies to the receiving participant.
- 10.2 The receiving participant is only the depository of the information received. When the receiving participant registers the information in its database, it must respect its content. The receiving participant cannot modify or delete on its own initiative, except if the fact to maintain the information would constitute a break of the rules that apply to the receiving participant. The receiving participant shall inform the supplying participant about the modification or deletion of concrete information.
- 10.3 The receiving participant who registers information in its database shall indicate the source(s) of the information and the restrictions on access to it.

Art. 11 – Onward transmission (Retransmission)

- 11.1 Onward transmission of information to an entity who is not a participant is only possible with the written consent of the originating entity.
- 11.2 The participant who onward transmits information shall indicate its source, any restrictions, its level of confidentiality and must accurately communicate the consent received for the retransmission.

Art. 12 – The attributions of the SECI Center management

- 12.1 The head of the operations support department will mediate the disputes between the liaison officers regarding the transmission, receiving or responding to requests for assistance. In case of failure in reaching an agreement, the director of the SECI Center will mediate the case.
- 12.2 The head of the operations support department will coordinate, with the previous agreement of the participants, the activities of information exchange, in concrete cases, which involve cooperation between at least 3 parties.
- 12.3 The Director of the SECI Center and the Head of the Operations Support Department will monitor and inform the Joint Cooperation Committee of the SECI Center on the malfunctioning of the information exchange process and will take the appropriate measures, according to their competencies.
- 12.4 In order to develop statistical analysis, the SECI Center management may request information from the participants as referred to in article 3.
- 12.5 The Head of the Operations Support Department will develop reports every 3 months based on the records of statistical data provided by the participants, such as:
 - Number of request received by the SECI Center;
 - Number of coordinated activities producing positive results;

- Number of states using the SECI Center;
- Number of law enforcement agencies using the SECI Center;
- Types of transborder criminal activity reported to the Center.

12.6 The SECI Center management may ask the participants for information on national legislation, regulations and enforcement techniques.

Art. 13 – Obligations

13.1 The supplying participant is responsible for the choice of the appropriate level of confidentiality for information transmitted.

13.2 The receiving participant shall ensure that the information received from the supplying participant shall receive a level of protection, which is at least equivalent to the level of protection afforded by the supplying participant. In order to ensure the implementation of this principle the participants shall establish a table of equivalence between their respective confidentiality and security standards.

13.3 The information obtained shall be provided by the requesting authority with a level of confidentiality at least as granted by the requested authority. The personal data received will be protected at a similar level with that provided for by the national law of the requested authority, without breaking the provisions of the Convention for Protection of Individuals with regard to Automatic Processing of Personal Data (Council of Europe ETS no. 108, Strasbourg 28 Jan. 1981).

13.4 The information obtained cannot be communicated to a third Party without the written consent of the requested authority.

13.5 The information obtained can be used in judicial or administrative proceedings in accordance with the SECI Agreement article 4.4.

13.6 The Head of the Operations Support Department will be responsible for:
ensuring the protection of the SECI Center data;
organising, facilitating, coordinating and ensuring of the effective exchange of information.

13.7 Each participant will take appropriate measures for the security of data and information according to their competencies.

Art. 14 - Final provisions

These General Rules may be modified or completed by the Joint Cooperation Committee with the consent of the member states according to the necessities that will appear in the effective process of information exchange.

The SECI Center Director will include in the Annual Report a dedicated chapter to the exchange of information, which will analyze the implementation of the General Rules.

14.3 The Committee will set-up a Supervisory Body with minimum 3 appointed experts of the Parties and 2 appointed experts from the Permanent Advisors with relevant

experience in data protection, which will supervise the implementation of the data protection.

- 14.4 Concerning the database of the SECI Center, Rules on Control, Access and Deletion in accordance with this document shall be stipulated in an additional regulation.
- 14.5 The procedures of confidentiality and security shall be defined in a Security Manual which specifies, among others, the different levels of confidentiality, conditions of access, conditions of processing and technical security measures.

5.7. Rules of Organisation and Operation of the SECI Center

Chapter I - General Principles

Article 1

The SECI Center is organised and operates as an international organisation, in accordance with the Agreement on Cooperation to Prevent and Combat Transborder Crime, hereinafter referred to as "the SECI Agreement". The organisational chart is presented in Annex 1.

Article 2

The SECI Center structure is:

1. The Joint Cooperation Committee, hereinafter referred to as "the Committee";
2. The Operations Support Department;
3. The Legal and Internal Department;
4. The Secretariat.

Article 3

The Joint Cooperation Committee is the highest institutional body of the SECI Center.

Article 4

Role of the SECI Coordinator

1. The SECI Coordinator will support the activities of the SECI Regional Center for Combating Transborder Crime to the fullest appropriate extent possible and in accordance with the SECI Agreement. In so doing, he may present the SECI Center's activities in respective for and lobby for the Center at the highest levels of government and supranational organizations. The SECI Coordinator may also engage in securing sustained political and financial support, as appropriate, from governments, international organizations and other appropriate supporters of SECI Center's regional activities.

2. The SECI Center's management and the SECI Coordinator shall periodically inform each other on their general activities. The SECI Center will be invited to attend the SECI Agenda Committee Meetings and other SECI related meetings as appropriate. The Chairman of the SECI Center's Joint Cooperation Committee (JCC) shall periodically inform the SECI Agenda Committee on decisions taken by the JCC. The SECI Coordinator and/or his designated representative shall attend the meetings of the Joint Cooperation Committee.

3. Taking into account that the SECI Center is one of several on-going SECI projects and in order to promote a comprehensive view of the Initiative as a whole, links shall be established between the SECI Center and other SECI projects. Working relationships arising from the establishment of these links shall be developed and supported by the SECI Coordinator's Office in close cooperation with the SECI Center's management.

4. Further to item number 3, and in accordance with the overall goals of the SECI Initiative, the SECI Center shall contribute to regional economic development and stability through its activities in combating trans-border crime. These contributions will be made in close cooperation with the Office of the SECI Coordinator and channelled to other SECI bodies as appropriate including

SECIPRO, the SECI Business Advisory Council, the Business Support Offices (BSOs), and the Business Information and Clearing Center (BICC).

5. The SEC] Coordinator may assist the SECI Center in establishing links between the Center and other relevant international organizations and initiatives.

Chapter II - Functions of the SECI Center's Departments

Article 5

The Operations Support Department shall:

1. Carry out the task of regional coordination of law enforcement activities to prevent, detect, investigate and combat transborder crime, as provided in the SECI Agreement, and in accordance with international law and the national laws of the Parties to the SECI Agreement;
2. Support and coordinate the activities of the Liaison Officers;
3. Ensure the protection of the SECI Center's data;
4. Organise, facilitate, coordinate and ensure the protection of the effective exchange of information;
5. Facilitate the implementation of special joint cooperation activities with third party states and international organisations;
6. Facilitate the implementation of special joint cooperation activities, such as controlled deliveries;
7. Facilitate communication with World Customs Organisation (WCO), the International Criminal Police Organisation (INTERPOL) in order to develop intelligence data on specific cases;
8. Correct or delete inaccurate data held by the SECI Center that has been transmitted by Parties, by Permanent Observers, third party states, or by international organisations;
9. Implement the SECI Center annual Action Plan;
10. Arrange the preparation of monthly reports by the Liaison Officers;
11. Prepare the draft of an annual activity report for submission by the Director to the Committee;
12. Compile strategic analysis on transborder crime phenomena and carry out planning for the various activities of the SECI Center;
13. Perform other appropriate tasks assigned by the Committee.
14. Perform other appropriate tasks assigned by the Director or the Deputy Director in charge of the Department.

Article 6

The Legal and Internal Department shall:

1. Advise on the proper implementation of the SECI Agreement;
2. Advise on the proper implementation of provisions of international law;
3. Implement and monitor all applicable regulations and measures regarding confidentiality of information and data protection;
4. Advise on the preparation and conclusion of international agreements to which the SECI Center shall be a party;
5. Advise on the preparation and conclusion of contracts to which the SECI Center shall be a party;
6. Arrange for research on the laws regarding criminal procedure in the parties to the SECI Agreement;
7. Take all necessary measures in order to assure the best collaboration of the SECI Center with the competent legal authorities of the Parties and the states of the Permanent Observers.
8. Manage and implement the annual budget of the SECI Center;
9. Ensure timely collection of the financial participation from the Parties and Permanent Observers in due time;

10. Supervise all expenditures incurred by the SECI Center;
11. Establish a reporting schedule on and control of the SECI Center budget (including assets and liabilities);
12. Arrange purchases for the SECI Center in timely fashion and in accordance with the approved budget);
13. Make the necessary arrangements for keeping records on the payments/ revenues and salaries, as well as
14. Inventories on equipment, furniture and other SECI Center assets;
15. Ensure the necessary and travel activities for the SECI Center;
16. Ensure the overall facilities services for the SECI Center;
17. Ensure effective human resources management: recruitment, training, disciplinary procedures and ethics;
18. Elaborate the job description for the hired staff of the SECI Center;
19. Prepare the Model Contract;
20. Perform other appropriate tasks assigned by the Director or the Deputy Director.

Article 7

SECI Center Secretariat shall be responsible for:

1. Organizing the logistical support for meetings arranged by the SECI Center;
2. Receiving, registering and transmitting official correspondence; confidential correspondence shall be registered but will remain unopened and delivered to the Director;
3. Receiving notification from the Parties regarding: (a) the designated authorities who will implement the SECI Agreement; and (b) appointed person;
4. Administrating the documents related to the Committee activity and the official correspondence of the SECI Center;
5. Supporting the PR activities of the SECI Center;
6. Assisting the Director in developing the international projects.
7. Perform other appropriate tasks assigned by the Director.

Article 8

The hierarchy of the operational positions, according to the professional categories and levels for the positions are presented in Annex 2. The profiles of the supporting staff are described in Annex 3.

Chapter III - Management of the SECI Center

Article 9

The Committee elects the Director of the SECI Center, the Deputy Director and the Head of the Legal and Internal Department and establishes the rights, obligations, administrative status and the length of their functioning.

The profile of the Director, Deputy Director and Head of the Legal and Internal Department is presented in Annex 4.

Article 10

The Director is the executive head and the legal representative of the SECI Center.

Article 11

The SECI Center Director shall be responsible for:

1. Overall management and organization of the SECI Center;
2. Coordination with representatives of the parties to the SECI Agreement;

3. Implementing the SECI Agreement;
4. Ensuring the implementation of the Rules of Organisation and Operation of the SECI Center;
5. Ensuring the implementation of the Committee's decisions;
6. Defining in coordination with the Committee the Strategic Plan (vision, mission and performance standards) for the SECI Center;
7. Drafting the Annual Action Plan and submitting it to the Committee;
8. Drafting the SECI Center's budget and submitting it to the Committee;
9. Providing with the approval of the Committee, participating states, Permanent Observers, Permanent Advisors and other national and international, public and private institutions and organisations, donors, international programs a/o., the necessary financial support for the SECI Center activities;
10. Assessing the liaison officers and staff performance;
11. Representing the SECI Center with host country, international agencies, organisations, and third parties a/o;
12. Addressing to the designated authority of the Parties annual reports on the performance of the liaison officers;
13. Receiving reports of the Liaison Officers activity;
14. Facilitating the independent financial audit;
15. Informing the designated authority of the Parties about the liaison officer's performance whenever necessary or in special situations by request;
16. Approving the proposal for recruiting and terminating submitted by the Legal/Internal Department;
17. Submitting the annual activity report to the Committee;
18. Implementing and monitoring all appropriate regulations and measures regarding confidentiality of information and protection of data;
19. Proposing the amendments of the Rules of Organisation and Operation of the SECI Center and submitting them to the Committee;
20. Supporting the organisation and attending the Committee meetings;
21. Requesting the meeting of the Committee whenever necessary;
22. Supervising the activity of the Secretariat;
23. Receiving the notifications regarding the designated authorities of the Parties, in accordance with Art. 2.4 of the SECI Charter;
24. Organizing internal meetings of the SECI Center members and supporting staff, at least once a month;
25. Coordinating public relations activity;
26. Accomplish any other appropriate tasks or responsibilities assigned by the Committee.

Article 12

1. The Deputy Director shall assist the SECI Center Director in the management of the SECI Center in accordance with his/her specific responsibilities.
2. The Deputy Director shall coordinate the activities and represent the SECI Center by designation in case of absence or incapacity of the SECI Center Director.
3. If both the Director and the Deputy Director shall be absent or incapacitated the Head of the Legal and Internal Department shall coordinate activities and represent the SECI Center.

Chapter IV - Operational activity of the SECI Center

Article 13

1. The Liaison Officers are the representatives of the authorities designated by the Parties and carry out operative activities within the SECI Center.
2. The profile of the liaison officers is presented in Annex 5.

Article 14

The Liaison Officers shall be responsible for:

1. Representation of the interest of their designated national authorities within the SECI Center;
2. Acting for the prevention and combat of transborder crime in accordance with the SECI Agreement and their national law;
3. Ensuring and facilitating the sharing of information between the national single point of first contact (national focal point) or national law enforcement agencies and SECI Center in particular by providing SECI Center with information from/to the national focal points and from/to the national law enforcement agencies;
4. Providing assistance to the Operations Support Department in order to achieve the tasks of the SECI Center;
5. Participation in achievement SECI Center's aims and objectives in close cooperation with SECI Center members;
6. Providing reports on the activities carried out by them within the SECI Center;
7. Answering to any request for additional information made by members of the SECI Center
8. Obtaining a proper level of confidentiality and data protection in accordance with their national law and provisions of the Convention of Council of Europe ETS No.108;
9. Providing assistance in a form of information necessary to ensure the enforcement of national laws and regulations;
10. Co-operating actively among themselves in exchanging/ sharing information by providing necessary support and assistance;
11. Providing information on his own initiative in situations of vital interest of another Party.

Article 15

1. The Liaison Officers have the right to access all available information, facilities and equipment in accordance with the appropriate provisions specified in the SECI Agreement and all the relevant regulations pertaining to the SECI Center activities.
2. Liaison officers have the right to be informed on activities, which may concern them, and other circumstances, which may be of interest to the Party who seconded them.

Article 16

For the operational purposes, Task Forces shall be used as a working method for specialized support in different areas in order to fulfill the mission of the SECI Center.

Chapter V – Information system

Article 17

The SECI Center shall use the WCO and INTERPOL standard procedures and computerised information systems for the transmission, storage, search, retrieval and analysis of agreed categories of information related to transborder crime.

Article 18

The information system with a restricted and precisely defined content shall be directly:

1. supplied with information by SECI Parties represented by their national single points of first contact and liaison officers in compliance with their national procedures;
2. supplied with information by third Parties, by the SECI Center represented by the Director and Deputy Director;
3. accessible for consultation by SECI Parties represented by their national single points of first contact and liaison officers and by SECI Center represented by Director and Deputy Director.

Article 19

The information system shall allow rapid access to the information available to the Parties to the SECI Agreement and the SECI Center.

Article 20

The information system shall not be linked to other automated processing systems, except for the automated processing systems of the national single points of first contact.

Article 21

The content of the information system, the right of access, the rules of the use and communication of information, the responsibility and the standard of data protection and the data security will be included in a separate regulation.

Chapter VI – National single point of first contact

Article 22

The national single point of first contact shall be the only liaison body between the SECI Center and the national competent authorities.

Article 23

The national single point of first contact shall be responsible for:

1. keeping information and intelligence in a computerised system up to date;
2. responding to SECI Center's requests for information and intelligence and facilitating the provision of properly authenticated copies of files, documents and other materials, relating to transborder crime;
3. supplying to SECI Center on their own initiative with the information, intelligence and any other data necessary for it to carry out its tasks;
4. transmitting information and intelligence in accordance with national law for the national competent authorities;
5. ensuring compliance with the law in every exchange of information and intelligence between themselves and SECI Center.

Article 24

Without prejudice to the exercise of the responsibilities incumbent upon SECI States as set in articles 2 and 10 of the SECI Agreement, a national single point of first contact, shall not be obliged in a particular case, to supply the information, intelligence, authenticated or certified copies of files, documents, records, reports and other materials.

Article 25

The costs incurred by the national single points, for connection and communications with SECI Center shall be born by the SECI States.

Chapter VII – Permanent advisers and observers

Article 26

The Permanent Advisers status is given in accordance with the SECI Agreement, to WCO and INTERPOL, in reference to the respective Memoranda of Understanding.

Article 27

1. The Permanent Observers status is given by the Committee on the basis of an exchange of letters, which will define the terms, and conditions of its secondment.
2. The Permanent Observer shall be responsible for:
 - a. representation of the interests of their designated national authorities within the SECI Center;
 - b. acting for the prevention and combating of transborder crime in accordance with the SECI Agreement and their national law;
 - c. ensuring and facilitating the sharing of information between the seconding government's national law enforcement and customs agencies and the Center management;
 - d. unless otherwise directed, will participate in the achievement of the SECI Center aims and objectives at the meetings, discussions and operational activities;
 - e. providing statistic information on the activities carried out by them within the SECI Center as well as extant operational activities upon request of Director, Deputy Directors;
 - f. facilitating with their national governments requests for information by members of the SECI Center;
 - g. ensuring the provision of the level of security for all information received as well expects similar data protections for information given, in accordance with the national law as well as those provided by the Convention of the Council of Europe, ETS no. 108;
 - h. the provision of information by his own initiative, as well as receive information in situations relevant to the mission of the Center.
3. The permanent Observer, unless otherwise directed by the Director of the Center, will have the right to consult all available information, with the prior written consent including the conditions on information exchange of the requested authority, facilities and equipment in accordance with provisions set forth in the SECI Agreement as well regulations of the SECI Center.

Chapter VIII - Financing the SECI Center

Article 28

1. The budget of the SECI Center will be based on the mechanism established by the Committee in a separate regulation;
2. The Committee can suspend the right to vote of any permanent representative of the Party, who does not discharge its financial obligations within six months after the amount of it's contribution was established;
3. Each Party shall submit its full annual contribution in US dollars/EURO prior to the 31st of March;
4. The expenses of representatives on the Committee and on working groups shall be born by the Parties;
5. The organisation expenses of the Committee and working groups meetings are included in the budget of the SECI Center;
6. Contribution of the Permanent Observers to the budget will be bilaterally negotiated by the SECI Center and approved by the Committee.

Article 29

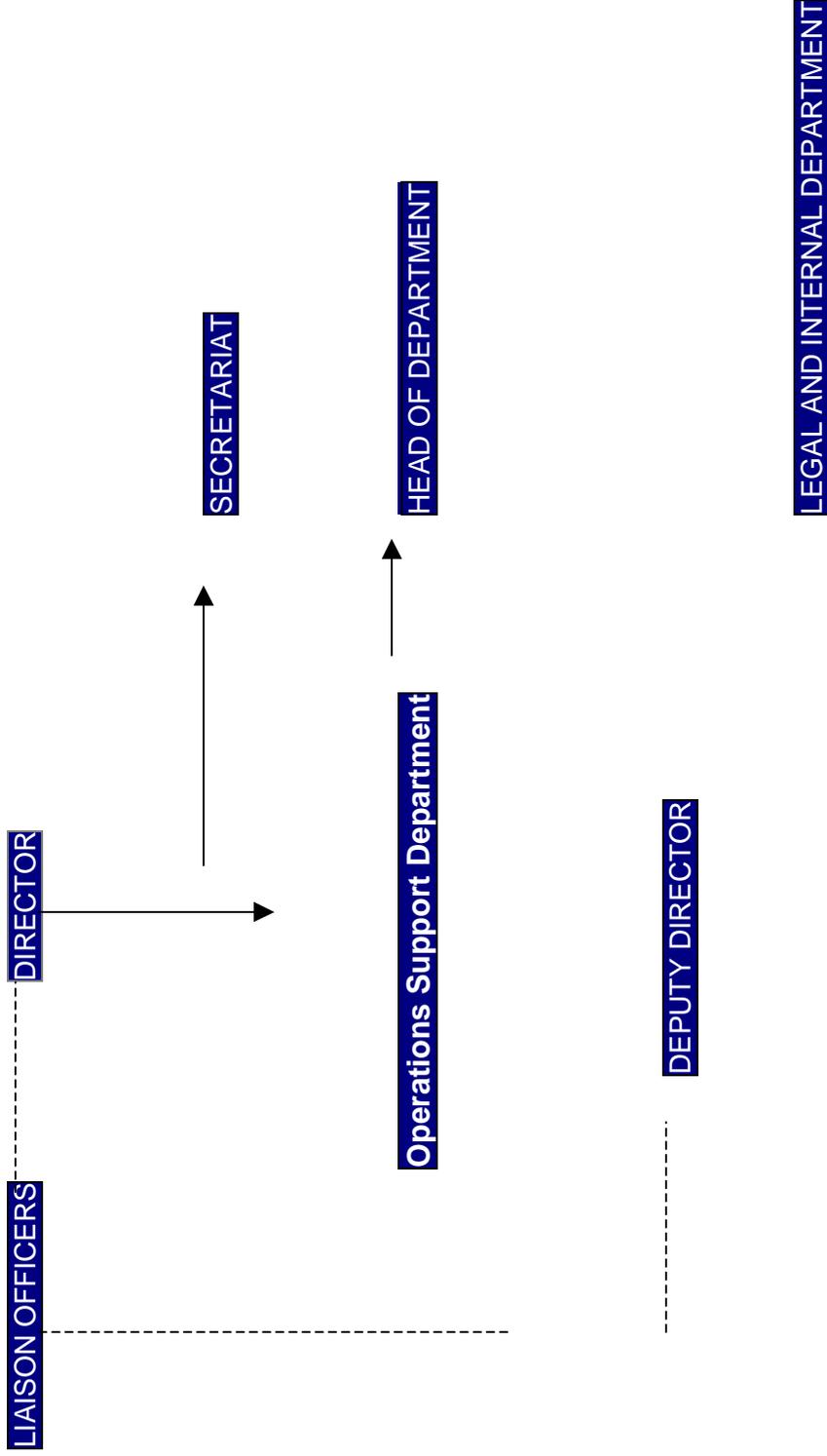
1. The SECI Center shall hold its accounts in the same currency as it has been transferred by the Parties and the Permanent Observers;
2. The SECI Center can transfer deliberately in the purpose of carrying out its activities its funds from the state of a Party in another one and on the territory of the state of a certain Party and to convert all the estimates held by him in any other currency.

Article 30

1. The SECI Center budget is supervised by a financial auditor designated by the Committee;
2. The report on the SECI Center budget shall form part of the annual activity report.

Appendix 1

Organisational Chart of the SECI Center



Appendix 2
SECI Regional Center – positions

	Number of persons
Director	1
Operations Support Department	
Deputy Director	1
IT Expert	1
Criminal Analyst	1
Legal and Internal Department	
Head of Department	1
Administrator	1
Accountant (part time)	1
Driver and Courier	1
Housekeeper (part time)	2
Secretariat	
Executive Secretary	1
Operational Secretary	1
Legal/Internal Secretary and Cashier	1

This list shall be updated in accordance with the enlargement of the activities by approval of the JCC

Liaison Officers 22

Appendix 3

Profiles of the Supporting Staff Appendix 3.1.

Profile of the Executive Secretary

1. University degree;
2. Relevant experience in international project management;
3. High ethics profile;
4. Trustworthy person;
5. Able to work under pressure;
6. Outstanding record of professional competence and high ethics profile;
7. Communication skills;
8. International recognition;
9. PR experience;
10. Fluent English (other languages could be an advantage);
11. Computer user skills;
12. Team working and leadership abilities;
13. Over schedule working abilities.

Appendix 3.2

Profile of the Operational Secretary

1. University degree;
2. Experience in organising international meetings;
3. Experience in administrating documents;
4. High ethics profile;
5. Trustworthy person;
6. Fluent English (other languages could be an advantage);
7. Communication skills;
8. Computer user skills;
9. Team working abilities;
10. Able to work under pressure.

Appendix 3.3

Profile of the Legal/Internal Secretary and Cashier

1. University degree;
2. Experience in organising international meetings;
3. Experience in administrating documents;
4. High ethics profile;
5. Trustworthy person;
6. Fluent English (other languages could be an advantage);
7. Communication skills;
8. Computer user skills;
9. Team working abilities;
10. Able to work under pressure.

Appendix 3.4

Profile of the accountant

1. University degree in economical field;
2. Experience in international organisations book keeping;
3. Trustworthy person;
4. Able to work under pressure;
5. Professional competence and high ethics profile;
6. Fluent English;
7. Computer user skills;
8. Working in team abilities.

Profile of the Administrator

1. High school degree or equivalent qualification;
2. Sufficient experience in the administrative field;
3. High ethics profile;
4. Experience in organising the protocol activities of the international meetings;
5. Fluent English;
6. Working in team abilities;
7. Over schedule working abilities.

Appendix 3.6.

Profile of the IT Expert

1. University degree in automatics, PC operation matters;
2. Sufficient experience in IT and communication matters;
3. Minimum 2 projects completed regarding the communications and IT infrastructure for the wide area network system (WAN);
4. Experience in the PC setting systems in wide areas (Windows NT and UNIX);
5. Experience in voice communication networks;
6. Over schedule working abilities;
7. Under pressure working abilities;
8. Fluent English;
9. Team work abilities;
10. Communication abilities.

Appendix 3.7

1. Minimum 5 years related professional experience.
2. Appropriate educational background.
3. University degree required.
4. Advanced degree requirement may be waived instead of extensive experience.
5. Certified advanced computer skills.
6. Fluency in English language.

Appendix 4

Profile of the SECI Center Director

1. University degree or equivalent qualifications relevant to the SECI Center Mission;
2. Sufficient experience in law enforcement or customs, management and international cooperation at a supervisory level;
3. Experience in the International relations. Diplomatic experience preferred;
4. Outstanding record of professional competence and high ethical profile;
5. International Recognition;
6. Outstanding skills in representing an international organization at an international level;
7. Fluency English (other languages could be an advantage);
8. Computer skills;
9. Recognized competence in working with complex enforcement activities within short time frames;
10. Team building and leadership abilities.

Annex 4/1

***Profile of the Head of the Operational Support Department
(Deputy Director)***

1. University degree or equivalent qualifications, related to the SECI Center Mission;
2. Sufficient experience in law enforcement or customs, management and international cooperation;
3. Experience in the International relations;
4. Outstanding record of professional competence and high ethical profile;
5. International Recognition as Law Enforcement representative;
6. Outstanding skills in the Law enforcement representation of the SECI Center;
7. Fluency English (other languages could be an advantage);
8. Computer skills;
9. Recognized competence in working with complex enforcement activities within short-term time frames;
10. Teambuilding and leadership abilities.

Profile of the Head of the Legal / Internal Department

1. University degree or equivalent qualifications, related to the SECI Center Mission;
2. Sufficient experience in law enforcement or customs, management and international cooperation;
3. Experience in International relations, International law and legal practice;
4. Outstanding record of professional competence and high ethical profile;
5. International Recognition;
6. Outstanding skills in representing the Legal activities of the SECI Center;
7. Fluency English (other languages could be an advantage);
8. Computer skills;
9. Recognized competence in working with complex enforcement activities within short time frames;
10. Team building and leadership abilities.

Annex 5

Profile of the SECI Liaison Officers

1. University degree or equivalent qualification, related to the SECI Center mission;
2. Sufficient experience in law enforcement or customs, in relation to the position for which they are nominated;
3. Relevant experience in international cooperation;
4. High ethics profile;
5. Team working;
6. Communication skills;
7. Fluent English;
8. Computer skills.

5.8. Headquarters Agreement between Romania and the Regional Center of Southeast European Cooperative Initiative for Combating Transborder Crime

Whereas the Agreement on Cooperation to Prevent and Combat Transborder Crime (hereinafter the SECI Agreement), entered into force on 1 February, 2000,

Whereas the seat of the Headquarters of the Regional Center of the Southeast European Cooperative Initiative for Combating Transborder Crime (hereinafter the SECI Center) is established in Bucharest, Romania,

Bearing in mind the importance of ensuring the proper functioning of the SECI Center in Romania,

Reaffirming that the main goal of ROMANIA is to provide the whole range of privileges, immunities and facilities for the SECI Center to fully and efficiently implement its responsibilities and tasks,

In order to define the legal status of the SECI Center Headquarters, members and personnel, and of other persons specified in the present Agreement,

Desiring to establish the privileges and the immunities of the SECI Center Headquarters, members and personnel, and of other persons specified in the present Agreement, the security services and arrangements, as well as other facilities regarding the support of the host country,

The SECI Center and ROMANIA (hereinafter referred to as "the Contracting Parties"),

Have agreed as follows:

ARTICLE 1 DEFINITIONS

For the purpose of the present Agreement:

- (a) "SECI Agreement" means the Agreement on Cooperation to Prevent and Combat Transborder Crime, done at Bucharest, in May 26, 1999;
- (b) "SECI Center" means the Regional Center of the Southeast European Cooperative Initiative for Combating Transborder Crime, located in Bucharest;
- (c) "Contracting Parties" means the SECI Center and ROMANIA;
- (d) "Host country" means ROMANIA;
- (e) "Government" means the Government of ROMANIA;
- (f) "Appropriate authorities of ROMANIA" means such state, municipal or other authorities of ROMANIA as may be appropriate in the context of the relevant provisions of this Agreement and in accordance with the laws and regulations applicable in ROMANIA;
- (g) "The Headquarters" means the area, premises, buildings and facilities thereon used by the SECI Center on a permanent or temporary basis to carry out its official functions;
- (h) "The Party" means a Party to the SECI Agreement;
- (i) "Committee" means the Joint Cooperation Committee referred to in the SECI Agreement;
- (j) "Delegates" means the members of the Committee, representatives of the Permanent Advisors and Permanent Observers, and members of their delegations to any meeting of the SECI Center;
- (k) "SECI Center Members" means the Director, the Deputy Directors, the Liaison Officers, Officers of the Permanent Observers and the SECI Center Staff;

- (l) "SECI Center Staff" means the supporting staff (administrative and technical) employed by the SECI Center to ensure its permanent services;
- (m) "Family Members" means the spouse and the dependents, as well as the other persons maintained by the SECI Center personnel.
- (n) "Experts" means persons performing missions authorised by, serving on subsidiary bodies of, or in any way, at its request, consulting with the SECI Center, provided that they are neither SECI Center Members or Liaison Officers, nor attached to the delegations of the Parties;
- (o) "Meetings convened by the SECI Center" means any meeting of any of the organs or subsidiary organs of the SECI Center, or any international conferences or other gatherings convened by the SECI Center or under its sponsorship;
- (p) "Property" means all property, assets and funds, belonging to the SECI Center or held or administered by the SECI Center in furtherance of its functions under the SECI Agreement and all income of the SECI Center;
- (q) "Archives of the SECI Center" means all the records, correspondence, documents, manuscripts, computer software, photographs, films, video, sound recordings and any other information in the sense of article 1(d) and (f) of the SECI Agreement belonging to or held by the SECI Center or any of its members;
- (r) "Vienna Convention" means the Vienna Convention on Diplomatic Relations, adopted in Vienna on 18 April 1961.

ARTICLE 2 LEGAL PERSONALITY

1. The SECI Center enjoys full legal personality with the Status of an International Organisation. In particular, it shall have the capacity:
 - (a) to contract;
 - (b) to acquire and dispose of movable property;
 - (c) to acquire and dispose of immovable property in accordance with Romanian legislation;
 - (d) to institute and act in legal proceedings.
2. In the event of the dissolution of the SECI Center, the use of the building provided for free by the host country in accordance with article 8, paragraph 1, corroborated with article 13 paragraph 1 of the present Agreement, will return to the host country.

ARTICLE 3 FREEDOM OF ASSEMBLY

1. The Government recognises the right of the SECI Center to convene meetings at its discretion within the Headquarters or, with the concurrence of the appropriate authorities of ROMANIA, elsewhere in the host country.
2. The Government guarantees to the SECI Center full freedom of assembly, of discussion, and of decision. The Government shall take all appropriate steps to guarantee that no impediment is placed in the way of conducting the proceedings of any meeting convened by the SECI Center.

ARTICLE 4 IMMUNITY FROM LEGAL PROCESS

1. Within the scope of its official activities, the SECI Center shall enjoy immunity from civil jurisdiction or any form of legal process, except in the case of:

- (a) civil action by a third party for damages arising out of an accident caused by a vehicle belonging to or operated on behalf of the SECI Center where these damages are not recoverable from insurance;
 - (b) a civil action based on a contractual obligation of the SECI Center;
 - (c) a counter claim directly connected to proceedings instituted by the SECI Center.
2. Notwithstanding the provisions of paragraph 1 of this Article, the property and assets, wherever located and by whomsoever held, shall be immune from search, foreclosure, seizure, confiscation, requisition and expropriation, all forms of attachment, injunction or any other form of interference whether by administrative, judicial or legislative action.
 3. The provisions of the previous paragraph shall not apply in the following cases:
 - a. if such measures are temporarily necessary in order to investigate any accident involving a motor vehicles belonging to the SECI Center or used in its behalf, and in order to conduct an inquiry in connection with such an accident;
 - b. in any particular case the SECI Center shall have expressly waived its immunity of execution.
 4. The SECI Center may expressly waive its immunity from legal process in a certain case.
 5. No waiver of immunity from jurisdiction shall extend to any measure of execution.

ARTICLE 5 IMMUNITY OF THE SECI CENTER PROPERTY

The property, wherever located and by whomsoever held, shall enjoy immunity from search, requisition, seizure, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

ARTICLE 6 INVIOABILITY OF THE ARCHIVES, EQUIPMENT AND OTHER MATERIALS

1. The archives of the SECI Center, wherever located and by whomsoever held, in whatever form, shall be inviolable at any time.
2. The equipment and other material necessary for the SECI Center's activities shall be inviolable at any time.

ARTICLE 7 THE HEADQUARTERS

The appropriate authorities of ROMANIA shall take whatever action may be necessary to ensure that the SECI Center shall not be dispossessed of all or any part of the Headquarters.

ARTICLE 8 LAW AND AUTHORITY IN THE HEADQUARTERS

1. The SECI Center Headquarters is located in Bucharest, within the Palace of Parliament, or elsewhere, as the Contracting Parties decide.
2. The Government recognises the inviolability at any time of the Headquarters, which shall be under the control and authority of the SECI Center as provided in this Agreement.

3. The SECI Center shall have the power to make regulations, operative within the Headquarters, for the purpose of establishing therein any conditions necessary for the full execution of its functions.
4. In principle, Romanian law is applicable within the Headquarters of the SECI Center. However, no laws of ROMANIA which are inconsistent with a regulation of the SECI Center authorised by this Article, or with a provision of this Agreement, shall, to the extent of such inconsistency, be applicable within the Headquarters.
5. Any dispute between the Contracting Parties arising under this Article, shall be promptly settled by the procedure set out in Article 25 (Settlement of Disputes), of this Agreement. Pending the settlement of such a dispute, the regulations of the SECI Center shall prevail.
6. The SECI Center shall inform the Government of regulations made which fall within paragraph 3 of this Article.
7. Any person authorised to enter any place under any legal provision shall not exercise that authority in respect of the Headquarters unless prior express permission to do so has been given by or on behalf of the Director. Any person who enters the Headquarters with the permission of the Director shall, if so requested by or on behalf of the Director, leave the Headquarters immediately.
8. The SECI Center shall adopt an accounting system in accordance with generally recognised international accounting standards suitable for audit by international auditors.
9. This Article shall not prevent the reasonable application of fire protection and similar public safety regulations of the appropriate authorities of ROMANIA. In case of fire or other similar disaster that threatens the public safety and requires immediate protective action, the consent of the Director to entry into the Headquarters shall be presumed if he or his authorised representative cannot be reached, for the purpose of taking such protective action as may be necessary.
10. The Director shall take appropriate measures to prevent the Headquarters from being used to harbor persons who are avoiding arrest under the law of ROMANIA, who are wanted by the Government for extradition to another country, or who are endeavoring to evade service of legal process.

ARTICLE 9 SECURITY OF THE HEADQUARTERS

1. The appropriate authorities of ROMANIA shall exercise due diligence to ensure that the security and tranquillity of the Headquarters are not impaired by any person or group of persons attempting unauthorised entry into, or creating disturbances in, the immediate vicinity of the Headquarters.
2. If so requested by the Director, the appropriate authorities of ROMANIA shall provide a sufficient number of security personnel for the preservation of law and order in the Headquarters.
3. The appropriate authorities of ROMANIA shall take all reasonable steps to ensure that the amenities of the Headquarters are not prejudiced and that the purposes for which the Headquarters are required are not obstructed by any use made of the land or buildings in the vicinity of the Headquarters. The SECI Center shall take all reasonable steps to ensure that the amenities of the land or buildings in the vicinity of the Headquarters are not prejudiced by any use made of the Headquarters.

ARTICLE 10
PUBLIC SERVICES TO THE HEADQUARTERS

1. The appropriate authorities of ROMANIA shall exercise, as far as it is within their competence, and to the extent requested by the Director, their respective powers to ensure that the Headquarters shall be supplied, on fair conditions and on equitable terms, with the necessary public services including, without limitation by reason of this enumeration, electricity, water, sewerage, gas, post, telephone, telegraph, any means of communication, drainage, collection of refuse, fire protection and snow removal.
2. In case of any interruption or threatened interruption of any such public services, the SECI Center shall be accorded the priority given to essential Romanian agencies and authorities and the Government shall take steps accordingly to ensure that the work of the SECI Center is not prejudiced.
3. The Director shall, upon request, make suitable arrangements to enable duly authorised representatives of the appropriate bodies to inspect, repair, maintain, reconstruct or relocate utilities, conduits, mains and sewers within the Headquarters under conditions which shall not unreasonably disturb the carrying out of the functions of the SECI Center.
4. Where the services referred to in paragraph 1 of this Article are supplied by appropriate authorities of ROMANIA, or where the prices thereof are under their control, the SECI Center shall be supplied at tariffs which shall not exceed the lowest rates accorded to essential Romanian agencies and authorities.

ARTICLE 11
FACILITIES AND IMMUNITIES IN RESPECT OF COMMUNICATIONS AND PUBLICATIONS

1. The Government shall permit the SECI Center to communicate, freely and without a need for special permission, for all official purposes, and shall protect the right of the SECI Center to do so. The SECI Center shall have the right to use codes and encrypted systems and to dispatch and receive official correspondence and other official communications by courier or in sealed bags, which shall be subject to the same privileges and immunities as diplomatic couriers and bags.
 2. The SECI Center shall enjoy, for its official communications, treatment not less favorable than that accorded by the Government to any other organisation or government, including diplomatic missions of such other governments, in the matter of priorities and rates for mails, cables, telegrams, telexes, radiograms, television, telephone, fax, and other communications, and press rates for information to mass-media.
 3. The Government recognises the right of the SECI Center to publish and broadcast freely within ROMANIA for purposes specified in the SECI Agreement. All official communications directed to the SECI Center and all outward official communications of the SECI Center, by whatever means or whatever form transmitted shall be inviolable. Such inviolability shall extend, without limitation by reason of this enumeration, to publications, still and moving pictures, videos, films, sound recordings and software.
- To fulfil its official purposes, the SECI Center may install and use a wireless communication system upon receipt of the authorisation of the Government, which shall not be unreasonably withheld.

ARTICLE 12 FISCAL EXEMPTIONS

1. Within the scope of its official activities, the SECI Center, its assets, income and other property shall be exempt from:
 - a) any form of direct taxation whether levied by state or local authorities. However, the SECI Center cannot claim exemption from taxes and charges, which are no more than charges for public utility services;
 - b) customs duties, prohibitions or restrictions on the import or export of goods for official usage, providing that the imported goods shall not be sold in ROMANIA except under conditions approved by the Government;
 - c) customs duties, prohibitions or restrictions on the import or export of publications;
 - d) indirect taxation on goods and services, provided for official purposes, including value-added tax on these goods and services, under the same conditions as are applied with regard to diplomatic missions in ROMANIA.
2. The exemptions provided for in paragraph 1 of this Article may be granted by way of a refund under the same procedures as are applied with regard to diplomatic missions in ROMANIA.
3. Without limiting the generality of the exemptions provided in paragraph 1 of this article:
 - a. The acquisitions and locations of buildings by the SECI Center for official purposes shall be exempted from all forms of registration, transfer and public landed taxes; and
 - b. Insurance contracts subscribed by the SECI Center within its official activities shall be exempted from the special tax or any comparable tax on such insurance contracts.

ARTICLE 13 THE SUPPORT OF THE HOST COUNTRY

1. The host country ensures, without payment:
 - a) the use of the working spaces in accordance with Article 8 of the present Agreement;
 - b) the use of the parking spaces ensured within the area of the Headquarters;
 - c) the security of the SECI Center Headquarters (guard and fire prevention service, other than those from within the SECI Center);
 - d) current and capital repairs to the infrastructure of the SECI Center;
 - e) modernisation of the SECI Center Headquarters for the benefit of the SECI Center, made by the host country until the entry into force of the present Agreement;
 - f) utilities (heat, air conditioning, electricity and water) provided by the host country until the entry into force of the present Agreement.
2. The host country ensures, but is not fiscally responsible for:
 - a) assistance for ensuring the needs for shelter and registration of the SECI members and staff children within the public education system;
 - b) provisions of residency permits in accordance with the Romanian legislation;
 - c) if requested by the SECI Center, cleaning and sanitation services;
3. The Romanian side shall credit without payment of interest charges to the SECI Center the cost of the utilities services after the entry into force of the present Agreement upon completion of the relevant internal procedures.

ARTICLE 14
FREEDOM OF FINANCIAL ASSETS FROM RESTRICTIONS

1. Without being subject to any financial controls, regulations, notification requirements in respect of financial transactions, or moratoria of any kind, the SECI Center may freely:
 - (a) purchase any currencies through authorised channels and hold and dispose of them;
 - (b) operate accounts in any currency;
 - (c) purchase through authorised channels, hold and dispose of funds, securities and gold;
 - (d) transfer its funds, securities, gold and currencies to or from ROMANIA, to or from any other country, or within ROMANIA and convert any currency held by it into any other currency; and
 - (e) raise funds in any manner, which it deems desirable, except that with respect to the raising of funds within ROMANIA, in accordance with Romanian law.
2. If any Party shall hereafter make a contribution to the SECI Center, in cash or in any kind, and its contribution is approved by the Committee, such contribution shall be credited against its assessed share of the SECI Center budget in the fiscal year following that in which the contribution is made. If the credit exceeds the assessed share for anyone fiscal year it shall carry over to the following year or years. Nothing contained herein shall be construed as preventing any other state or organisation from making contribution, in cash or in kind, to the SECI Center.

ARTICLE 15
TRANSIT AND RESIDENCE

1. The Government shall take all necessary measures to facilitate and allow the entry into and sojourn in ROMANIA and shall place no impediment in the way of the departure from ROMANIA of the persons listed below and shall ensure that no impediment is placed in the way of their transit to or from the Headquarters:
 - (a) SECI Center Members and their Family Members, including other persons maintained by them;
 - (b) Delegates, their spouses and other Family Members;
 - (c) representatives and officials of international organisations, who have official business with the SECI Center, their spouses and other Family Members;
 - (d) experts, their spouses and other Family Members.
2. If any person specified in paragraph 1 of the present Agreement requests, the host country shall afford them necessary protection in transit.
3. Visas, which may be required for persons referred to in this Article, shall be granted without charge, on a case by case basis for every applicant and their validity should be proportionate to the duration of their mission.
4. No activity performed by any person referred to in this Article, in his official capacity with respect to the SECI Center, shall constitute a reason for preventing his entry into or his departure from ROMANIA or for requiring him to leave ROMANIA.
5. No person referred to in paragraph 1 of this Article, except for officials of international organisations whose expulsion procedures are covered by special agreements to which ROMANIA is a party, shall be required by the Government to leave ROMANIA, except in the event of an abuse of the privilege of residence. No proceeding shall be instituted to require any such person to leave ROMANIA, except with the prior approval of the Minister for Foreign Affairs of ROMANIA. Such approval shall be given only in consultation with the Director. If expulsion proceedings are taken against any such person, the Director shall have the right to appear or to be represented in such proceedings on behalf of the person against whom such proceedings are instituted.

6. This Article shall not prevent the Government from requiring that persons claiming the rights granted by this Article comply with quarantine and health regulations.
7. The Contracting Parties shall consult as to methods of facilitating entrance into ROMANIA by persons coming from abroad who wish to visit the Headquarters and who do not enjoy the privileges provided by this Article.

ARTICLE 16
THE LIMITS OF THE AGREEMENT

1. Except insofar as additional privileges and immunities may be granted by the receiving state, a SECI Center Member who is a national of or permanently resident in the host country shall enjoy only immunity from jurisdiction, and inviolability, in respect of official acts performed in the exercise of his functions.
2. Other members of the SECI Center staff and their Family Members who are nationals of or permanently resident in the host country, shall enjoy privileges and immunities only to the extent admitted by the host country. However, the host country must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the functions of the mission.

ARTICLE 17
PRIVILEGES AND IMMUNITIES OF THE DELEGATES, THE DIRECTOR, DEPUTY DIRECTORS, LIAISON OFFICERS AND OFFICERS SENT BY PERMANENT OBSERVERS

1. The Delegates, the Director, Deputy Directors, Liaison Officers and Officers sent by Permanent Observers shall enjoy the same privileges and immunities as are accorded to diplomatic agents, in accordance with the Vienna Convention;
2. The spouses and other Family Members of persons referred to in paragraph 1 of this Article shall enjoy the same privileges and immunities as the spouses and dependents of diplomatic agents under the Vienna Convention.
3. Immunity from jurisdiction shall not apply in the case of civil action by a third party for damages arising out from a road traffic accident caused by a motor vehicle operated by any person mentioned in paragraph 1 and 2 of this Article, where these damages are not recoverable from insurance.
4. Persons referred to in paragraph 1 of this Article who are also citizens or permanent residents of ROMANIA shall enjoy only the following privileges and immunities:
 - (a) immunity from personal arrest or detention;
 - (b) immunity from legal process of any kind in respect of words spoken or written, and of all acts done by them, in the performance of their official functions; such immunity to continue although the persons concerned may no longer be engaged in the performance of such functions;
 - (c) inviolability of all papers, documents and other official material;
 - (d) the right to use codes, encrypted systems and to dispatch or receive papers, correspondence or other official material by courier or in sealed bags.

ARTICLE 18
PRIVILEGES AND IMMUNITIES OF THE SECI CENTER STAFF

1. The SECI Center Staff shall enjoy the same privileges and immunities, as are accorded to administrative and technical staff of diplomatic missions, in accordance with the Vienna Convention;

2. The spouses and other Family Members of persons referred to in paragraph 1 of this Article shall enjoy the same privileges and immunities as the spouses and dependents of members of the administrative and technical staff under the Vienna Convention.
3. Immunity from jurisdiction shall not apply in the case of civil action by a third party for damages arising out from a road traffic accident caused by a motor vehicle operated by any person mentioned in paragraph 1 and 2 of this Article, where these damages are not recoverable from insurance.
4. Persons referred to in paragraph 1 who are also Romanian citizens or permanent residents in ROMANIA, shall enjoy only the following privileges and immunities:
 - (a) immunity from legal process of any kind in respect of words spoken or written, and of all acts done by them, in the performance of their official functions; such immunity to continue although the persons concerned may no longer be engaged in the performance of such functions;
 - (b) inviolability of all papers, documents and other official material;
 - (c) exemption, from national service obligations, provided that, such exemption shall be confined to officials whose names have, by reason of their duties, been placed upon a list compiled by the Director and approved by the Government; provided further that should officials other than those listed, be called up for national service, the Government shall, upon request of the Director, grant such temporary deferments in the call-up of such officials as may be necessary to avoid interruption of the essential work of the SECI Center;

ARTICLE 19 PRIVILEGES AND IMMUNITIES OF EXPERTS

1. Experts shall enjoy, within and with respect to the host country, the following privileges and immunities so far as may be necessary for the effective exercise of their functions and during their journeys in connection with such functions and during attendance at the Headquarters:
 - (a) immunity from personal arrest or detention;
 - (b) immunity from seizure of their personal and official baggage, and the same immunities from inspection in respect of such baggage as are accorded to diplomatic agents;
 - (c) immunity from legal process of any kind with respect to words spoken or written, and all acts done by them, in the performance of their official functions, such immunity to continue although the persons concerned may no longer be employed on missions for, serving on committees of, or acting as consultants for, the SECI Center, or may no longer be present at the Headquarters or attending meetings convened by the SECI Center. In any event, such immunity shall not extend to civil action by a third party for damages arising from a road traffic accident caused by a motor vehicle, operated by an expert where these damages are not recoverable from insurance;
 - (d) inviolability of all papers, documents and other official material;
 - (e) the right, for the purpose of all communications with the SECI Center, to use codes and encrypted systems and to dispatch or receive papers, correspondence or other official material by courier or in sealed bags;
 - (f) exemption with respect to themselves and their spouses from immigration restrictions and alien registration obligation;
 - (g) the same protection and repatriation facilities as are accorded in time of international crisis to the members of diplomatic missions in accordance with the Vienna Convention; and

- (h) the same privileges with respect to currency and exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions.
- 2. Experts who are citizens or permanent residents of ROMANIA shall enjoy only the privileges and immunities, accorded by subparagraphs 1(a – e) of this Article.

ARTICLE 20 NOTIFICATION

- 1. The SECI Center shall promptly notify the Government of:
 - (a) the list of the SECI Center Members, the members of the SECI Center staff and other persons within the scope of Articles 17 - 19 of the present Agreement, and shall revise such list from time to time as may be necessary;
 - (b) the appointment of the Director, the Deputy Directors, and other SECI Center Members, their arrival and their final departure, or the termination of their functions with the SECI Center;
 - (c) the arrival and final departure of the Family Members of the persons referred to in subparagraph 1(b) of this Article and, where appropriate, the fact that a person has ceased to form part of the household; and
 - (d) the arrival and final departure of domestic employees of persons referred to in subparagraph 1(b) of this Article and, where appropriate, the fact that they are leaving the employment of such persons.
- 2. The Government shall issue to the SECI Center Members, the members of the SECI Center Staff and to other persons within the scope of Articles 17 - 19 of the current Agreement, and to the members of their families who form part of their households and domestic employees of persons referred to under subparagraphs 1(a) and 1(b) of this Article, an identity card bearing the photograph of the holder. This card shall serve to identify the holder in relation to all authorities of ROMANIA.

ARTICLE 21 SOCIAL SECURITY

- 1. For the social security scheme established by or conducted under the authority of the SECI Center, the SECI Center and the SECI Center Members to whom the above mentioned scheme applies, shall be exempt from all compulsory contributions to the social security organisations of ROMANIA. Consequently, they shall not be covered by the social security regulations of ROMANIA.
- 2. SECI Center Members who contribute to the social security organizations of their country of origin are exempted from any social security regulations of ROMANIA.
- 3. Any provident fund established by or conducted under the authority of the SECI Center shall enjoy legal capacity in ROMANIA, if the SECI Center so requests and shall enjoy the same exemptions, privileges and immunities as the SECI Center itself.
- 4. The provisions of paragraph 1 of this Article shall apply, *mutatis mutandis*, to spouses and other Family Members of the persons referred to in paragraph 1 of this Article, unless they are employed in ROMANIA by an employer other than the SECI Center or receive Romanian social security benefits.

ARTICLE 22 EMPLOYMENT

Family Members of the SECI Center Members shall be granted temporary working permits for the duration of the employment of those officials with the SECI Center in the host country.

ARTICLE 23 ADDITIONAL PROVISIONS ON PRIVILEGES AND IMMUNITIES

1. The privileges and immunities accorded by this Agreement are conferred in the interests of the SECI Center and not for the personal benefit of the individuals themselves. It is the duty of the SECI Center and all persons enjoying such privileges and immunities to observe in all other respects the laws and regulations of ROMANIA.
2. This Agreement shall apply irrespective of whether the Government maintains or does not maintain diplomatic relations with the State concerned and irrespective of whether the State concerned grants a similar privilege or immunity to the diplomatic personnel or citizens of ROMANIA.
3. The privileges and immunities granted to delegates, Liaison Officers and Officers sent by Permanent Observers which are sent by States or International Organisations under this Agreement shall be waived by the sending States or International Organisations concerned in accordance with the provisions of the Vienna Convention;
4. The privileges and immunities granted to the Director, the Deputy Directors, the SECI Center Staff and experts employed by the SECI Center under the provisions of this Agreement, are granted on the understanding that the SECI Center shall waive the immunity of the persons concerned in any circumstances in which the SECI Center considers that such immunity would impede the course of justice, and whenever it can be waived without prejudice to the purposes for which it was granted. The Director shall exercise this authority for the SECI Center. The Committee shall have the authority to waive immunity, by consensus, in the case of the Director and the Deputy Directors.
5. The SECI Center shall cooperate at all times with the appropriate authorities of ROMANIA in order to facilitate the proper administration of justice and to prevent any abuse of the privileges and immunities granted under the provisions of this Agreement.

ARTICLE 24 INTERNATIONAL RESPONSIBILITY OF THE HOST COUNTRY

The host country shall not incur, by reason of the location of the Headquarters of the SECI Center within its territory, any international responsibility for acts or omissions of the SECI Center or of its Members acting or abstaining from acting within the scope of their functions, other than the international responsibility which the host country would incur on the same footing as the other Parties.

ARTICLE 25 SETTLEMENT OF DISPUTES

1. Any dispute between the Contracting Parties, concerning the interpretation or application of this Agreement, or any question affecting the Headquarters or the relationship between the SECI Center and the Government, shall be settled by consultation between the Contracting Parties or by any other agreed mode.

2. Any such dispute, which cannot be settled under paragraph 1 of this Article, shall be referred at the formal request of one Contracting Party, to an arbitral tribunal for final decision. The arbitral tribunal shall be consisted of three arbitrators in the following way: within two months of the receipt of the request for arbitration, each Contracting Party shall appoint one member of the tribunal. The two members so appointed shall then select a third arbitrator who is neither a national of any of the Parties, nor has ever been a SECI Center Member, who shall serve as chairman.

If one of the Contracting Parties fails to appoint an arbitrator and has not taken steps to do so within two months following a request from the other Contracting Party to make such an appointment, the other Contracting Party may request the President of the International Court of Justice to make such an appointment. Should the first two arbitrators fail to agree upon the third within two months following their appointment, either Party may request the President of the International Court of Justice to make such an appointment.

ARTICLE 26 AMENDMENTS

1. This Agreement may be amended at any time, at the request of either Contracting Party. Unless otherwise agreed, consultations shall begin thirty days from receiving the written notification from the other Contracting Party.
2. Any such amendment, which shall be agreed upon, shall enter into force in accordance with Article 28 (Entry into Force and Termination).

ARTICLE 27 OPERATION OF THIS AGREEMENT

1. This Agreement shall be construed in the light of its primary purpose of enabling the SECI Center at its Headquarters fully and efficiently to discharge its responsibilities and fulfil its purposes.
2. Whenever this Agreement imposes obligations on the appropriate authorities of ROMANIA, the ultimate responsibility for the fulfillment of such obligations shall rest with the Government.
3. The SECI Center may conclude separate administrative arrangements with the appropriate authorities of ROMANIA in order to implement this Agreement.

ARTICLE 28 ENTRY INTO FORCE AND TERMINATION

1. This Agreement shall enter into force on the day after the Government has notified the SECI Center that the legal requirements for its entry into force have been complied with.
2. This Agreement shall cease to be in force by written mutual consent of the Contracting Parties.

ARTICLE 29 PROVISIONAL APPLICATION

To assist in meeting the immediate financial needs of the SECI Center, the Contracting Parties agree to the provisional application of this Agreement upon signature, pending its entry into force in accordance with the previous Article.

Assessment of SECI Regional Center for Combating Trans-Border Crime

DONE at BUCHAREST, on 2nd of October 2000, in two originals in the English and Romanian languages, both texts being equal authentic. In the case of divergences of interpretation, the English text shall prevail.

For the SECI Center

SECI General Coordinator

Dr. Erhard Busek

For ROMANIA

General A.C.

Constantin

Degeratu

Rules of Procedure of the Joint Cooperation Committee

CHAPTER I GENERAL PRINCIPLES

Article 1

1. The Joint Cooperation Committee, hereinafter referred to as the “Committee” is set up under the Agreement on Cooperation to Prevent and Combat Transborder Crime signed on May 26, 1999, hereinafter referred to as the “SECI Agreement”.
2. The Committee represents the highest institutional body of the Southeast European Cooperative Initiative Regional Center for Combating Transborder Crime hereinafter referred as “SECI Center”, and is organized and operates in accordance with the provisions of the present Rules of Procedure of the Committee, hereinafter referred to as “these Rules”.

Article 2

1. The Committee holds its sessions at least once per year on the premises of the SECI Center, in Bucharest, unless it decides to meet elsewhere.
2. The official language of the Committee shall be English.
3. The working language of the Committee shall be English or any other language acceptable to the Parties.

Article 3

1. According to these Rules the SECI Center shall provide the function permanent Secretariat to the Committee.
2. The Secretariat shall circulate communications of the Parties concerning the items of the Agenda, shall prepare working documents and reports of the sessions and the working meetings/groups and do the work assigned by the Committee.

CHAPTER II FUNCTIONS

Article 4

Under the SECI Agreement the Committee shall:

1. Ensure the proper functioning of the SECI Agreement.
2. Examine all issues arising from its application.
3. Take measures necessary for cooperation in accordance with the scope of the SECI Agreement.
4. Exchange views on any points of common interest regarding cooperation, including future measures and the resources for them.
5. Recommend solutions aimed at attaining its objectives.
6. Decide on a dispute between two or more Parties or between a Party and the SECI Center concerning the interpretation or application of this Agreement, submitted for consideration and appropriate action.
7. Adopt the agreed categories of information related to transborder crime.
8. Adopt the standards and procedures related to the information management of the SECI Center.
9. Approve the status of a Permanent Observer.
10. Conclude the Agreement with the host country to address the privileges and immunities of personnel and premises, as well as the services and security and other arrangements to be provided by the host country. The Agreement may be revised if necessary.

11. Elect and dismiss the Director and Deputy Directors of the SECI Center from the candidates nominated by the Parties.
12. Define, in coordination with the Director, the Strategic Plan (vision, mission and performance standards) for the SECI Center.
13. Establish the responsibility for the funding of the SECI Center's budget.
14. Develop and approve a system of funding, budget planning, and supervision of expenses.
15. Determine the salary of the SECI Center personnel.
16. Make necessary arrangements and/or take decisions regarding the organisation, structure and activities of the SECI Center including staff regulations and personal profiles.
17. Assign the financial auditor.

CHAPTER III STRUCTURE AND SESSIONS

Article 5

1. The Committee consists of the representatives of the designated authorities of the Parties.
2. The sessions of the Committee, unless otherwise decided, shall be attended by the Director of the SECI Center, the Deputy Directors and other representatives of the SECI Center designated by the Director.
3. A representative of ICPO-Interpol and World Customs Organization shall serve as a permanent adviser to the Committee.
4. The Committee shall consult with other relevant international agencies, such as the United Nations Economic Commission for Europe (UNECE), the United Nations Office for Drug Control and Crime Prevention (UNODCCP) and Europol on the effective functioning of the Agreement and of the SECI Center.
5. The Committee may invite representatives of the relevant international agencies to attend the sessions, if needed.
6. Observers may attend, unless otherwise decided, the sessions of the Committee.

Article 6

1. The Committee may establish Working meetings/group(s) to assist the work of the Committee on specific issues.
2. All the proposals and results of such Working meetings/group(s) shall be submitted to the Committee for decision and/or consideration.

Article 7

1. The first session of the Committee shall be opened within three months after the Agreement has entered into force, by the oldest representative among the delegates to the Committee.
2. He/she shall chair the session until the Chairperson and the Vice-Chairperson of the Committee are elected.

Article 8

1. The Committee shall elect the Chairperson and the Vice-Chairperson for one year. They shall be elected among the representatives of the designated authorities of the Parties.
2. The Chairperson shall open, chair and close the sessions and do the work assigned by the Committee.

3. The Vice-Chairperson shall assist the Chairperson, fulfill the obligations he/she assigns to him/her and replace, as appropriate, the Chairperson.

Article 9

1. The draft agenda, in coordination with the Chairperson and the Director, shall be sent to the Parties by the Secretariat at least 30 days before the session.
2. The Committee shall adopt the agenda at the beginning of the session.

Article 10

1. The Committee shall approve the conclusions at the closing meeting of each session.
2. Decisions and other documents adopted by the Committee shall be enclosed to the minutes.
3. Minutes will be adopted by the Committee at the opening meeting of each session.
4. The Committee shall decide the date, provisional agenda and the place of the next session.
5. Minutes, decisions and other documents adopted during a session shall be sent by the Secretariat to the Parties up to one week after the session.
6. Minutes, decisions and other documents adopted by the Committee shall be stored by the Secretariat for a term of 15 years.

Article 11

1. The Committee may hold extra sessions, with the approval of the Chairperson, on the initiative of a Party to the SECI Agreement or of the Director of the SECI Center.
- The Secretariat shall send the agenda and other documents related to the extra session to the Parties.

Article 12

1. Each Committee representative may propose an issue for discussion and submit a proposal for decision.
2. Each Committee representative may ask for an explanation with regard to the activities of the SECI Center and of the Director.

CHAPTER IV QUORUM AND DECISION MAKING

Article 13

1. Representatives of the two-third majority of the Parties to the SECI Agreement shall constitute a quorum.
2. If one or more representatives are not able to attend a session at which decisions are to be taken by consensus by the Parties to the SECI Agreement the session will not be postponed and the written procedures will be followed for the absent Parties, in order to ascertain its/their consensus. The written procedure must be completed within 48 hours from the end of the session.

Article 14

1. Each Party has one vote in the Committee.
2. The vote on decision making is open except when, as appropriate, the Committee decides it to be closed.
3. The applications for the Director and for the Deputy Directors are put to closed votes.
4. The closed vote is cast by a ballot paper. The vote may be "for" or "against".

Article 15

1. The Committee takes decision with a two third majority of the Parties to the SECI Agreement concerning:
 - a) Appointment and dismissal of the Director of the SECI Center;
 - b) Appointment and dismissal of Deputy Directors of the SECI Center;
2. Any other decisions are taken by consensus.

**CHAPTER V
AMENDMENTS**

Article 16

1. These Rules may be amended by the Committee in accordance with the provisions set above.
2. Each Party to the SECI Agreement may propose amendments to these Rules and send them to the SECI Center Secretariat at least two months before the forthcoming Committee session.

SECI CENTER FUTURE OBJECTIVES (AS PROPOSED BY SECI CENTER)

(The following pages reproduce the two-page document handed over to the Assessment Team by the SECI Director)

SECI Center Strategy concerning its relationship with Europol

At the meeting with the Liaison officers it was decided that the following items be proposed to the Assessment Commission in order to be written in the Report:

- I. On short term: - the signing up of a strategic agreement with Europol:
 - in order to improve the cooperation between the competent authorities of the member states for preventing and combating serious forms of international organized crime;
 - for the training of police and customs officers from the region and the harmonization of legislation in purpose of helping the non-EU countries to reach the EU standards.

In this respect Europol should support us by seconding one or two analysts, or even liaison officers at the SECI Center, who should make the liaison between the SECI Center and Europol.

Europol could also support us by financing trainings for legal experts and trainers in the field and some operational meetings, common investigation teams.

- II. On medium term: -we consider it necessary the setting up of a legal experts commission who should work on the modification of the SECI Agreement, which will give us the possibility to better cooperate with other international institutions. This expert committee, as well as the modification of the SECI Agreement will be a political decision and it could be influenced by the decision of the EU Commission.

- III. On long term: - we consider that the SECI Center could be a regional center of Europol / the Europol regional branch.

We think that the EU Commission through this assessment should decide on the future connection between the SECI Center and other relevant institutions of EU Commission, such as Europol, Eurojust and OLAF.

SECI Center and the development of the regional cooperation and the cooperation with the EU law enforcement and judicial institutions / Europol, OLAF and Eurojust /

The SECI Center was created in 2000 in order to be established the regional law enforcement cooperation in the Southeast Europe. Following the rapid development in the region and for the purpose of the future development of the cooperation with the EU institutions and in compliance with the integration process, the SECI Center should become the regional law enforcement organization preparing member countries services for the future EU membership. These activities should be developed in parallel with the main activities of the Center, which are in accordance with the SECI Agreement.

1. Short-term objectives (2004 - 2005)

Operational cooperation;

Exchange of skills and knowledge - common trainings; workshops;

Exchange of experience in fields such as investigation techniques, euro protection, financial crimes, drug trafficking, trafficking of human beings, data protection, protection of witnesses.

- negotiation and signing a strategic agreement on cooperation with Europol; - agreement for cooperation with OLAF;

- relations between SEEPAG and Eurojust. - LO from Europol to the SECI Center

2. Medium term objectives (2004 - 2007) - changes in the SECI Agreement

Decision for establishment of legal working group with mandate to negotiate the new agreement/changes of the SECI Agreement. /Deadline for finalizing the negotiations end of 2005. Signing and ratification 2006 - entering into force 2007./ Preparation of the SECI Center as future organization of the EU.

3. Long-term objective - transformation of the SECI Center into branch office of the EU law enforcement institution. /Political decision/

MEETING REPORTS

List of meetings carried out during the SECI Assessment

1. SECI REPORT 1 - **Mr. Cakici 1** – SECI HQ – KS, RA, AW, MS
2. SECI REPORT 2 – **Mr. Cakici 2** – SECI HQ – KS, RA
3. SECI REPORT 3 – **Mr. Cakici 3** – SECI HQ – KS, RA, AW
4. SECI REPORT 4 – **Mr. Cakici 4** – SECI HQ – KS
5. SECI REPORT 5 – **Mr. Ionas** – SECI HQ – KS
6. SECI REPORT 6 – **Mr. Dumitrescu 1** – SECI HQ – KS
7. SECI REPORT 7 – **Mr. Dumitrescu 2** – SECI HQ – KS
8. SECI REPORT 8 – **Mr. Negrea 1** – SECI HQ – KS
9. SECI REPORT 9 – **Mr. Negrea 2** – SECI HQ – KS
10. SECI REPORT 10 – **Mr. Guenaydin 1** – Turkey – KS
11. SECI REPORT 11 – **Mr. Guenaydin 2** – Turkey – KS, AW
12. SECI REPORT 12 – **Ms. Raskaj 1** – Hungary – KS
13. SECI REPORT 13 – **Ms. Raskaj 2** – Hungary – KS, AW
14. SECI REPORT 14 – **Mr. Georgiev 1** – Bulgaria – KS
15. SECI REPORT 15 – **Mr. Georgiev 2** – Bulgaria – KS, AW
16. SECI REPORT 16 – **Mr. Sartori 1** – Italy – KS, RA
17. SECI REPORT 17 – **Mr. Sartori 2** – Italy – RA
18. SECI REPORT 18 – **Mr. Sartori 3** – Italy – RA
19. SECI REPORT 19 – **Mr. Sartori 4** – Italy – RA
20. SECI REPORT 20 – **Mr. Longo 1** – Italy – AW
21. SECI REPORT 21 – **Mr. Longo 2** – Italy – RA
22. SECI REPORT 22 – **Mr. De Sena** – Italy – KS, RA
23. SECI REPORT 23 – **Mr. Lo Voi** – Italy – KS, RA
24. SECI REPORT 24 – **Mr. Polella** – Italy – KS, RA
25. SECI REPORT 25 – **Mr. Vigna** – Italy – KS, RA
26. SECI REPORT 26 – **Mr. Sojati** – Albania - RA
27. SECI REPORT 27 – **Mr. Sollaku** – Albania – KS, RA
28. SECI REPORT 28 – **Mr. Jasharllari** – Albania - RA
29. SECI REPORT 29 – **Mr. Duta 1** – SECI HQ – KS, AW
30. SECI REPORT 30 – **Mr. Duta 2** – SECI HQ – KS
31. SECI REPORT 31 – **Mr. Bonifacic 1** – Serbia&MN – AW
32. SECI REPORT 32 – **Mr. Bonifacic 2** – Serbia&MN – RA
33. SECI REPORT 33 – **Ms. Stanoeva** – Macedonia - AW
34. SECI REPORT 34 – **Mr. Petrovski** – Macedonia – KS, RA
35. SECI REPORT 35 – **Mr. Babic** – Macedonia – KS, RA
36. SECI REPORT 36 – **Mr. Sanev** – Macedonia – KS, RA
37. SECI REPORT 37 – **Mr. Kovacevic** – BiH – AW, MS
38. SECI REPORT 38 – **Mr. Militic** – Croatia – AW, MS
39. SECI REPORT 39 – **Mr. Vallidis** – Greece – AW, MS
40. SECI REPORT 40 – **Ms. Nenova** – Romania – RA, MS
41. SECI REPORT 41 – **Mr. Corn** – SECI HQ – RA, RV
42. SECI REPORT 42 – **Ms. Redman** – SECI HQ – KS
43. SECI REPORT 43 – **Ms. Lindquist** – SECI HQ – KS
44. SECI REPORT 44 – **Mr. Grantham** – SECI HQ – AW
45. SECI REPORT 45 – **Ms. Sterie** – SECI HQ – KS
46. SECI REPORT 46 – **Mr. Vrancic** – Slovenia - AW
47. SECI REPORT 47 – **Mr. Gilca** – Moldova – RA
48. SECI REPORT 48 – **Mr. Van der Stock** – Belgium – KS, BT
49. SECI REPORT 49 – **Mr. Mirbach** – SECI HQ – KS
50. SECI REPORT 50 – **Caltanissetta 1** – Italy – KS, RA

- 51. SECI REPORT 51 – **Caltanissetta 2** – Italy – KS, RA
- 52. SECI REPORT 52 – **Trapani 1** – Italy – KS, RA
- 53. SECI REPORT 53 – **Trapani 2** – Italy – KS, RA
- 54. SECIREPORT54 – **Mr.Corn+Mr.Krstic**-SECI HQ+Belgrade – RA,RV,BT
- 55. SECIREPORT55 – **Mr.Banfi** -Hungary – AW, MS, JB
- 56. SECIREPORT56 – **Mr.Premoza+Mr.Kovacevic** -Slovenia – AW, MS, JB

Note:

KS	–	Klaus	SCHMIDT
RA	–	Rosario AITALA	
AW	–	Alan	WILSON
MS	–	Manfred	SEITNER
RV	–	Rajka	VLAHOVIC
BT	–	Bruce	TODD
JB		Jean-François	Bonhert

MEETING REPORT No: 1

Team	Klaus Schmidt, Alan Wilson, Manfred Seitner, Rosario Aitala
Place	SECI HQ in Bucharest
Date	04 May 2004
Participants	Mr. Yalcin Cakici, Director SECI Center, Bucharest, Dr. Alexandru Ionas, Deputy Director of the SECI Center and Head of Operational Support

Subjects discussed Mr. Cakici was informed about the composition of the team and the present team members were introduced. Together with him the schedule of the visit was discussed and both parties agreed on.

KS explained in detail the content of the ToR. The main activities such as the assessment of the objectives, the competencies, work methodology etc and above all, all the results so far will undergo a performance evaluation.

It was made clear that the evaluation should include the entire Management structure and its current capabilities. The main focus will be on the data exchange functions and the impact of all particular activities including the different multi-national exercises on illegal trafficking activities. We will also look into the IT and data/information and intelligence gathering, the Analysis capacities, the legal background and needs, in the methods used so far and we will measure the benefits for the member countries. A kind of cost benefits analysis will seek to compare the costs of the center and its particular activities with the benefits that accrue from applying this cost. Mr. Cakici understood, that the team's evaluation/audit will lead to some recommendations for the improvement of the center which are in line with Europol and Eurojust and all Police-, Customs- and Judicial - co-operation to fight OC in the Western Balkan.

Mr. Cakici promised to "open all the books" and to give us any help we need to achieve our specific purpose.

A calendar for this week was made and, depending on the outcomes, a second visit for review was planned and schedules.

MEETING REPORT No: 2

Team	SCHMIDT/AITALA
Place	Bucharest, SECI
Date	14 June 2004
Participants	Yalcin CAKICI, SECI Centre Director; Schmidt, Aitala

Subjects discussed The meeting opened the second round of visits at the SECI Centre. The activities carried out during field visits (FYROM and Italy) were discussed in general terms. Mr. CAKICI also updated us about recent activities of the Centre: Mirage 2004 operation was performed and data are currently being collected; an operation in the field of smuggling of cigarettes is being planned; a meeting of heads of police and customs in the region has taken place at SECI on 26 May. It was agreed that further meetings will follow during the week in order to discuss in details the Team's findings.

Rosario Aitala

MEETING REPORT No: 3

Team	Klaus Schmidt, Rosario Aitala, Alan Wilson
Place	SECI center Bucharest
Date	18 June 2004
Participants	Director of SECI center Deputy Director of SECI center

Subjects discussed

1. Discussion on some findings
2. Organisation of SECI and JCC
3. The liaison network
4. IT
5. Crime intelligence analysis
6. Crime unit
7. Customs representation at the center and anti-smuggling operations
8. Operations and Task forces
9. The financial situation of the SECI center

Some of the findings were discussed with both and in general they agreed on the observations made by the team. Both also agreed on the fact that there is still quite some room in order to improve the quality of the center. According to their opinion, the main four steps are;

- Re-organisation of the mgt structure and the implementation of an expert team
- IT and analysis improvement
- Qualified personnel
- Secure financial plan

Both were in the meantime informed from the personnel the assessment team dealt with and they very welcomed the mutual findings and observations made in the two visits. They stressed again the amount of capacity in the twelve MS and the possible activities of the center once it is implemented the way we discussed.

The Director thanked the assessment team for the visits, the fair and fruitful discussion and the findings/observations shared with them and they hope that the professionalism of the center can be improved with the help of the MS and the EC.

MEETING REPORT No: 4

Team	Klaus Schmidt
Place	SECI HQ in Bucharest
Date	04 May 2004
Participants	Mr. Yalcin Cakici, Director SECI Center, Bucharest

Subjects discussed Mr. Cakici gave an overview since his selection and appointment. He is the former head of Interpol Ankara and well informed about international proceedings, working methods, IT, Crime analysis etc. The main topics discussed:

1. Organisational structure of the center and its support functions, ICC control and support, Romanian governmental influence
2. Staffing local and international
3. Quality of staff – Police and Customs
4. Financial situation of the center – Grants and annual contributions of the member states
5. Impact of “other” supporters (US, Italy, Germany)
6. Legal status/framework (to be further discussed with Dr. Aitala)
7. Management under the current organisational structure
8. The current info/intel exchange, open sources
9. The information system and its future role
10. Analysis/evaluation capacity
11. Equipment
12. Task forces, current and future
13. Working groups and joint investigations
14. Regional operations
15. OC (trafficking), Counter TE

Mr, Cakici explained the current organisational structure and its weaknesses. The manager (Director) is appointed for only two years with very limited resources. He and the additional mgt staff (2) have 8 as support staff (including those working on part time) and currently 18 Liaison officers from the member states. In addition, three US citizens (DEA, Immigration service and a prosecutor) support any activity including strategic analysis. Related to this I found out that the local staff member working for Crime analysis will receive his first training in two weeks at Europol. Having three directors for 8 local support staff is a waste of capacity, while one director (deputy head of the center) takes care for all operational activities. The other director is a female lawyer dealing with the day to day legal problems and the data protection aspects.

The organisational structure was inherited from the former Director and has to be changed to make it more efficient and effective. The relations to ICC are good and productive but little impact due to the financial situation in the member states. The control function of ICC is fair.

There is some influence of the Romanian government seeking to promote the center towards a well recognised institution and giving Romania the chance of hosting it. So far Romania invested 4 million US \$, the premises or for free and some of the local staff are actually still member of their sending authorities.

The Director is satisfied with the work ethics of all international liaison officers and there is no room for complaints. The liaison officers try to enhance the commitment of their countries which is little till undeveloped. The future must show more PR activities to involve the

MS more as today in combating transborder crime. Mr Cakici stated also, that the situation in the MS is sometimes very poor when it comes to IT, quality assurance, use of techniques and methodologies. His dream is to have a fully connected network between the center and the MS for data/intel real time exchange.

There is still a significant lack of customs officers which has a kind of severe impact on smuggling activities. This got to be changed.

The financial situation of the center is inefficient poor. The contributions of the MS come often late and without the grants from countries which are not MS, the center could hardly survive. A budget is needed for meetings, travel, and supporting of training activities.

Management under the current situation and the structure is not easy and only little achievements are possible.

The current data/info/intel exchange is not to the satisfaction of the director and far beyond its needs and the capability of the center. The MS are slow till inefficient due to the situation in the administration of these MS.

The Analysis capacity is limited to one local staff member with no training. Two US analysts support all activities according their knowledge of info and the region. These people are mainly there for one year although their contract is renewed every month.

The equipment is new; some tools for the analysis function are missing. With the help of Germany some 200.000 Euro are being invested soon into the system but there is more needed to update the current installation. The working groups are frequently used but due to the lack of a budget, only few meetings can be visited. The center is using the liaison officer's home trips to participate in meetings or to gather data/information.

The regional operations, working groups and joint investigations as well as controlled deliveries must increase in quality and quantity. Due to a lack of trust only little info exchange in the area of TE.

All in all: a review of the organisational structure is needed, a decent budget is necessary to reach the objectives of the center; more Customs officer would increase anti-smuggling activities. IT and analysis needs urgent support, more local support staff is needed.

MEETING REPORT No: 5

Team	Klaus Schmidt
Place	SECI HQ in Bucharest
Date	15 May 2004
Participants	Dr. Alexander Ionas, Deputy Director of the SECI center, currently Head of Operational support

Subjects discussed	<ol style="list-style-type: none"> 1. The current organization of the SECI center 2. Infrastructure of the center 3. The info exchange 4. TF 5. Budget implications 6. Influence of the US 7. The need to upgrade working procedures 8. The need to upgrade the number of personnel 9. The situation on IT 10. The situation on Analysis 11. The need for a Crime unit at the center 12. SECI Annual report 2003 13. SECI's training capabilities
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Dr. Ionas is a high ranking police officer from Romania and holds the rank of a MG in his own organisation. It's his second term at SECI and he acts as the operational head and as a trouble shooter for the exchange service and the other installations of the Center.

Dr. Ionas is very much aware, that the SECI center is in the need of significant improvement as far as the organisation, the equipment, the personnel and above all the budget is concerned. He said that Romania invested already 4 million USD, is giving the premises for free, pays some of the personnel and cannot invest more at the present time. Dr. Ionas is totally aware of the fact, that the recent achievements of the operations are not satisfactory and improvement is needed. He also stated that the customs personnel has be too increased because very little happens at this end. Dr. Ionas is also aware that the quality of personnel, its number and the technical equipment has to increase. At last, Dr. Ionas stated that the little budget the have hampers to participate in international meetings, gives no chance to enhance PR activities in the member states and does not allow guiding, training, improving, direct, motivate in the MS on behalf of SECI. He said that the SECI center is just a skeleton and we need to put some flesh on these bones. Of significant importance is the implementation of a unit handling the OC parts. At the same time the number of trained analysts must increase in order to keep track with OC/TE, to identify groups or networks, to dismantle transborder crime connections and to disrupt OC/T E working groups. A main focus should be on ML and other financial actions sometimes related with fraud and customs cases. Since the center in not staffed on this end the main activities are carried out in the area of data exchange and TF's. The impact of these activities is still not satisfactory at all but the foundation is there and with some good men and women he would be able to drastically increase the results within Police and Customs operations. The field of CD (controlled deliveries e.g. drugs) is still under construction and having the situation in the countrv and at the same time and relevant liaison

officer present CD's could easily be managed. Within the IT sector is the need to increase personnel (only one at this time), improve the current equipment, add a dB and also add an intelligence system. The need of an SECI info system is evetend and full service can be delivered if this will be provided with some budget in interlink with the MS.

Dr. Ionas has the dream that one day, the SECI center is interlinked by IT with its MS on one hand but also with Europol on the other hand. We have to come to a situation where we exchange data as a real time function.

The SECI center could also act as the SEE training center for CD; intel led operations, Intelligence Analysis etc. The capacity is already there but no budget to invite officers from the different MS to Bucharest.

Some organisational models were discussed and an ideal one is drawn for the purpose of the report. As far as personnel are concerned, IT, Analysis and a crime unit is part of the org and personnel are allocated. At last, a budget for the annual support was estimated based on the running cost for the premises and personnel (old and new).

The SECI 2003 annual report was discussed and some remarks were given to Dr. Ionas on the figures in this report and the quality of them. He agrees that there is room for significant improvement.

MEETING REPORT No: 6

Team	Klaus Schmidt
Place	SECI center Bucharest
Date	16,17 and 18 June 2004
Participants	Mr. Florin Dumitrescu, Criminal Intelligence analyst at the SECI center Bucharest

- Subjects discussed**
1. SECI's intel set up
 2. Collections domains
 3. the role of SECI intelligence
 4. Crime analysis and strategic analysis
 5. SECI intel output in the future

A discussion took place with Mr. Dumitrescu on the future role of Intelligence and Crime Analysis. A plan was made how to develop this in the future to have all intel tools and even a system available for the benefit of the center, the member states and the operational activities. The plan developed will be part of the final report.

MEETING REPORT No: 7

Team	Klaus Schmidt
Place	SECI HQ in Bucharest
Date	06 May 2004
Participants	Mr. Florin Dumitrescu, Criminal Intelligence officer at SECI Center, Bucharest

- Subjects discussed**
1. The current Analysis capacity of the center an the US support
 2. Operational analysis
 3. Strategic analysis
 4. Threat assessments
 5. The future role of analysis at the center
 6. Training for crime analysts
 7. Staffing of the analysis unit
 8. Training activities after establishing a unit at the center

The Analysis unit is currently staffed with one (untrained) local staff member. All the knowledge he has was obtained by working with the US analysts. Very little knowledge about crime pattern analysis, operational analysis, strategic analysis, open source analysis, threat assessments, analysis of cases with financial background. Mr. Dumitrescu told me, that he will attend a two weeks training at Europol on Strategic Analysis and he is open to all other possible trainings. The current situation was discussed and a mutual agreement was achieved on how the future role must be enhanced:

The future SECI analysis unit should have the following responsibilities:

- a. Strategic Analysis (according to Europol standards)
- b. Operational Analysis (according to Europol standards and in support of internationally-coordinated investigations and activities)
- c. Support of other field activities on request of the MS
- d. Liaison with other national units
- e. To enhance the regional standards of analysis by offering guidance in analytical working methods and procedures
- f. To offer training for liaison officers, analysts and support staff for all MS

Common understanding was reached on the requirements of the future staff:

There is a need for four analysts at the center with a balanced representation of the MS in the following languages: Albanian, Bulgarian, Romanian, Russian, Serbo-Croatian, and Turkish/Arabic. All analysts should be trained in both strategic and operational intelligence analysis.

The advantages of this configuration:

It provides a strong analytical framework for regional coordinated investigations and enhances the capabilities of the center by covering a wide geographic area with standards in different languages. It allows task force analytical specialisation and support for operational and strategic support in the national languages. Short-, Medium and long-term objectives of such a unit were discussed in length and already within 2005 the following could be achieved:

- a. Operational cooperation with all MS and other international partners
- b. Skills and knowledge could be exchanged, training could be delivered at SECI

c. Exchange of experience with all MS in the field of transborder crime, smuggling including drug trafficking, THB, TE and witness protection as well as CD could be offered.

After the establishment of such a unit, the unit could be used a training facility for the entire region in order to enhance the regions capabilities in the area of crime analysis etc.

MEETING REPORT No: 8

Team	Klaus Schmidt
Place	SECI HQ in Bucharest
Date	05 and 06 May 2004
Participants	Mr. Mihai Negrea, IT expert and officer at SECI Center, Bucharest

Subjects discussed

1. The current IT situation, its weaknesses.
2. Next step in upgrading the network
3. IT in the context of general management of the center
4. IT in the context with the MS
5. IT in the context of the Analysis function of the center
6. IT in the context of an Information System
7. IT and the standards in the MS
8. IT and information security
9. IT and data protection
10. The requirement on personnel
11. The requirements on equipment

The interview of Mr. Negrea took some hours and a common platform for ideas created a good atmosphere. He is good qualified and "the asset" at the center.

The SECI center has already its own LAN, connected to the 12 National Focal points via a virtual network via Internet. Data and intel is exchanged encrypted via email messages containing sensitive data, information and intel. IT at SECI provides also other facilities such as document management software, case management software, I2 analyst notebook etc.

The LAN provides a wide connectivity over IP with other institutions using/giving a high degree of security.

All the facilities are managed by one local staff member who acts at the same time as help desk technician. There is no other staff member who is able to assist and support. The IT unit works under the support director and coordinates all his activities with him.

As heart of the SECI center, the IT unit needs significant extension towards a modern IT installation and some additional technical equipment according to the day to day need of the center. This comes into effect if the efficiency and effectivity has to increase and the outcome (products) should look like those according European standards.

With Mr Negrea, the following extension of the unit was developed (personnel and technique):

A system designed for 60 + regular users should be established for more than 80 WS, including some mobile computers. The system needs 15 servers, a VPN concentrator, an intrusion system, data converters and optical fibre multiplexers. The need of a language assistance component must be considered to overcome the language barriers at the SECI center, mainly in the analysis unit. As far as new assisting personnel is concerned, the following additional IT experts seem necessary:

For the first stage: one Window svstem administrator and a help desk

technician.

At the next step, a network technician and a wp developer are needed and at the third stage, one Unix system administrator, one Oracle applications designer/developer and a "C" programmer have to be engaged fulltime.

In order to increase the capabilities of the center, there is some equipment needed to fulfil the required actions such as:

- disaster recovery system for the network
- an application server
- an software test server
- additional 30 WS, printers, scanners, UPS
- Communication/network equipment
- an Oracle server
- Analysis software.

The estimated price for this equipment is (today) 150.00 Euro. This equipment should be in place in (at latest) 2007 while some of the current equipment must be exchanged. The estimated price for the replacements is 300.000 Euro.

Once the equipment is in place, the entire general and special functions of the center are interconnected, different users have different access and data protection is given. If support continues, the SECI center might play a similar role in the Balkan as Europol the EU MS

MEETING REPORT No: 9

Team	Klaus Schmidt
Place	SECI center Bucharest
Date	16,17 and 18 June 2004
Participants	Mr. Mihai Negrea, IT expert of the SECI center
Subjects discussed	<ol style="list-style-type: none"> 1. SECI IT strategy 2. IT network 3. upgrades 2003/2004 4. to finance the final stage 5. Data flow capacity – Intelligence work

The current status was again discussed and the impact on the system with the upgrades in 2003 and 2004.

The strategy for the future depends very much of course on the further role of SECI. The strategy was roughly developed and discussed (see final report with full details)

Further discussion on the Strategic information system and the operational coordinated investigation support system with an index section.

Second part was on the IT network internet/intranet

Third part on the upgrades in 2003/2004 including development of network communication facilities, encrypted vpn over the internet between SECI and the different NFP in the member states and Network improvement

Necessary enhanced security of the LAN for the dB and the mail access, intrusion detection and protection at server and network level

Discussions on the necessary equipment to improve data flow and processing inside the SECI center took place and a short list was made (see also final report)

Last upgrades discussed and price estimations done.

All the necessary technical details will come with the final report.

MEETING REPORT No: 10

Team	Klaus Schmidt
Place	SECI HQ in Bucharest
Date	06 May 2004
Participants	Mr. Ridvan Guenaydin, Turkish liaison officer to the SECI center and ATTF project manager for the center

Subjects discussed

1. The TF on Counter Terrorism
2. Current status
3. The relation of OC/TE
4. Further actions
5. SECI vs Intelligence services
6. Intel gathering
7. Counter actions vs data protection

Mr. Guenaydin is a high level police officer (chief superintendent) with the Turkish police at the SECI center and at the same time he is running the TF on counter terrorism. He was summarizing the development of the TF and its two sub groups (Small Arms + light weapon smuggling led by Albania and Weapons of Mass destruction led by Romania). He was also describing the main obstacles hampering his work and all initiatives. These obstacles are:

1. Definition of TE in the SEE region
2. the current legislation is not effective
3. Many structural problems in the SEE region in the relations between Police and Intelligence Services. He stated that only constant work with the same people leads on long term to results within the SEE states and at the SECI center. He praised the support from the US by FBI and SS for instance within cash flow investigations. There are some 300 persons identified with bank accounts in Albania, Bosnia – Herzegovina and Turkey with connections OC/TE. Since no activities could be started so far, there is an urgent need for:
 - meetings on the subject in the SEE region to get every country on the same level
 - training programs for involved officers on the subject an in TE intel analysis
 - Training on EOD and IED disposal.

Some of them are already planned in 2004 but due the lack of a budget not organized yet.

He also stated very clearly, that they receive no recognition from European partners and no info sharing contributes to the work they do. The ATTF want to be used by other partners and at least they will try to gather the data/information/intel. Main problem is for them the lack of IT supported analysis, no special analyst available at this point. Any support given from Europe is welcome in this context which would together with the assistance of the US increase the importance of the TF on TE.

MEETING REPORT No: 11

Team	Alan Wilson (5th May with Klaus Schmidt)
Place	SECI Center – Bucharest
Date	5th and 6th May 2004
Participants	Ridvan Gunaydin – Chief Superintendent – Liaison Officer ATTF Project Manager Mehmet Yildirim – Turkish Customs Liaison Officer

Subjects discussed Anti-Terrorism Task Force
Liaison Officer – General Working Practices
Anti-Terrorism Task Force established – February 2003.
Responsible Member State Turkey (Task Force Manager)
Aim of ATTF is to coordinate law enforcement activities and enhance regional cooperation to prevent, detect, investigate and combat terrorism and related crime.
Task Force is still evolving and is not currently at a stage to organize live Operations. (See 1st ATTF Meeting report – Operation Ploughshares Analysis Report)

Present Role of ATTF:

1. To coordinate meetings between the principal Ministries and Law Enforcement Agencies of the Member States and Observer Countries.
2. Host meetings – as above
3. Central liaison point for all interested bodies.
4. Organise Basic Training Programs
5. Delivery of presentations on Antiterrorism to interested parties.
6. Develop International Liaison on Anti-terrorism
7. Produce ATTF Reports including sub-group reports for Anti-terrorism, Small Arms and Light Weapons and Weapons of Mass Destruction.

Obstacles: include political will and regime change – legislation – no previous knowledge of terrorism – no effective legislation in all aspects of anti-terrorism – structural – Police are not normally responsible for terrorism – military.

Recent success using List of Terrorist Suspects and Financiers provided by US – a number of suspect Bank Accounts identified in Albania, BiH and Turkey. Bilaterally between Turkey and BiH – potential Mujaheddin Groups are being investigated. Criminal Police Chiefs of both BiH Entities have recently visited the SECI Center. Some technical assistance from the FBI – funding for meetings and operations \$ 92,000 (problem with US funding for SECI Center is that it is ring-fenced for past Easter Block countries and this does not include Turkey or Greece.

Future plans to organize smaller group meetings of experts – either bilateral or between 3 to 4 Member States to try and generate a higher level of cooperation.

Participant's comments :

Greater recognition from the EU (Europol) – need for more political support - do not want to be seen as US initiative but recognized a

formidable force within the region – improved recognition will assist the ATTF to have better credibility amongst the MS. EU has bilateral agreements with MS – use SECI Center. SECI doesn't belong to any higher 'Organisation' - to be truly effective SECI needs to be recognized by the EU.

Ever increasing number of MS joining the EU – SECI Center MS are on the front-line of every major area of crime which is ultimately targeted for the EU –it should be in the best interests of the EU to support the SECI Center – very poor recognition and support to date.

More support from the EU e.g. funding for training – Europol Anti-terrorist Expert to visit SECI Centre

Improve credibility and operational effectiveness of the SECI Center – ATTF has the potential to be operational.

Reference material :

SECI Operational Activity Report

SECI Center 2003 Activity Report

1st and 2nd Anti-Terrorism Task Force Meeting Reports

General:

Police and Customs Liaison Officers – both with SECI Center for past 3 ½ years.

National Focal Point (NFP) for Police – vary on type of crime – all contact points are based in Police HQ Ankara

Taking time to promote SECI Center to all the Police Depts. – increasing awareness each month – Police LO continues to promote SECI. Self promotion – available 24 hours.

Customs – again self-promotion – spread the word to operational officers – HQ fully aware of SECI Center but limited knowledge in the outfield.

Since the establishment of ATTF – their has been an increased interest by Turkish Authorities in the SECI Centre – various visits by Senior Police Officers – on return to Turkey these Officers promote the SECI Center – more training courses/ seminars/ conferences all act as tangible means of promoting the SECI Center.

NFP for Customs – for Undervaluation and Customs Fraud – the General Directorate for EU and Foreign Relationships – for Drugs and Anti-smuggling – the General Directorate for Customs Enforcement.

With the impending new communication project sponsored by Germany – the Turkish Authorities have agreed to the setting-up of a NFP (some minor changes to the legislation are needed).

Number of requests for 2004 :

Police : 2003 – total 136 – requests received 51 – requests made 13 – responses given 34 – responses received 8 – general information / correspondence – 30

2004 – total 45 – requests received 12 – requests made 7 – responses given 11 – responses received 5 – general information / correspondence – 11

Customs : 2003 – total 79 – requests received 50 – requests made 34 – documentation exchange 1300

2004 – total 49 – requests received 42 – requests made 7

Both Police and Customs highest exchange of requests with Romania
– Police 90%.

Observations:

Commitment by Member States and the level of interest between Liaison Officers is again very varied - many claim not to have a terrorist problem – so how can they exchange information. (ATTF claim that even if there is no direct threat to the MS there is still problem of terrorist organizations / cells located within these MS countries – also international banking and financing groups.

There is a real need to promote the SECI Center and in particular the work of the ATTF to all Law Enforcement Agencies, their Management and the Operational Staff of each of the Member States.

The ATTF are facing some very real problems in developing their operational capability however, they are succeeding in creating a greater awareness of this specific problem within the Member States.

Neither Liaison Officer appears to have direct NFP or contacts to support SECI Center requests.

The Customs Liaison Officer by his own admission takes sees his role as secondary to that of his Police colleague.

MEETING REPORT No: 12

Team	Klaus Schmidt
Place	SECI HQ in Bucharest
Date	06 May 2004
Participants	Dr. Rita Raskai, Hungarian Customs and finance guard, liaison officer at SECI center Ms. Mirjana Stanoeva, Customs liaison officer from Macedonia at the SECI center

- Subjects discussed**
1. Customs representation at the center
 2. Working procedures Customs/Police/Justice
 3. To extend current activities
 4. Mutual working group

According to the SECI agreement, they exchange only information on administrative cases. One of the main problems at this stage is that some of the member states have no investigative power as it is in Hungary. Although foreseen Bosnia, Serbia and Macedonia did not implement the laws and all the work is the exchange of data which comes very often far too late. The Customs valuation TF and the Commercial fraud TF were merged in 2003 into one. Hungary for instance would like to extend together with the EC countries the exchange but this is not possible due to the lacking infrastructure which is not sufficient. Only some of the member states at SECI have a Customs national focal point and only a few customs officer represent their service at the center. The two activities in this field, Bulldog I and II (Smuggling of cigarettes) turned out to be not successful and preference to bi lateral agreements is given by some member states. The legal differences in the countries avoid more actions supported by the center and the customs officers feel themselves under used. There is the need for the following improvements:

1. All countries are represented at the center
2. All countries build up an national focal point with customs
3. Legal assistance has to be given to those countries who are still far behind
4. Customs dB connections should be enhanced
5. More Police/Customs group should be established
6. More training should be given inside and outside the center
7. Center meetings on customs issues must be organized
8. Customs should be represented in the Analysis unit
9. The infrastructure in the different countries must be improved towards an exchange of real time data.
10. The legal framework in the SEE must improve and should be known at SECI

MEETING REPORT No: 13

Team	Alan Wilson (with Klaus Schmidt)
Place	SECI Center Bucharest
Date	5th May 2004
Participants	Dr Rita Raskai – Liaison Officer Hungarian Customs and Finance Guard

Subjects discussed The Anti-Smuggling and Anti-Fraud Task Force Liaison Officer – General Working Practices
The AS and AFTF was established in 2003 and is jointly coordinated by Albania and Croatia – it is a merger between the two previously established TFs on customs-related issues.

Operational Status of AS and AFTF – generally poor – previous operations e.g. Bulldog I and II – generated the exchange of information and data (movement of cigarette consignments / seizures) – but primarily only as a threat assessment – no real operation activity.

Information exchange high during operations but it is not sustainable – drops significantly on completion of operations.

Hungary would like to see greater number of Customs Operations – Intelligence led and targeted at known areas of risk.

Participant's Comments:

Problems related to Customs Operations and requests for assistance – most MS Customs Administrations do not have Investigative Powers – only Hungary to-date.

Each MS has their own specific Customs problems e.g. BiH – undervaluation, Romania – cigarette smuggling – Macedonia – diversion to home-use of cigarettes in transit – most MS have bilateral agreements and do not take full advantage of SECI Center.

SECI Center agreement on time-scales for responses to requests are not respected by most MS – often responses take up to 6 months if at all – rather than those as set out in the SC Agreement (5, 15 and 30 days)

National Focal Points have not been established in most MS – need for more joint Police / Customs NFPs.

Customs is the poor relation of the SECI Center MS – also poorly represented – need for greater commitment to support Customs related crimes from MS Home Administrations (MS HA).

In order for SECI C. to be genuinely effective it is necessary to have both a Police and Customs LO – apart from the work requirements – there is also specialism of the work and leave commitments.

Infrastructure in all MS is not set-up to effectively support SECI C. Liaison Officers (LO) – again the need for a greater commitment from the MS HA.

Need to harmonise different legislation and procedures of the SC MS – support for the SEPEC initiative.

SC not well enough promoted – operational staff who are aware of SC will use it – those who are only aware of e.g. Interpol or Europol will use them. Need for the Customs Directors of each MS HA to promote the SC – give directives to operational staff and managers.

General

Duties of Liaison Officer :

1. Daily exchange of information primarily administrative enquiries and requests on commercial and valuation fraud between MS.
2. Cooperation with Task Force Managers

Excellent relations between Customs and Police – exchange of information good.

Work instructions as set by Hungary Customs are fully in-line with those set out in the Rules of Organisation and Operation of the SC.

Record Book for all requests completed as per instructions.

Files – no instructions on the keeping of physical records – no filing system (documents kept in plain files and stacked – no particular system applied – each file contains the unique reference number from the Record Book.

SECI C. computer software for recording requests – similar to that of Record Book – information used by SECI C. for statistical and management information purposes. Each file record is only accessible to either the requesting or the receiving MS Los.

Communication used for exchange of information and requests – fax and internet. SEMS communication system only used during the Customs Operations.

No confidentiality clause signed by the MS LO.

Number of Requests : details forwarded to Mr. Klaus Schmidt

Observations:

Need for greater promotion of SECI C. to MS HA – Managers and Operational Staff.

Increase use of, and greater support for SECI C. LO by MS HA.

Promote NEED for both Customs and Police LO - need for greater commitment to support Customs related crimes from MS HA.

MEETING REPORT No: 14

Team	Klaus Schmidt
Place	SECI HQ in Bucharest
Date	05 May 2004
Participants	Mr. Galentin Georgiev, Liaison Officer from Bulgaria to the SECI center, Leader of the Task Force on Drugs

- Subjects discussed**
1. Task Forces on Drugs and its outcomes
 2. Contributions of the MS
 3. Role of the observers
 4. Further development

Mr. Georgiev gave an overview on the TF activities in the past and described the important role SECI is playing in this context. He also gave a short forecast on Containment III which will follow in June 2004.

The activities such as Sleeper, Containment I and II went well from the mgt of the TF although the outcome has to be improved. The countries (MS) are not equipped properly and this is sometimes hampering the activities. Speed in content of data/information is improving and he is very optimistic, that SECI becomes a regional power player for the coordinated approach to disrupt drug trafficker groups and even drug smugglers connected to OC. The TF manager also told that there is very little commitment from Albania, Moldova and Bosnia and close to nothing from Turkey and Greece!!. He praised the working relations with the German ZKA (Balkan info system) and the use of mobile computers with encrypted e-mailing. Mr. Georgiev is optimistic that the TF is now ready for controlled deliveries, using TF and the liaison network at the SECI center for this purpose. He wants to enhance the capabilities towards intel led operations and his main concern is the lack of equipment within the counter drugs units in some member states. There is also very little training given to the officers and close to no opportunity to use any kind of evaluation.

All in all, the TF on illegal drug trafficking seems to be one of the promising activities with the potential for increasing impact on drug smuggling using CD's. In order to provide them with more tactical information a regular post should cover these needs (crime unit?) in close cooperation with the Crime Intelligence unit of the center.

MEETING REPORT No: 15

Team	Alan Wilson (with Klaus Schmidt)
Place	SECI Centre (Bucharest, Romania)
Date	4th May 2004
Participants	Galentin Georgiev – Liaison Officer of the Ministry of Interior – Bulgaria

Subjects discussed Drugs Task Force (Responsible Member State – Bulgaria)
Drugs Task Force established - July 2000

Supported by Bulgaria Ministry of Interior – National Service for Combating Organised Crime.

Participants – SECI Member States + Observer Countries – Austria, Italy, Germany and US

Task Force setup to promote multi-country drug operations

Main role of Task Force Manager :

8. Draft Annual Agenda
9. Organise meetings between the principal Ministries and Law Enforcement Agencies of the participant and observer countries.
10. Host meetings – as above
11. Central liaison point for all interested bodies.
12. Coordinate proposals for future operations
13. Produce 'Evaluation Reports' on Drug Operations
14. Point of contact and coordinator for 'Control Deliveries'

Status of SECI during Operations – 24 hour cover

4 x Operations since setting-up Task Force.

During operations high level of information exchanged – not sustained on completion of operation.

Communication during Operations – SEMS – laptops owned by the SECI Centre are loaned out to the participating Member States NFP
Member State Prosecutors Offices are now contacted at an early stage to prepare for potential control deliveries.

Most recent Drugs Operation – OP. CONTAINMENT II (See Operation Reports Containment II (including code-named Orient Express, Route E 70 and Speedway)

Next in line is OP. CONTAINMENT III – with emphasis on the search for amphetamine type drugs at airports – this operation will include Observer countries.

SECI – extending cooperation with the Caucuses – Azerbaijan, Georgia, Ukraine and Uzbekistan

Received manual on Control Deliveries from Europol

No exchange of Tactical Intelligence (tried to encourage this exchange between member states 3 years ago– no success - the only exceptions are Turkey, Hungary and Bulgaria)

No exchange of information on drug seizures between Member States.

Need for lists of names of drug suspects

Need for a database to fully and effectively utilize information.

Observations:

Commitment varies between member states – Bulgaria reports that Albania, BiH, Moldova and Turkey are not focused on the Drug Task Force

During the Drugs Task Force Operations – a relatively high number of requests is initiated (Op Containment II – over 26 days – 396 requests could be certainly be classed as satisfactory when compared to the SECI Centre annual number of 689 which is extremely poor) – however, this level of activity is not sustained on completion of the Operation.

It is recognized that Customs are the poor relation in SECI - there is also a lack of representatives – it is seen as a problem

Participant's comments:

Need for more Intelligence-led Operations

Ideally the SECI Centre should become a Regional Centre for Europol

Reference material:

SECI Operational Activity Report

Operation Reports Containment II (including code-named Orient Express, Route E 70 and Speedway)

SECI Regional Center Anti- Drug Trafficking Task Force – Power Point Presentation.

SECI Center 2003 Activity Report

General:

Bulgaria has no Customs Liaison Officer – the representative from Bulgaria is Ms Snejana Nenova who is now the Head of the Legal Internal Department of the SECI Centre.

Bulgaria SECI representative seconded from the Bulgarian Police – salary from Home Administration – holds a Diplomatic Passport.

Working Hours: Mon to Fri 0900 to 1800 hours (excluding special circumstances which are then funded by SECI)

Number of requests for 2004:

MEETING REPORT No: 16

Team	SCHMIDT/AITALA
Place	Bucharest
Date	4 May 2004
Participants	Paolo Sartori, Italian Representative to the SECI Centre and Interpol Liaison Officer in Romania and Moldova; Schmidt, Aitala

Subjects discussed Mr. Sartori has been operating in Romania since 1999 and has witnessed the SECI centre activity from the beginning, having being Italy one of its first supporters. In general, he emphasised that the SECI centre has proved useful in the exchange of information. During these years he has often requested and obtained investigative cooperation under request of Italian police authorities and prosecution, with remarkable results. Recently some arrest warrants granted by Italian judicial authorities have been executed thanks to the cooperation obtained through the SECI. Mr. Sartori, now leaving Bucharest for duty reasons for the week, will be available to let us examine in details the papers filed in his office. He informed us of an interesting case managed by the Antimafia Prosecution of Caltanissetta (Sicily, Italy) and the Direzione Investigativa Antimafia (police authority in charge of mafia investigations) which led to Romania. The investigations were in part performed through the SECI and unveiled a case of money laundering. A major Sicilian mafia family (the name is not mentioned as this paper will be attached to the final report) made use of a clean front person to invest huge amounts of dirty money in Romania. Hundreds apartments as well as companies were bought in the country. The undersigned has already contacted Mr. Dell'Osso, Deputy General Antimafia Prosecutor who made himself available to give more details and advised to have a meeting with the prosecutors in charge at the Caltanissetta Office (among which is the Deputy Chief Prosecutor). More details about the case will be gathered in due course.

Mr. Sartori also emphasised that many countries, members and observers, have raised concerns about a data base implementation at SECI.

A further meeting with Mr. Sartori will be scheduled during next visit to SECI in order to get more detailed information regarding the main activities carried out in these years.

Rosario Aitala

MEETING REPORT No: 17

Team	AITALA
Place	Phone conversations
Date	11 May 2004
Participants	Paolo Sartori, Italian Representative to the SECI Centre and Interpol Liaison Officer in Romania and Moldova; Schmidt, Aitala

Subjects discussed Mr. Sartori provided the required details regarding main cases dealt with by his office with the cooperation of SECI.
 Italy was the first observer to support the SECI and to send a permanent observer, together with the US. According to the available data Italy is also the first user of the centre.
 The mentioned cases of money laundering (s.c. *****) are registered under the proceeding numbers ***** DDA Caltanissetta; *****) and *****) RGGIP regarding the preventive seizure warrant.
 Other relevant case (kidnapping) has been dealt with by the Office of the Prosecutor in Torino (informative note by Mr. Sartori 23/08/2001): *****)
 Very relevant was also the arrest of *****) (first level camorra leader), with the cooperation of SECI (Romania and Moldova)

Statistics of cases Italy/SECI (in approx three years)

Greece: 2
 FYROM: 9
 Bosnia: 1
 Croatia: 1
 Ukraine: 4
 Bulgaria: 3
 Hungary: 7
 Turkey: 2
 Moldova: 10
 Bulgaria: 3
 Romania: 9 prostitution; 36 thb; 5 murder; 2 money laund; 5 transnational OC; 5 hiding persons; 19 vehicles traffick; 4 smuggling; 3 usury; 19 drug trafficking; 22 fraud and misc.

Note: sensitive data have been removed from the original report

Rosario Aitala

MEETING REPORT No: 18

Team	AITALA
Place	Bucharest
Date	16 June 2004
Participants	Paolo SARTORI, Italian Representative to the SECI Centre and Interpol Liaison Officer in Romania and Moldova; Giuseppe LOMBARDO, Ufficio Italiano Cambi Rosario AITALA

Subjects discussed Mr. Lombardo has been a pre-accession adviser in the context of a PHARE programme on money laundering. He explained that significant progress in the legislation have led to amend the competence of the National Office for Prevention and Control of Money Laundering. The bank secrecy now cannot be opposed to judicial authorities.

Rosario Aitala

MEETING REPORT No: 19

Team	AITALA
Place	Bucharest, Italian Embassy
Date	18 June 2004
Participants	Paolo Sartori, Italian Representative to the SECI Centre and Interpol Liaison Officer in Romania and Moldova; Rosario Aitala

Subjects discussed The s.c. ***** case was further discussed following the field visit findings. I briefly reported the opinions of the Italian Prosecution. According to Mr. Sartori the case can be summarized as follows:
 The DIA (Antimafia Investigative Office) requested to NCB Interpol in Rome information about the money laundering case (cf previous meeting reports). Mr. Sartori, as liaison officer, passed the request to the SECI liaison officer for Romania, who informed the General Prosecutor Office and the Police General Inspectorate. The outcome was satisfactory. The Antimafia Prosecution of Caltanissetta (IT) then filed a rogatory request to the Romanian authorities, passed to the Police, which seized the documents re the companies and to the National Office for Prevention and Control of Money Laundering, holding at that time the exclusive competence over money laundering and bank investigations. According to Mr. Sartori the unsatisfactory results of the investigations following the rogatory letter are then not connected to the SECI Centre which wasn't involved in the second stage of the investigations.

Note: sensitive data have been removed from the original report

Rosario Aitala

MEETING REPORT No: 20

Team	Alan Wilson
Place	SECI Center – Bucharest
Date	5th May 2004
Participants	Capt. Angelo Longo – Guardia di Finanza Representative – SECI Regional Center for Combating Transborder Crime (Responsible for Customs matters)

Subjects discussed

General observations of SECI Center working practices

- Capt. Longo represents Italy as an observer country responsible for Customs matters.
- An initial posting of 8 months, which comes to an end at the end of May, at which time SECI management and the Guardia di Finanza will assess the post and decide whether or not to grant permanent status.
- SECI Center is a good point of contact for the Guardia di Finanza.
- A single liaison officer permanently based at the SECI Center is regarded as a good investment by the Guardia di Finanza as opposed to officers located in the 12 member countries.
- SECI Center is under-used and there are long periods of inactivity.
- SECI Center requires greater support and recognition from the EU (Europol).
- SECI Center would benefit from more EU member state representatives with observer status in SECI.
- The Customs profile within the SECI Center needs to be raised – there is a need for an increase in the number of Customs task-force targeted operations – Operation Bulldog was generally good however there were no targeted results only the collection of information – the drugs and human trafficking task-forces have well targeted Operations and real results.
- The SECI Center has the means for member countries to exchange real time, information and requests.

MEETING REPORT No: 21

Team	AITALA
Place	Bucharest
Date	2 May 2004
Participants	Cap. Angelo LONGO, Italian Guardia di Finanza; Rosario Aitala

Subjects discussed Mr. Longo represents the Guardia di Finanza, currently in a position of temporary advisor in the field of customs. It is expected that the Italian Guardia di Finanza will gain a permanent status in the next future, in order to improve the capacity of the centre in the fields of customs and financial offences. Mr. Longo emphasised that so far the activity of the SECI centre in the field of customs has been quite weak. Now Hungary is planning an operation in the field of cigarettes smuggling. The operation will consist of an ex post monitoring of statistical data in view of starting the exchange of information in the field.

Rosario Aitala

MEETING REPORT No: 22

Team	SCHMIDT/AITALA
Place	Rome, Italy, Criminal Police Directorate
Date	3 June 2004
Participants	DE SENA, Prefect, Deputy Chief of Police and Head of the Criminal Police Directorate RONCONI, Head of International Cooperation, Interpol, UNE, SIRENE NAPOLETANO, Criminal Police Directorate LUDOVICI, Ministerial Adviser SCHMIDT, AITALA

Subjects discussed

The meeting took place in a very fruitful and cooperative atmosphere. Mr. DE SENA heads the office in charge of all police international activities in the field of crime. Opinions given: A) The centre granted so far positive operational results. It proved a tool more concrete than other initiatives; B) Any EU initiative regarding the Centre should be cautious and carefully coordinated with other ongoing international activities in the area; the relationship with the INTERPOL should be evaluated; C) Financial implications should be taken into account; D) The establishment of a SECI data-base is premature and would raise concerns, especially if rules of use are not clearly posed; E) The main areas of interest are trafficking in persons, smuggling of migrants, terrorism and drugs trafficking.

Rosario Aitala

MEETING REPORT No: 23

Team	SCHMIDT/AITALA
Place	Rome, Italy, High Council of Judiciary
Date	3 June 2004
Participants	Franco LO VOI, Member of the Council SCHMIDT, AITALA

Subjects discussed Mr. LO VOI, former Anti-Mafia Prosecutor in Palermo and member of the European Judicial Network, presented the range of international activities led by the Council, organ of self-government of the Italian judiciary (comprising both prosecutors and judges) and the increasing favour of the Council for its involvement in international initiatives.

Rosario Aitala

MEETING REPORT No: 24

Team	SCHMIDT/AITALA
Place	Rome, Italy, Guardia di Finanza Headquarters
Date	3 June 2004
Participants	Gen. POLELLA, Head of the Intelligence and International Liaison Department, Guardia di Finanza Capt. DE GIACOMO, Head of the International Relations Section SCHMIDT, AITALA

Subjects discussed Since the end of last year an officer of Guardia di Finanza was appointed at SECI as adviser in financial issues, being the GDF a qualified financial police force. The officer has now been reappointed for a period of 2 years.

In the framework of a wide international strategy given by law (D.L. 68/2001) the GDF has appointed liaison officer to foreign embassies, international organisations (Europol, WCO, OLAF, DG TAXUD, DG AG), peacekeeping missions (UNMIK).

The SECI is regarded as an important observation point and a chance for cooperation, even if so far the GDF had no operational outcome since their participation was of mere advice. The information received from the SECI C. (through Sartori, the Italian liaison officer) so far weren't specifically targeted to the specific responsibilities of the GDF but mainly regarded drugs trafficking and smuggling of cigarettes. Data handling is regarded as a source of concern.

Rosario Aitala

MEETING REPORT No: 25

Team	SCHMIDT/AITALA
Place	Rome, Italy, National Antimafia Bureau
Date	3 June 2004
Participants	P. VIGNA, National Antimafia Chief Prosecutor P. DELL'OSSO, Deputy National Antimafia Chief Prosecutor in charge of relations with Romania SCHMIDT, AITALA

Subjects discussed Mr. VIGNA has indirect information about the SECI Centre which he considers a useful initiative although remarking that future efforts should be aimed at making of the SECI an effective tool and not a formalistic institution.

Mr. DELL'OSSO recalled some cases about which we were already informed by Mr. SARTORI and expressed a positive opinion about the Centre. He emphasised that the SECI Centre is one of the results of the role played by Romania in the region as a pole of attraction. He also stressed that it is important to enhance the coordination between the prosecution and the police, which in some countries of the area is poor also due to legislative reasons.

Rosario Aitala

MEETING REPORT No: 26

Team	AITALA
Place	Bucharest
Date	6 May 2004
Participants	Agron Sojati, Albanian Representative to the SECI Centre and Manager of the Small Arms and Light Weapons Task Force; Rosario Aitala

Subjects discussed Mr. Sojati has been operating at SECI for three years and has witnessed the SECI centre activity from the beginning.

General remarks

In general, he emphasised the important role of SECI in breaking a long lasting silence between some countries of the region. Since the centre started its activities police and customs colleagues coming from countries politically opposed to each other are finally sitting close to each other and progressively (even if slowly) central authorities are starting to make use of the centre. However national law enforcement agencies and their operational agents still make too limited use of the possibilities offered by SECI.

Relationships with the FYRM have improved dramatically, while for example relationships with Montenegro are more limited (due to the presence at SECI of one representative for Serbia and Montenegro, employed by the Serbian M of Interior) and with Kosovo (recently the UNMIK has been admitted as observer). Referring to the Mirage operation for example, he remarked that some data highlighted in the report are insignificant (e.g. number of controlled places). Albania is now proposing that, in order to ensure that effective result of the activity are clear, the countries participating to the operations should follow up concrete results of the operations (prosecutions, convictions) and share these more significant data with other countries. So far the centre has facilitated cooperation (in the case of the Mirage, the SECI centre made possible investigations otherwise impossible). The next step should then be the implementation of common investigations: this is the aim to which the centre should focus on, still far to come.

Despite he is well aware of the problems (data protection and others), he believes that a SECI data-base should be implemented. Currently they have the facto a data-base (including personal and sensitive data) when operations are being performed. Immediately afterwards data are deleted and only general information (like nationality) for statistical purpose are processed.

Activity of the Liaison Officer in 2004

21 requests from A were forwarded to respective member states, of which 11 regarding arms/weapons (1 answered) and 10 regarding other offences: THB, drugs (5 answered).

7 requests were received by A (5 of which answered)

6 intelligence information were provided by A by initiative to different countries (1 re drugs, 2 THB and 1 terrorism)

In addition other administrative tasks were performed.

Illicit Trafficking of Small Arms and Light Weapons Task Force

The Task Force focuses on illicit trafficking only while illegal trade is not included, since governments are involved. So far not manv

member states are being committed in this field, differently from other fields, as after many years of wars they tend to underestimate the problem. Some of them did not participate in the task force.

Albania took up this responsibility partly benefiting of the post-1997 experience, even if the problems involved in the task force are far more complex.

Partners: SAFER WORLD (US, sitting in London): expertise and funds; CESAC (Stability Pact and UNDP): funds; NCIS (UK): expertise and indirect access to the Interpol/Europol database; UK METROPOLITAN POLICE: indirect access to data base. The task force presents requests to the latter institutions which inquiry the database.

The aims are 1) to constitute a regional network of experts; 2) to improve capacity to start tracking weapons

Some countries have not cooperated properly not filling the seizure report properly.

Compare attached papers. They also contain some data regarding specific cases, which will be checked in A. Any sensitive data will have to be deleted in due course.

Rosario Aitala

MEETING REPORT No: 27

Team	SCHMIDT, AITALA
Place	Tirana
Date	7 July 2004
Participants	Theodhori SOLLAKU, General Prosecutor of Albania; Ardjan VICHA, Head International Relations; Schmidt, Aitala

Subjects discussed Mr. SOLLAKU had met a delegation from SECI (comprising Mr. CAKICI, Mr. CORN and Mr. SOJATI) the day before. According to Mr. SOLLAKU, on the occasion of the Mirage 2003 operation, the Albanian authorities received limited information from SECI. He emphasised that in his opinion the results of the operation were poor, since the majority of cases were not related to trafficking in persons but to illegal border crossing and forgery of documents. Regarding the SEEPAG he remarked that the idea of exchanging of information does not fit prosecution, since prosecutors exchange evidence thorough rogatories. He believes that the SEEPAG should take a clear shape and that participants to meetings should be prepared. Mr. VICHA recalled the idea that one the next meeting could be organised in Tirana.

Rosario Aitala

MEETING REPORT No: 28

Team	AITALA
Place	Tirana
Date	30 April 2004
Participants	Avni Yasharllari, Head of Public Order Department, former Head of Anti-Trafficking Unit; Rosario Aitala

Subjects discussed Mr. Yasharllari headed the Anti-Trafficking Unit at the time when the s.c. Mirage 2003 operation was performed. Mr. Yasharllari remarked that the SECI centre played in that occasion (for about ten days) an important and effective role of operational coordination and proved very useful.

According to Mr. Yasharllari the results of other operations coordinated by the SECI centre have been very poor. In particular he was critical regarding the capacity of the centre in the field of drug trafficking offences, despite – he emphasized – the favourable geographical position of the centre, along heroin’s main route (Afghanistan-Turkey-Bulgaria-Romania-Macedonia-Albania-Italy, etc.), which should make of the centre a main actor in this field.

A further meeting with Mr. Yasharllari, as well as meetings with prosecutors in charge of the mentioned proceedings will be planned after the SECI visit.

Rosario Aitala

MEETING REPORT No: 29

Team	Alan Wilson (with Klaus Schmidt)
Place	SECI Centre - Bucharest
Date	4th May 2004
Participants	Cristian Duta – Liaison Officer – Romanian Police

Subjects discussed	<p>Anti-Trafficking in Human Beings Task Force (Responsible Member State – Romania) Anti-Trafficking in HB Task Force established in – 2000 Initiated by Romania. Participants – All SECI Member States + Observer Countries Task Force setup to combat and disrupt trafficking in Human Beings. Main role of Task Force Manager:</p> <ol style="list-style-type: none"> 1. Produce Regional Action Plan 2. Organise meetings between the principal Ministries and Law Enforcement Agencies of the participant and observer countries. 3. Host meetings – as above 4. Central liaison point for all interested bodies. 5. Coordinate proposals for future operations 6. Collate statistics and produce evaluation reports on Operations
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Operations:

Operations Mirage I and II – 2002 / 2003 respectively – targeting human trafficking in Southeastern Europe.

All member states participated (with the exception of Turkey) plus the Ukraine.

Each country completed their own National Action Plan plus a Situation Report.

Mirage 2003 – ran for two-weeks – 24 hours and initiated 300 requests – 463 victims were identified of which 70 were assisted by local NGOs and were all repatriated,. In Albania alone 129 traffickers were identified – no current update on convictions. Two major routes for human trafficking were identified during the course of this operation (Romania was at the centre of each route) and a number of large-scale investigations have been initiated. Results demonstrated 90% prostitution and 10% illegal immigrants.

SECI Center has identified a number of repatriated victims who are prepared to testify against the traffickers – particularly in BiH - the Center is funding the costs for these victims to testify.

At the last JCC meeting – the Mirage Evaluation Report was discussed and it has been agreed that a Mirage III will be organized for May/ June 2004. Again 12 countries will participate. This operation will split the focus to several different areas of trafficking.

Future considerations of the Task Force will be an emphasis in the trafficking of children for adoption and human trafficking for organ transplant.

Observations:

Commitment by Member States and the level of interest between Liaison Officers is very varied (second point raised by participant) – Turkey does not participate in the Mirage Operations.

Again during the Mirage Operations – a relatively high number of requests were initiated – however, this level of activity is not sustained on completion of each Operation.

There is a real need to promote the SECI Center and in particular the work of the various Task Forces to all Law Enforcement Agencies, their Management and the Operational Staff of each of the Member States.

Participant's comments:

Need to promote the SECI Center to the Management and Operational Staff of each Member State.

Need for a 24 hour Coordination Centre

Improve credibility and operational effectiveness of the SECI Center.

Develop Centres of Excellence and Expertise in specific areas of Cross Border Crime – Task Force Managers.

Reference material:

SECI Operational Activity Report

Operation Mirage Evaluation Report

SECI Center 2003 Activity Report

General:

Romania has a Customs Liaison Officer – unfortunately he was not available for interview.

Number of requests for 2004:

MEETING REPORT No: 30

Team	Klaus Schmidt
Place	SECI HQ in Bucharest
Date	06 May 2004
Participants	Mr. Cristian Duta, Romanian Police officer acting as liaison at the SECI center; Task force manager for THB

Subjects discussed

1. The THB TF
2. The Mirage operations 2002, 2003
3. The Mirage operation 2004 (May – 06 June 2004)
4. Further activities
5. Need for the implementation of a specialized unit at the center

Mr. Duta gave an overview of the TF on THB and the commitment of the different countries was discussed. There is very little input by Greece while some of the countries are just not able to contribute in a professional way. He is aware that the figures mentioned in the Mirage operation 2002 and 2003 are sometimes just a make-up since the personnel involved would like to produce figures in order to impress and to “contribute to the statistics”. Nevertheless the operation shows a constant increasing professionalism of the units involved. He reported about the collection of country reports on THB, of a general action plan based on all national action plans which led to an identification of 2 main routes based on 300 – 400 requests.

Some of the findings were leading into investigations in Bosnia, Macedonia and Albania. He is of course not satisfied at this moment but looks further in is already planning for 2005. He awaits already a better quality as far as operations Mirage 2004 is concerned and he was told that we will also check some of those figures mentioned in the reports. For the next operation he wants to look more intensive into “children” in connection with child adoption, organ trafficking and illegal immigrations for sexual abuse.

Mr. Duta will use our assessment on the Mirage operations to increase the commitment in those cases where the member states still lack of transparent figures. He told that the Mirage 2004 operation will last until 6 June 2004 and the new figures are available in the beginning of July.

He was many times mentioning the need for a special officer on THB at the center in order to gain operational/tactical information to better organize and monitor the SECI led operations. He also sees the need for more intelligence gathering and evaluation of this information. Since the SECI center has only one Analyst, monitored by some of the US analysts, there is no room and time for more collection and evaluation of data. He would like to see an increase of personnel in the SECI intel unit. He also mentioned, that there is training needed in the member states. This training could be provided by the SECI center in order to streamline all actions leading to proper investigations in the countries.

MEETING REPORT No: 31

Team	Alan Wilson
Place	SECI Center – Bucharest
Date	6th May 2004
Participants	Vladan Bonifacic (Liaison Officer, Serbia and Montenegro)

Subjects discussed Liaison Officer – General Working Practices
SERBIA

- Serbia has only one police liaison officer.
- Serbia has not yet ratified the SECI agreement, but the JCC has provided Serbia with all rights of Member Countries.
- In 2004, 44 messages were exchanged. Hard copies are made and signed.
- Messages to Serbia are (partly) translated into Serbian.
- NFP is at the police. No customs representation in the NFP.
- Contact with Customs is made directly to the Head of Anti-smuggling at Customs HQ Belgrade (Head of Serbian Customs Anti-smuggling Unit has recently visited the SECI Center in relation to the last Drugs Task Force Operation).
- Level of cooperation with Customs will be better judged after the next Customs Task Force Operation (targeting of illegal cigarettes and exchange of information) planned for July 2004.
- There is currently no cooperation with Montenegro. (Montenegro were asked to appoint a Customs Liaison Officer but apparently refused sighting their need to be represented by an Montenegrin Police Officer).
- In urgent cases there is direct contact to investigative authorities.
- The phone is only used for routine contact to the NFP. In operational cases the language is disguised.
- No written working instructions. SECI instructions are followed.
- Confidentiality agreement not signed.
- Information is also exchanged with observer countries on bilateral basis. Different procedures are applied.
- A hand-written protocol is made on received and sent messages. Hard copies are kept of the correspondence.
- Serbia has responsibility for a sub-group within the Customs Valuation Task Force looking at Intellectual Property Rights (IPR) – funding for this sub-group is from the Serbian Ministry of Interior – with donations from other interested stakeholders e.g. British American Tobacco (BAT). A presentation on this IPR subject will be given to representatives of the Serbian Ministries of Interior and Finance and the SECI Management.
- Serbia is the lead SECI C. MS in relation to the SIPEK initiative - to bring together Public Prosecutors from all the MS in an attempt to harmonise their various legislations and procedures.

MEETING REPORT No: 32

Team	AITALA
Place	Bucharest
Date	5 May 2004
Participants	Vladan BONIFACIC, Serbia and Mont Representative to the SECI Centre; Manfred Seitner, Rosario Aitala

Subjects discussed He emphasised that Mr. Krstic, Deputy General Prosecutor of Serbia has undertaken the leadership of a prosecutorial group. He provided some documents related to this group and invited the undersigned to make contacts with Mr. K.

He remarked the important role of SECI in breaking a long lasting silence between some countries of the region and in facilitating the protection of witnesses on the occasion of trials and interviews.

Ongoing activity of the Liaison Officer
Some 40 cases are currently dealt with by the officer. They concern murder, money laundering, fraud, drugs, small weapons.

Mr. Seitner also posed some questions regarding handling of data (please compare his report). Amongst other things we learnt that requests for cooperation often are being addressed to many countries at a time so that all of them get information on sensitive data.

Rosario Aitala

MEETING REPORT No: 33

Team	Alan Wilson
Place	SECI Center Bucharest
Date	5th & 6th May 2004
Participants	Mirjana Stanoeva – Customs Liaison Officer – Republic of Macedonia Elizabeta Ilieva – Police Liaison Officer – Republic of Macedonia

Subjects discussed	<p>Liaison Officer – General Working Practices</p> <ul style="list-style-type: none"> • Macedonia has both a police and a customs liaison officer. • The Customs LO does not have a NFP – any request are sent to the Customs Administration's Intelligence Section. • The Police LO does have a NFP in the Dept. for International Police Cooperation which also acts for Interpol – Macedonia have an Interpol LO in Lyon Customs is not represented. (NFP currently manned by a Police Desk Officer (DO) – agreement has been made to appoint a Customs DO once the new SECI Center electronic communication system sponsored by Germany has been installed. • Communication via fax, phone and Internet e-mail. • Internal communication with Member Countries and observer countries takes place via the electronic SECI network. • In 2004, there have been a total of 61 requests received and/or initiated by the two Los (32 – Police and 29 – Customs).
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Participants Comments:

Customs LO:

Macedonia Customs Administration is still on a learning curve with regard to the SECI Center's role, purpose and the use that it can be put to.

She has questioned the Customs Director General with regard to her role in SECI and also to the fact that she is underemployed – the Director General needs to promote her role throughout the Customs Administration.

Supports having both Customs and Police LOs in the SECI Centre – diverse work areas, levels of expertise plus leave commitments.

Police LO:

Excellent support from Home Administration – Anti-trafficking Dept and Drugs Dept.

SECI Center and LO role well promoted within the Macedonian Police – they fully appreciate that the response to enquiries made through SECI are normally quicker than e.g. bilateral agreements. With ability to have direct communication between SECI C. LOs there have been a number of excellent successes in extremely quick-time which could never have been achieved using bilateral agreements.

MEETING REPORT No: 34

Team	SCHMIDT/AITALA
Place	Skopje, FYROM, General Prosecutor Office
Date	9 June 2004
Participants	Kosta PETROVSKI, Deputy General Prosecutor, President of the Association of Public Prosecutors SCHMIDT, AITALA

Subjects discussed Mr. PETROVSKI presented the international activities led by his office, which has close contacts with Italy, Germany, and other countries regarding OC and corruption. Further, an Action Plan against corruption has been compiled with EU experts' assistance and passed by the government.

Regarding the SEEPAG although they very much believe in this ambitious project he emphasised that there are serious obstacles in national legislations. He stressed that the two approaches (EU and US) should be coordinated and that they request that the project is led according to European standards. He believes that the current situation is confused and that the advised of the EU is necessary. He recalled a case dealt with making use of the SECI C., which has led to a conviction, and remarked that the role of the SECI on the occasion was very important.

Rosario Aitala

MEETING REPORT No: 35

Team	Klaus Schmidt, Rosario Aitala
Place	Ministry of Finance, Skopje, Macedonia
Date	09 June 2004
Participants	Mr. Boro Babic, Assistant Director, Ministry of Finance, Customs Administration Mr. Ilija Janoski, Head International Cooperation, Ministry of Finance, Customs Administration Mr. Nikola Nedelkovski, Customs NFP for SECI in Skopje

Subjects discussed	<ol style="list-style-type: none"> 1. Macedonia's role in the center and the activities of the Customs service 2. NFP of Macedonia 3. The operations so far 4. Further development of Customs activities
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Mr. Babic gave a short overview about the activities and the involvement of Macedonia's Customs service so far and stressed without leaving any doubts that the center is the most promising instrument for all future activities in the Balkan region. He is aware that some of the countries are, since they become members of the EU, not so eager anymore to support the center. Mr. Babic stressed the fact that the center is and will be in the future the main info bureau for western Balkan states. He also knows that there is still a long way to go to have a fully functioning service but little by little the center will increase its capacity and maintain activities for police, customs and even judiciary.

The discussion went on to the current legal background of SECI and the possibility to change it into a more formal and operational body. Mr. Babic fully agrees and said that we were quite happy to have this now. From here we can develop it and with the ICC make it happen. He sees the western Balkan states as one geographical area of interests on one hand and also an area for criminal groups to act here.

Mr. Babic also mentioned the lack of laws and procedures in the MS, the lack of training and equipment and the need for transparent working procedures in each of the MS. The SECI center could help to progress in these fields and could also assist in the training needs. As it stands, Macedonia is fully committed to support the current status and will also support any development to increase SECI's capacity.

Mr. Nedelkovski added that Police and Customs will enjoy the same office in the future to make it even simpler for the day to day work. A mutual office is found and he will move into it.

MEETING REPORT No: 36

Team	Klaus Schmidt, Rosario Aitala
Place	Ministry of the Interior and Police HQ
Date	09 and 10 June 2004
Participants	Mr. Antonio Sanev, Adviser to the Minister of the Interior Ms. Mijana Rop Kostovska, Head of International Police Cooperation in the Police HQ Mr. Biljana Cadikovska Tunteva, SECI liaison officer and NFP of the Police in Skopje

Subjects discussed

1. The role of Macedonia in the SECI center
2. Police and Customs activities
3. Future development of SECI and its capacity for the western Balkan region

Mr. Sanev explained very detailed the role of Macedonia and the full support of all entities to the center. He is seeing an important role to support customs, police and the judiciary for the center. The center is also contributing to bring all partners on one table and to organize and contribute to mutual operations in the police and customs sector. Macedonia supports further development of the center and agreed in a discussion, that the centers management structure and the staffing are currently not sufficient. He aggress that the best way forward is to look at this from the outside and he wishes, that the SECI assessment will come forward with some ideas in order to improve the functionality and the capacity of the center. Macedonia will do its outmost to support any activity in relation to the center and from there the reform also its own network towards the needs of SECI in Bucharest.

Ms Kostovska spoke about the operations in the past and the one which is currently organized (Mirage 2004). She is aware not all of the countries are in a position to work with the center as some do. The reasons for this are the lack of laws and procedures, training of personnel and of very importance the lack of IT support. This of course hampers the activity of police and customs in the area.

She also mentioned that criminal groups are fully aware of the situation at use the current positions in order to smuggle etc. She also mentioned that the police structure is obviously better developed since these activities look more efficient. She said in addition, that the development has to occur on the two sides, in the countries and at SECI in order to reach a full capacity. She doubts that the members of SECI can do this on their own due to the lack of trained personnel and of course due to the lack of money. If a significant help from Europe could sponsor the development of SECI, this would indeed increase its capacity. The most important support should come for the IT section and the Analysis. Those two are for her the main actors inside SECI and should increase as soon as possible their capacity. The operations are not fully developed yet also here an expert hand would help to make it more professional. There are still some failures and she looks very much forward to see an extension at SECI. Ms Tunteva told us that she would like to exchange more data and information. But even her administration is still in a development stage and needs to find info longer than expected. They work on the improvement of the links and hopes to be faster in the near future. She also criticises the time spend so far for the legal background but the lack of various specialized lawyers slows down increasing needs for new laws and procedures.

MEETING REPORT No: 37

Team	Alan Wilson (with Manfred Seitner)
Place	SECI Center (Bucharest, Romania)
Date	5th May 2004
Participants	Duško Kovačević (Police Liaison Officer, Bosnia and Herzegovina)

Subjects discussed Liaison Officer – General Working Practices

BOSNIA AND HERZEGOVINA

- Only one police liaison officer since September 2003
- NFP is located at NCB Interpol (also includes Europol and SIRENE (Schengen)) Sarajevo under the National Ministry of Information and Security. The customs service is not represented at the NFP.
- NFP distributes messages to the two entities, police and customs organisations. A national police service with execution powers is being established.
- In 2004, approximately 86 requests and answers have been exchanged.
- The response time is generally good but needs improvement.
- SECI Center is the only real mechanism for cooperation within the region (excluding Interpol).
- The SECI agreement has a legal base which permits member countries to carry out certain activities which are not allowed within bilateral/multilateral agreements. Many of the bi/multilateral agreements are not effective. SECI Center has the mechanism to exchange information in real time e.g. commercial vehicle movement through one member country.
- Promotion of the SECI Center within member countries and their respective law enforcement organisations is a priority. BiH LO is committed to self-promotion of his responsibilities with his home administrations and ministries (the 2 x BiH Entity Heads of Criminal Police have recently visited the SECI Center), however a greater and higher level of SECI Center promotion is still needed.
- SECI Center LOs for the most part need greater support from their home administrations. There is a real need to improve the use of SECI Center by both the police and customs of BiH.
- Although cooperation is generally good between the member countries there is still a need for improvement.
- Each member country should be represented by both police and customs LOs in order for them to best profit from their investment and to ensure the most effective use of the SECI Center.

MEETING REPORT No: 38

Team	Alan Wilson (with Manfred Seitner)
Place	SECI Center (Bucharest, Romania)
Date	16th June 2004
Participants	Milan Militic (Customs Liaison Officer, Croatia)
Subjects discussed	Liaison Officer – General Working Practices CROATIA

- Only one Customs Liaison Officer – in post for two – hurried replacement for the previous Customs Liaison Officer Mr. Mario Saric who after two-years suddenly vacated the post for domestic reasons. Mr. Militic was appointed in the space of 7 days – he was given a short briefing by his management at Customs HQ, Zagreb and at present has very little information on his role and responsibilities. Mr. Militic did not meet with anybody from the Police. He has signed a two-year contract with the possibility for a further three years.
- No official NFP – four telephone numbers – one for Customs (Dept Against Criminal Activities) and three for Police (Police HQ Zagreb Dept for International Enquiries plus the Depts. for Anti-trafficking and Terrorism – no contact names.
- Up-to-date number of requests for Croatia – unknown (information was to be forwarded) – approximately 200 in two-years.
- Mr. Militic will suggest to his management that a Police LO is appointed – however, he does not know the Government / official position on the appointment of two LOs to the SECI C.
- Mr. Militic does not believe that the SECI Center is well known amongst the Customs Operational Staff in Croatia – it needs to be better promoted and he will endeavor to achieve this goal.

Observations

Mr. Militic was appointed in haste and without being properly briefed – he does not appear to be well supported by his home administrations but time will tell – from his experience the role of the SECI Center is not well known to the operational staff and needs to be better promoted – from this interview it is difficult to determine exactly what Croatia expect from their membership of the SECI C.

MEETING REPORT No: 39

Team	Alan Wilson (with Manfred Seitner)
Place	SECI Center (Bucharest, Romania)
Date	5th May 2004
Participants	Stavros Vallidis (Liaison Officer of the Greek Police) Petros Petroff (Greek Customs – Liaison Officer)

Subjects discussed	<p>Liaison Officer – General Working Practices GREECE</p> <ul style="list-style-type: none"> • Greece has a police and a customs liaison officer. • Police NFP is in a separate office of the NCB in Athens (which includes Interpol). Only requests are processed through the NFP – Task Force enquiries are processed directly through Police HQ. Customs is not represented. Police Customs LO is in direct with his Investigation Service • Communication via fax, phone and Internet e-mail. • Internal communication with Member Countries and observer countries takes place via the electronic SECI network. • Messages to observer countries are sent via the SECI management. According to the Greek liaison officers: “this is the law”. • In 2004, five (5) requests have been initiated by Greece (one (1) Police and four (4) Customs). Approximately 20 have been received from other countries. 80% of all Police requests are in relation to illegal human trafficking – there is much higher level of request and enquiry during Task Force Operations. • Response times for all outgoing requests to Greece are answered within the timescales as set out by the SECI Agreement. • Both LOs have installed Warning notifications in their computers to monitor responses to request. • All messages to and from Greece have to be translated. • The Greek Liaison Officers keep there own database on their respective computers. • Hardcopy files are kept for both outgoing and incoming requests – loosely stacked – not separated. • Greece has, and is using, bilateral liaison officers in all SECI Member Countries. • The Greek Ministry of Finance (Customs) has the intention of reinforcing the Greek involvement in SECI. • Greece have Police Attaché based in their Embassy in Bucharest “he deals with the more important bilateral enquires with Romania” • Greece is paying approximately 1/3 (1/5) of SECI’s costs. • Management of SECI plays a major role in ensuring cooperation between all the member counties. Operational activity of SECI has substantially decreased during the last year. With the appointment of a new Deputy Director of operations it is expected that activity will increase again. • Both LO’s have high expectations that with the introduction of the new electronic communication system sponsored by Germany that there will be a significant increase in the number of requests generated from the Center. • Police are the primary organization represented at the Center – Customs take a secondary role. • Neither LO uses SEMS as a means of communication.
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MEETING REPORT No: 40

Team	AITALA/SEITNER
Place	Bucharest
Date	4 May 2004
Participants	Snejana Nenova, Head of SECI legal Internal Department; Manfred Seitner; Rosario Aitala; Sladjana Cosic, protocol
Subjects discussed	Different legal issues regarding the centre and the status of observers and donors were discussed. Please compare minutes drafted by Ms Cosic, attached.

Rosario Aitala

MEETING REPORT No: 41

Team	AITALA / VLAHOVIC
Place	Bucharest, SECI
Date	17 June 2004
Participants	Gavin CORN, US Justice Department, prosecutor, resident legal adviser to the SECI Centre Rajka VLAHOVIC Rosario AITALA Bruce TODD
Subjects discussed	The SEEPAG initiative was discussed

Rosario Aitala

MEETING REPORT No: 42

Team	Klaus Schmidt
Place	SECI HQ in Bucharest
Date	06 May 2004
Participants	Ms Christine Redman, Special Agent, United States Immigration Service – Investigations, seconded Analyst at SECI Center, Bucharest

- Subjects discussed**
1. The involvement of US personnel at the center
 2. The helping functions for the Analysis unit
 3. Further activities

Ms Redman is seconded from her HQ to the SECI center in order to support in the functionality of the center, to liaise to the US Embassy and to her HQ. Her contract is extended every four weeks.

The discussion with Ms Redman was very open and she could not really make clear how she supports the center effectively. She mentioned that she is involved in the operational activities such as Mirage 2003 and she helps the untrained Criminal Intelligence analyst to analyse data given by the member states. She is not there to give training to analysts or other staff members.

The discussion went on the subject of further activities and the possible extension of the center taking into account, that European standards are not reached yet. She stated that there is enough room to increase the capability of the center, to increase the participation of the MA and to turn this center into a regional (Balkan) intelligence center for combating OC, TE and transborder crime such as smuggling of good, tax evasion, ML and other illegal financial activities. She is not informed about the American policy towards the center und she is not aware of how the US will continue to support the center.

Ms Redmans role is not really clear and her support to the center seems limited.

MEETING REPORT No: 43

Team	Klaus Schmidt
Place	SECI HQ in Bucharest
Date	06 May 2004
Participants	Ms Mary Lindquist, DEA liaison officer, United States Department of Justice, Drug Enforcement Administration – Crime Analysis, seconded Senior DEA Analyst at SECI Center, Bucharest

- Subjects discussed**
1. The involvement of US personnel at the center
 2. The helping functions for the Analysis unit
 3. Further activities

Ms Lindquist serves as Senior Analyst at the center to support the Intelligence Analysis Unit. Her support is mainly in regional drug cases related analysis and also she stated that she gives no training to local staff or other members of the SECI network. She is seconded for one year and holds a senior position in drug crime analysis in the DEA. Asking her for some of her products to be able to see the current quality, she denied having such products.

She is, according to her statement. Only involved on request of the SECI center analysis unit and support the drafting of the operational reports, the annual report etc. She was obviously not in a position to explain the current drug related development in the Balkans and told the interviewer that there is more on the internet. She has some contacts to other DEA personnel while they are in the region. The discussion went to the procedures and products at the two drug intelligence centers in the US. She had no idea how the European agencies carry out the Analysis and knew only I2 Analysts notebook as software to support the function.

MEETING REPORT No: 44

Team	Alan Wilson
Place	SECI Center – Bucharest
Date	6th May 2004
Participants	Steven M. Grantham – Senior FBI Advisor – SECI Center
Subjects discussed	<p>Role in SECI Center and Observations</p> <ul style="list-style-type: none"> • Steven Grantham has been in post for just a short time – recently appointed from US Embassy in Vienna. • Sees his role as a general advisor both to the SECI C. Management and to the Liaison Officers – not as his predecessor who chose to be more actively involved in the SECI Center day-to-day activities and Task Force Operations. • Believes that it was always the intention that the SECI C. would one day be sponsored and supported by the EU – most of the member countries are in-line to accede to the EU or have already joined – these countries are also on the front-line of every major area of crime which is ultimately targeted for the EU – it should be in the best interests of the EU to support the SECI Center. • Believes that a realistic future possibility for the SECI Center would be as a Europol Regional Centre. • Accepts that the SECI Center is under used – needs to be better promoted with the Home Administrations of the member countries. • Thinks that some of the Member Countries do not fully understand the role of SECI C. and their Police and Customs Administrations need to be better informed and also need to give greater support to their Liaison Officers. • Believes that the EU in particular Europol should give greater support to the SECI Center – consider having Europol Officers based in the SECI Center both as advisors and in the role of observer status.

MEETING REPORT No: 45

Team	Klaus Schmidt
Place	SECI center Bucharest
Date	17 June 2004
Participants	Sorin Sterie, Stability Pact expert, working table III, Security issues

- Subjects discussed**
1. Development of the SECI center
 2. Its impact on transborder crime
 3. Further development of the center
 4. Investing in Management, personnel, IT, Analysis, Expert unit

Mr. Sorin gave his view about the development of the center so far. He is aware that the MS are not using the center in a way they should and that there is more capacity in order to exchange data or arrange operations. The impact on transborder crime can be increased while placing more customs officers at the center. There is also a lack of PR activities in the Member states, this must also be increased through awareness programs. Also Mr. Sorin is seeing the need for further development. He agrees to improve the management structure and the increase the personnel for the center as such because the current number does not allow doing more than at the present. He also sees a need for improving the IT and Analysis capabilities and is aware that the center is in need of a group of experts in the different areas of criminality and counter TE.

MEETING REPORT No: 46

Team	Alan Wilson
Place	SECI Center – Bucharest
Date	6th May 2004
Participants	Martin Vrancic – Liaison Officer Republic of Slovenia

Subjects discussed Liaison Officer – General Working Practices

- Slovenia only has one police LO – he has been in post for one and a half years with a four year mandate.
- NFP is the Slovenian Police and Sector for International Cooperation (Interpol, Europol, Sirene, SECI). The NFP has a direct line to Customs Investigation Service.
- Total number of requests for 2004 = 19 (15 outgoing, and 4 incoming) – however the LO has a daily exchange of documentation with his home administration.
- Response time scales are too slow in many cases.
- Filing system used by LO splits cases into various areas of work.
- Police LO believes there is a need for a Customs LO – Slovenian Home Ministry will make a decision after 1st June 2004.
- LO has personally promoted his role in SECI with power-point presentations to both police and Customs administrations in Slovenia – cooperation is generally good – there is a greater awareness of the role of SECI and an increase in the use of the Center by the home administrations.
- Too much emphasis on meetings, conferences and training – not enough emphasis on information exchange and operations.
- Europol in the early stages did not recognise the significance of the SECI Center and its role strategically located in this very sensitive region – there is a real need for Europol to improve its cooperation with the SECI Center – as the role of the SECI Center is in the best interests of the EU.

MEETING REPORT No: 47

Team	AITALA
Place	Bucharest
Date	5 May 2004
Participants	Vladimir GILCA, Moldova Republic Representative to the SECI Centre; Rosario Aitala,

Subjects discussed Ongoing activity of the Liaison Officer
Moldova has received some 145 requests for cooperation regarding t
h b, stolen vehicles, smuggling.

Mr. Seitner interviewed the other Moldavian liaison officer (please
compare his report).

Rosario Aitala

MEETING REPORT No: 48

Team	Klaus Schmidt and Bruce Todd
Place	Embassy of Belgium in Bucharest
Date	06 May 2004
Participants	Mr. Ludo van der Stock, Police Liaison officer to Romania and to the SECI center

- Subjects discussed**
1. The role and relations of foreign officers to the SECI center
 2. Quality of the activities and the operations conducted so far
 3. Ways to improve the centers effectivity and efficiency

Mr. van der Stock is a senior officer of the Belgium police and five years now in Romania. He knows the history of development of the center from the beginning and has close relations. He is supporting the center in any way and believes that with the help of the EC, this center could grow into a more significant role in combating crime in the region. He also believes that the center could take a major role in the training processes of the different police services in the SEE region. There is a dramatic lack of experience and even as big is the lack of training. Laws and procedures and above all the equipment, salary and working conditions for the police and customs are big obstacles at this moment to achieve better results. He mentioned that there are officers who could not survive with their families without being involved in the system and in illegal activities on the border. He is aware, that the center must increase its capabilities with regard to personnel in IT and analysis. He also said that, being liaison officer also for Moldova and Macedonia, the center plays a significant role for the ground relations of these countries. He is aware of the role of US personnel but not in a position to describe what their actual role and what kind of influence they have at the center. All he stated was that the US are giving grants in order to keep this center alive, because without the grants, the center must close within 6 month. Mr. van der Stock was also praising the activities of the Romanian government but has the believe, that Romania acts to become one of the major players in combating crime in the region. He suggests that Europe has now to step in because it's the right time due to the fact the US is reducing their commitment. He also stated, that some of the EU member states do not support the center in a way they should. The main focus should be on OC and TE since there is little knowledge. He would also speak for some specialist units in the center dealing between operations and strategic demands. He said, the center is a positive development in the region and is now in a situation that it needs support from those who mainly benefit in the future and he also could see that the center develops to be part of Europol's activities.

MEETING REPORT No: 49

Team	Klaus Schmidt
Place	SECI center Bucharest
Date	06 May 2004
Participants	Mr. Udo Mirbach, German liaison officer at the Embassy and liaison to the SECI center

- Subjects discussed**
1. Role of SECI towards Germany
 2. Experience with the operations
 3. Which way could SECI take to get more things done
 4. SECI's role in the international context

Mr. Mirbach is aware of the team's assessment and he welcomes this activity. He explained the role of SECI towards the German interests (which are similar to Austria and Switzerland) and described the role the center could play in the future. He also stated, that the German government will support the center and just now a grant of more than 200 000 Euro was given in order to upgrade the IT system. The IT system is the heart of the center and its increasing capacity important for further development of the center. Mr. Mirbach stated that this is the first time that the member states contribute together to a mutual goal and on the other hand, SECI could contribute the upgrade of the systems in the different MS. There is still a lot to do. The development should be in a way coordinated and this might be also one the roles SECI could take. As far as the operations are concerned he said, that there is still some room for improvement, the MS lack of training and communication means, there is still a "Organized misunderstanding" amongst some of the players and a lack of customs contributions. But together with the help of US and EU the center could play its role in the Western Balkan as coordination between the countries, as organizer of operations, as training center and above all as analysis source for the region. The tool of controlled deliveries must be developed and the center is ideal due his contact points, language capabilities etc. He said that Germany is very interested in the development of this center and there might be other grants coming in order to support technically. Mr. Mirbach was very optimistic considering the engagement and commitment of the personnel at SECI, the commitment of the Romanian government and the need for such an instrument in the Balkan region.

MEETING REPORT No: 50

Team	SCHMIDT/AITALA
Place	Caltanissetta, Italy, Antimafia Prosecution
Date	4 June 2004
Participants	Prosecutor in charge of the case referred about (name not mentioned due to confidentiality reasons) SCHMIDT, AITALA

Subjects discussed (Details and sensitive data of the case are omitted due to confidentiality reasons)

The case started when during interviews with prosecutors a justice collaborator reported that the leader of the main Mafia family had invested consistent amount of money (most likely proceeds of drug trafficking and extortions) in Romania through a Sicilian resident in Bucharest. In details, some 140 apartments, plus a number of companies would have been bought to launder those proceeds of crime. The DIA (Antimafia investigative agency) of Caltanissetta, through the office in Rome, requested the cooperation of the NCB Interpol Liaison Officer in Romania, who involved the SECI Centre. The Romanian police, through the SECI C released some information regarding companies sitting in Romania and connected to the mentioned Sicilian person and to some other persons closely connected to him.

However, when an official rogatory letter to Romania was filed, the Romanian competent authorities (the SECI at this stage wasn't any more involved) failed to release all the requested information and simply sent over documents of little use. Due to the poor results of the rogatory letter the information obtained in the first stage weren't confirmed, so that the proceeding will have to be dismissed.

Rosario Aitala

MEETING REPORT No: 51

Team	SCHMIDT/AITALA
Place	Caltanissetta, Italy, Antimafia Prosecution
Date	4 June 2004
Participants	<ul style="list-style-type: none"> - Prosecutor in charge of the case referred about - Head of the DIA (Antimafia Judicial Police) - DIA Judicial Police Officer in charge of the case (names not mentioned due to confidentiality reasons) - SCHMIDT, AITALA

Subjects discussed The mentioned case was thoroughly discussed. Both the officers had a chance to participate in the investigations conducted by the Romanian police. They remarked that although the cooperation and the SECI C intermediation were positive, the subsequent rogatory did not bring any result. The documents seized in Romania in their presence, had never being transmitted to the Italian authorities. The failure of the Romanian authorities to properly respond to the rogatory, jeopardized the following investigations.

Rosario Aitala

MEETING REPORT No: 52

Team	SCHMIDT/AITALA
Place	Trapani, Italy, Prosecution
Date	6 June 2004
Participants	Three Prosecutors from the Trapani Prosecution (names not mentioned due to confidentiality reasons) - SCHMIDT, AITALA

Subjects discussed The Prosecutors informed us about the Antimafia activities in the area the difficulties encountered when international connections arose and the strong need for a significant improvement of the quality of European and international cooperation. The SECI C's role in the field of international cooperation was discussed, also from the judicial point of view.

Rosario Aitala

MEETING REPORT No: 53

Team	SCHMIDT/AITALA
Place	Trapani, Italy, Police Headquarters
Date	5June 2004
Participants	<ul style="list-style-type: none"> - Head of the Squadra Mobile (Investigative Office) and Head of the Antimafia Department - Deputy Head of the Squadra Mobile (names not mentioned due to confidentiality reasons) - SCHMIDT, AITALA

Subjects discussed The Officers, in charge of relevant Antimafia investigations briefed us about the contrast to organised crime in the region, the increasing international connections and the need of improving police cooperation at the European and international level. The SECI Centre was introduced to the interlocutors as a mean to enhance cooperation in the Balkans. The Officers opinion is that such an institution will be very useful as far as it effective and operational.

The restricted area of the Police Headquarters dedicated to interceptions and technical investigations, equipped with the most modern electronic equipment, was visited.

Rosario Aitala

MEETING REPORT No: 54

Team	Rajka Vlahovic, Rosario Aitala Bruce Todd 1. only
Place	1.Bucharest, SECI Centre 2.Belgrade, Office of Prosecutor General
Date	1. 17.05.04 2. 02.07.04
Participants	Gavin Corn Resident Legal Advisor, US Department of Justice, SECI Centre, Bucharest Jovan Krstic, Deputy Prosecutor General, Serbia. Co Chairman SEEPAG

Subjects discussed The development of SEEPAG (South Eastern Prosecutors Advisory Group) and it's relationship to the SECI Centre.
Background:

The agreement on Co-operation to Prevent and Combat Trans-Border Crime of 26th May 1999 does not provide for judicial co-operation between the parties but rather for the provision of assistance between the parties in the form "information concerning trans-border crime" however, in accordance with protocol no D9 2004 the Government of the United States provided financial support to the SECI Centre for the purpose of the development of a dedicated prosecutors advisory group (SEEPAG) and a regional witness protection programme. As the purpose of the prosecutors group is to provide support of an advisory nature to SECI it is appropriate to examine it and its development so far within the context of the SECI Assessment Mission. This report is based on the two interviews which follow below as well as all the SEEPAG documentation available at the times the interviews were held.

Interview with Gavin Corn:

Gavin Corn is a United States Federal Prosecutor experienced in dealing with organised crime, he is a trial lawyer and is seconded to the SECI Centre as a resident legal advisor from the US Department of Justice. His secondment came about due to his increasing involvement in policy issues arising in his casework which related to the region and because co-ordination between various US agencies, the US and the Balkans was not working well. It was felt that there was a duplication of effort in the SEE region as a result of initiatives by the EU, by non governmental organisations and by the USA. He explained the role of US resident legal advisors based at US embassies in the region emphasising the importance of the US engaging and co-operating with the EU in regional initiatives and that the development and implementation of legislation in the region should be compatible with EU standards.

GC will not be involved in operational work at SECI but will rather provide advice, work on development of operational best practice, encourage information exchange and deal with rule of law issues.

The US is interested in the possibility of developing an effective witness protection/security programme in the region through the prosecutors group (SEEPAG) and has provided initial financing for both initiatives. GC is supportive of the idea of developing the witness

protection/security programme through SEEPAG as legislation is required and prosecutors (based on their practical experience) are best placed to advise on preparation of adequate legislation workable in the region (the question is however whether the group and its members have sufficient influence to ensure the implementation of the required legislation – successful cases could assist). Discussion followed on the development of a standard for a programme in the region eg. ICTY could provide a possible model (GC is in the process of collecting information on current active witness protection/security programmes). An appropriate role for SECI in witness protection was also discussed possibly facilitation without provision of personal data.

GC's involvement in SEEPAG to date has been that of observer at the two preceding meetings held in December 2003 and April 2004. He takes the view that SEEPAG should operate as a prosecutors round table enabling prosecutors to co-operate and facilitate cross border cases, it should promote an awareness in the region of relevant international instruments and conventions, provide a forum for discussion of differences in relevant legislation within the region (this to an extent will be covered by the SEEPAG working groups) at the same time SEEPAG (whilst it is organising itself should work on concrete cases) GC mentioned that there had already been some successes in this respect which were discussed at the April 2004 meeting. GC was supportive of EU involvement in SEEPAG.

Discussion on specific ways in which SEEPAG would interact with SECI; it would assist in the development of relations between law enforcement agencies and prosecutors in the region (no current joined up approach) possibly providing a model, this is supported by SECI liaison officers, SEEPAG would ideally be in a position to provide feedback to SECI on successful prosecutions resulting from SECI led operations, (no regular information received by SECI on this at present).

Interview with Jovan Krstic

Discussions for a prosecutors network took place between the Serbian authorities and representatives of the US government, the discussions continued for some time and eventually a proposal was made to the JCC at SECI for the establishment of a group of prosecutors whose task would be to co-ordinate cases and exchange information on best practice.

The idea was that SECI would support the group by providing infrastructure, the group would have a role in the monitoring of operations providing prosecutorial input where necessary eg. during sessions of the SECI task forces to which they would be invited. In this way the group could give recommendations to national police forces on legality of operations. Currently, members of SEEPAG do not have much influence over the police – some members of the group have more influence than others.

Although the inaugural meeting of SEEPAG took place in December 2003 some of the national focal points have yet to be formally appointed. SEEPAG currently operates as an informal network of contact persons or national focal points. JK acknowledged that a political level agreement is needed for formal appointment of all focal

points. Documents to provide a legal basis for the group are in draft form (action plan and strategic plan) and are being worked on by a SEEPAG task force. There is therefore a clear intention to make the group legally grounded, this does require political support but in order for such support to be forthcoming the SEEPAG objectives as set out in the action plan and strategic vision need to be politically acceptable – the current action plan and strategic vision are very ambitious and need to be made more realistic at this stage. A more modest start could lead to something more ambitious in the future. Realistic tasks for the group could include the sharing of information on legislation, facilitation of mutual legal assistance requests or extraditions requests and case co-ordination. JK saw the force of these arguments.

Discussion of compatibility with EU standards; this is difficult to assess as the political union of the EU provides a firm basis for EU judicial co-operation initiatives such as EJM and Eurojust, however there are no regional legal instruments in existence which are comparable to the Treaty of the European Union. JK is keen for the group to develop relations with relevant EU networks and organisations (EJM and Eurojust) but acknowledged that SEEPAG must work on institutionalising its own legal basis first. Support from the EU is needed, the group is very receptive to the support received from the Commission to date – attendance of Micol Eminenté at the last meeting.

SEEPAG is currently co-chaired by the deputy prosecutor general of Serbia (JK) and the prosecutor general of Montenegro (Vesna Medenica). Serbia & Montenegro hold the chair jointly as initiating country, approved by spontaneous decision at the first meeting. JK is the lead co-ordinator. As far as financing is concerned, initial finance was provided by the US Government, OSCE is providing financial support for the next meeting planned in July 2004 but there is no long term finance available at this stage, JK is aware of the CARDS programme and is receptive to possible support from this quarter.

Discussion regarding achievements to date and the two SEEPAG meetings held so far in December 2003 and April 2004 with plans for a further meeting in July 2004. SEEPAG has already acted successfully in facilitation of cases which were reported in the April 2004 meeting. One case involved Serbia and Moldova and concerned trafficking in human beings; SEEPAG played facilitating role and achieved the presence of witnesses at a court hearing. SEEPAG provided assistance in another case which involved Serbia and Bulgaria by advising and assessing the compatibility of investigative measures carried out in Serbia with the law of Bulgaria.

Plans for the future include the development of a protected site on the internet which is under preparation with the US Department of Justice. The site would include SEEPAG information and documents, information on best practice, guidelines, details of successful cases which had been facilitated. JK acknowledged that casework information had to be treated sensitively.

Immediate needs as seen by JK included arrangements for longer term financing, the establishment of an office for the lead co-ordinator for SEEPAG (negotiations with Interpol to share facilities so far unsuccessful) provision of secretarial and communication facilities.

Summary, Conclusions and Recommendations

1. Introductory issues:

The South Eastern Prosecutors Advisory Group (SEEPAG) arose as a result of a combination of the initiative of Serbia & Montenegro and initial financing from the US Government and was originally conceived as a prosecutors advisory group to the SECI Centre, the immediate question arises however, as to whether this group could play a slightly wider role analogous to that of the European Judicial Network (EJN) (to be expanded). At this stage the EJN, operating as a network of contact points, provides a more appropriate example for development than Eurojust a body of the European Union and a permanent and empowered network with legal personality. In time, as the countries of the region (not currently members of the EU) become EU member states, the SEEPAG focal points could continue with an EJN contact point type role complementary to the Eurojust role (Privileged relationship Eurojust – EJN).

SEEPAG is supported by SECI and the advantage of retaining this link is to develop law enforcement/prosecutor relations which could serve a model for the region and in preparation for EU entry, note: Europol – Eurojust co-operation agreement.

2. Summary of the development of SEEPAG so far:

At the first meeting of SEEPAG in December 2003 discussions took place on the ways in which the group could work together, presentations were given by the Commission, Eurojust, the UN and Stability Pact, a good will agreement to work together was secured and a declaration reflecting this was adopted.

Prior to the second SEEPAG meeting held in April 2004, draft documentation was circulated relating to the formal establishment of the group. This documentation has not yet been adopted. The vision for the group is too ambitious at this stage (to be expanded) and needs to be made more realistic in order to secure the political support necessary for the grounding of the group in the region.

At the second meeting of SEEPAG in April 2004 discussions led by representatives of the United States on the establishment of a regional witness protection programme took place. Whilst SEEPAG prosecutors are able to assess the adequacy of legislation, their ability to influence the implementation of legislation is questionable and application of existing legislation is subject to financial considerations over which prosecutors have no influence or control. If the adoption of legislation is necessary this needs to be supported by a regional legislative initiative, the South Eastern European Co-operation Process (SEECOP) may be able to assist with this.

Also at the meeting successful cases facilitated by SEEPAG were discussed which showed that members of the group were willing and able to work together. Thematic task forces were set up to look at legislation in particular areas and report back to the group. This includes a task force to prepare the legal documentation necessary for the establishment of the group.

3. Conclusions:

It is too early to provide a comprehensive analysis of the effectiveness

and activities of SEEPAG as it is still in the early stages of development however, it is the first time that a group of prosecutors from this region has been brought together and must be seen as a positive initiative. We must therefore capitalise on this opportunity and seize on the goodwill of the group and to develop it in a way compatible with EU standards and to have an impact on organised crime with the South Eastern European (SEE) region.

4. Recommendations:

SEEPAG should continue working as an informal network carrying out tasks analogous to those of the EJM and facilitating cases where possible whilst working on the institutionalisation of the group on a legal basis. For this purpose a realistic politically acceptable strategic vision and action plan needs to be adopted.

SEEPAG should continue to retain a link to the SECI centre in order to develop a joined up approach and model for law enforcement and prosecutors in the region.

In order to ensure compatibility with EU standards and provision of longer term financing, serious consideration to be given to the adoption of the SEEPAG initiative within the CARDS regional programme including the secondment to the group of an EU judicial expert of organised crime experience.

Consideration to be given as to whether SEECF could play a useful role to strengthen the work of the SEEPAG task forces in terms of political support as well as legislative development.

MEETING REPORT No: 55

Team	Alan Wilson, Manfred Seitner and Jean-François Bohnert
Place	SECI Center Member Country – Hungary
Date	02 June 2004
Participants	Dr Ferenc Banfi – Chairman of the Joint Cooperation Committee and Regional Police Commissioner, Mr. Zsigmond Szabo, Director of NEBEK and Dr Matyas Hegyaljai, Head of Europol National Unit.

Subjects discussed

1. General questions

- a. Was the intention (1) to create facilities for liaison officers to meet permanently and exchange information in direct contact or (2) to create an autonomous entity which could take over responsibilities distinct from the ones exercised (jointly or individually) by the Member Countries?

No, the SECI Center (SC) was always intended to be a 'Service Provider' between the Member State Liaison Officers (MS LO).

- b. If the intention was to give SECI distinct tasks of its own, which tasks?

SC should act as an Operational Coordination Unit for Task Force Operations (TFOP) - responsible for dealing with requests - but normally by MS LO are responsible for the management of their own requests (in/out)

SC Management – responsible for the coordination of regional enquiries.

Example 1. : Hungary submits a request to the Operational Support Department to coordinate this request to Turkey /Bulgaria /W. European Partners for a joint cooperation – the 1st Operation meeting is then held in Budapest. Sensitive information is then distributed only between those countries involved. No data is held by SC – there is no involvement by SC Management.

Example 2. : Anti-trafficking T.FOP – SC financed & coordinated the travel of witnesses (temporary Witness Protection (WP)) – this can be difficult with countries who have no W.P. legislation.

SC – is facilitating the cooperation between MS LO – the SC has no capacity to develop in own Intelligence and /or data base.

- c. Have the intentions changed since the establishment of SECI? If so, which future tasks?

The SC operational activity is much more dynamic than was originally envisaged – thus there was a realization for the need for database & analytical capacity.

However, there are problems with data protection between the various MS national legislations e.g. Hungary /Slovenia it is OK

There is a proposal to develop a SECI Information System but

there has been no decision on implementation - this is decision

that was made by Dr Ferenc Banfi whilst Deputy Chairman of the JCC pending the EU assessment of the SC.

Hungary – disseminated the profile for their National Focal Point

(NFP) + the appropriate legislation to all the other MS – this has

now been adopted by BiH

Note: Moldova – has a state within the country which produces

weapons (currently there are 16 companies involved) – the

Moldova Government has no jurisdiction or control over this

regional state.

SC policy is that all legislation / procedures / technical operations – they should all be inline with the EU.

- d. According to the Charter and SECI Agreement the purpose is *Prevention and Combat of Trans-Border Crime*. In later documents the purpose has been changed to *fight against crime and efforts against specific crime*. Which role should SECI fulfill? If tasks exceeding the agreement are given to SECI should the Agreement then be changed?

SC Agreement (SCA) is weak – due to series of compromises -that's why the definition for Transborder Crime (TBC) was reached - but each MS thinks in terms of Organized Crime – which are the most serious challenges for all the MS and the EU – Human Trafficking (H.T) /drugs /weapons - when the SCA was drafted it was agreed that the definition should be TBC.

New Scotland Yard /NCIS are major sponsors and supporters for SECI – also Germany, Portugal, Austria, Italy and France. The UK has always had a greater interest in SC from the beginning -

cooperating with both operations & exchange of information.

The problem is that SC has no formal agreement with Europol but also there is no legislation to secure such an agreement.

This lack of a formal agreement and problems associated with data protection has hampered the development of SC.

Intelligence packages are sent to Europol and the SC received letters of recognition in return.

The core business of SC is TBC. However, the cooperation between MS LO means that they have adopted their own wider role to all crime.

The wording of SCA – for TBC is not followed strictly in the day to day working of the SC MS-LO – there is a constant reference to Organized Crime as opposed to TBC

- e. Is there, in terms of rights and obligations, any difference between Member Countries and Observer Countries, except the voting right at JCC meetings?

An Observer Country (OB) or any other interested party must formally agree to the rules & regulations of the SC – they must do this by a written declaration – at the last JCC meeting it was agreed that the regulations need to be modified to approve /accept a new OC to SC. These amendments must stipulate clear regulations to any country which is to achieve OC status – this is not currently regulated in the SCA.

The difference between SC MS & an OC is that participation between SC MS is more limited for an OC – an MS has automatic participation but an OC can only participate if they respect the rules and regulations of the SC (written declaration) – an OC does not have a voting right at JCC meetings.

Note: the right of an OC to exchange information with an MS does not appear to be restricted or regulated.

It is necessary to modify OC Status – this must be clarified in SCA – it is generally agreed that the current OC status would be a serious concern for EC – future OC status by other EU countries is not a concern neither are the SC MS a problem except for the differences in their legislation – but other OC could pose a serious problem for the future.

- f. Does your country exercise data protection and confidentiality requirements towards other countries in the exchange of information through SECI?

NEBEK (Hungary NFP) – has full legal status and internal regulations with regard to data protection – Hungary has bilateral agreements with all SC MS (except 2 – BiH / Macedonia) Hungary currently exchanges information through Interpol (this includes BiH /Macedonia) as there is a legal basis for this exchange – NEBEK management makes any decision as to where a request should be submitted – Interpol/ SECI / A Permanent LO /Europol.

- g. Is your liaison officer/s at SECI authorized to handle classified information?

MS-LO has the right to handle classified information directly with the country in question – not through SC - judgment must be used in the exchange of information in the knowledge that some of the MS have no legislation for data protection (the use of reasonable risk is applied – will a leak of the information jeopardize the investigation or endanger life)

Example: The SC Operation Road-show for stolen cars ran for 48 hours – an Operational Centre was set up in Budapest – apart from SC MS - Germany and Italy also took part - the exchange of information was inline with SCA

There is no classified information exchanged through SC because SCA is not strong enough – there is no protection – Hungary have however used their LO based in SC (previously a Police LO) – the current Customs LO does not have the right to handle classified information.

- h. The JCC has decided the establishment a data base containing personal crime data and information, called the SECI Information System. Can such a data base be established in accordance with the SECI Agreement? Will data from your country be inserted?

SCA. A data base can only be established by modifying the Hungary believes that SC does need a database but not all MS agreed – the decision has been postponed for the next meeting of JCC.

- i. If a data base containing personal data is established at SECI, would Observer Countries have access to the data?

OCs will have to be excluded from access to a SC database – this has already been established and agreed within the SC and by MS.

- j. Is there at the level of your NFP established a structured coordination between central police authorities and customs administration?

Yes.

- k. What is the added value of the Center with respect to other existing mechanisms (Interpol, EU bilateral, World Customs Organization, potentially Europol and Eurojust etc)?

SC finances field-officers on trips to participate in concrete investigations - SC finances visits of Law Enforcement Officers of MS to visit SC for training, meetings, etc. - SC also finances travel to training courses – SC facilitates the cooperation between MS field-officers on the ground and during TFOP.

- l. In general, and with the view to become part of the Schengen co-operation and becoming a full member of Europol, what does this mean for the policy of your country towards SECI?

Europol is our primary aim. Balkan Organised Crime (BOC) has become an International challenge – Hungary has experience of BOC and also with attaining EU Membership – Hungary can therefore be a bridge for other SC MS - We can use our experiences to develop other MS – Hungary has a very deep interest in the specific crimes that affect this region (BOC).

Hungary does not intend to take a leading role in the future. The SC has reached a crossroad – closer liaison / cooperation is needed with Europol and EU countries in general. For the time being, Hungary will just commit 2 x LOs to SC. The SC has a role for coordinating assistance between the MS and with training (however, there is a concern in respect to the duplication and non-coordination of assistance)

The Hungary SC LO has a job description – there are two main duties 1) to represent the interests of their home administrations 2) to take part in coordination of SC TFOP – Hungary LO has written tasks, responsibilities and given authority – Hungary SC LO has a legal base within the HQ agreement with the appropriate legal entity /conditions which are in accordance with Vienna Convention.

2. Operational questions

- a. What is the level of awareness and knowledge of the SECI Centre at Operational Officer level – has the SECI Centre been well promoted in country - throughout the Police and Customs Services?

NEBEK have put a lot of effort in supporting SC TFOP – also to promoting the SC to field officers. The Hungarian Police has 7 x Regions and each has a Head of International Liaison (Hungary has suggested to other SC MS to set up a similar regional network - in fact it should be an obligation).

- b. Who decides to forward and / or approves a country request to SECI – what distinguishes the decision to forward a request to SECI rather than to one of the other information Centers e.g. Europol?

The field officer /case officer submits his /her requests through the regional station to NEBEK – the decision to send to SC is then made by NEBEK management – it is easier and quicker through SC as they deal with a much smaller number of requests (Hungary processes 40,000 requests per year through Interpol)

- c. Is there a level of importance or security given to the decision to forward a request through SECI?

National legislation – Police Practice - SCA

- d. Are there security guidelines in place relating to information forwarded to and received from the SECI Center – what management checks are in place to ensure only legitimate requests are forwarded to SECI?

SCA states that each MS should set up a NFP – but no model is stipulated – in the case of Hungary the NFP equals NEBEK who implement a full range of management checks

The SCA states that each MS completes status reports on their NFPs - this should be checked with the SC management.

- e. Is there a discernable difference between level and number of country enquiries – using Europol, Interpol and SECI – if so what are the reasons?

There is a big difference in number of enquiries sent to various organizations- Interpol exchanges elements of specific evidence - Europol genuine support in the collection and dissemination of information and intelligence (eg information to Analytical Work Files sent to Europol - await analysis and feedback on information).

- f. Are the SECI Center timescales for completion of a request clearly known by the responsible staff in country (NFP or others) – are there clear instructions / guidelines in relation to the level of priority and support to be given to requests to and from the appointed SECI Liaison Officer?

In the terms of SCA there are certain deadlines for different types of requests SCA includes keeping a case record for each request – written explanations should be supplied if time scales are not adhered to.

- g. On receipt of a request from SECI are there clear instructions for processing the information – the timescales, level of priority and resources to be allocated – are SECI requests treated differently to requests to and from Europol / Interpol?

NEBEK deal with all requests from SC – the timescales are as per SCA and there is no difference in the treatment of requests.

- h. What mechanism is in place to follow-up enquires – are there specific records kept to monitor the numbers of enquiries, responses, feedback and results?

Within NEBEK there is an automated data base system from which the full progress of any enquiry from Interpol /Europol /SC can be followed – there are different means of identifying enquiries from each of the organizations – plus the LO has responsibility to pursue his on enquiries - every request to Hungary is responded to within SC timescales – the issues related to responses to requests within SC timescales need to be pursued by a more proactive SC management and the LOs

- i. What is the level of cooperation between the Police and Customs Service in relation to exchange of information through SECI and during their Task Force Operations – can this be improved?

Cooperation between Customs and Police is generally good – Police, the Border Guard and Customs plus other country LOs are all part of NEBEK – plus Hungarian LOs in other countries and Europol also play their part.

- j. This year the SECI Center intend to increase the number of Task Force Operations (Drugs, Anti-trafficking and Tobacco are all envisaged in the near future) – what is the general view of these operations – whilst the operations are on-going do they generate a greater exchange of information and can this be harnessed to ensure a permanent and ongoing flow of information?

2003 – 676 cases – (does not include LO informations)

2003 – 953 enquiries from TF.Ops (the best working

relationship

between Police /Customs was during Drug Task Force Op).

SC finances Public Prosecutors to visit various EU and MS countries including the Netherlands and S&M as a result of the Small Arms and Weapons TF Op.

SC will continue to organize such TF Ops in some of the lesser developed countries and will analyze the results – these types of TF Ops are not so interesting to Hungary but in some other countries it is hugely important

- k. Would a “24 hour” on call or operational status improve the current use of the SECI Center?

24 Hour cover only during TF Ops – 98% of the requests are initiated within working hours – why have 24 hour cover – it is not cost effective

- l. It is generally agreed that the number of requests generated from and to the SECI Center is low and the level of completion/response is poor (currently stands at approximately 50%) – do you concur and how then can this situation be improved?

The SCA needs to be modified and the SC operational status developed.

- m. What are the reasons for having only one SECI Liaison Officer – are there any plans to commit a further resource to the SECI Center (Slovenia – 1 Police Officer, Hungary – 1 Customs Officer)?

A Police LO will be appointed to the SC to join the current Customs LO - the reason for only having one at the moment is that the Police LO is in transition period.

- n. In what circumstances would the Government be prepared to finance, for a period of time, two Liaison Officers as per the SECI Center guidelines – can you see any advantages to having a full resource commitment stationed in the SECI Center?

As at m) above.

- o. What are the primary expectations of the SECI Center – are they currently being accomplished – are there any new plans for the future – are there any suggestions for the way forward and how can this best be achieved?

The EU could give a far greater support and

recognition to the SC – suggest integrating the SC into the EU / Europol

There is no need for each MS to have the same legal basis – there is however a need for all MS to cooperate in order to combat the level of crime.

There was an initially skepticism that the MS could all cooperate – the US initially gave technical assistance and primarily financed the SC – later there was a change in attitude by some EU countries e.g. the German Ministry of Foreign Affairs donated 200,000 Euro – New Scotland Yard/NCIS assist the Small Arms and Weapons Taskforce – Italy have appointed an OC LO from the Guardia di Finanza and there are more and more EU countries requesting OC status.

There is no place for two Organizations in EU doing the same job (Europol and SC) – as more MS countries join the EU there is a overlap and duplication between the two organizations – there is not enough funding for duplication. However, the level and type of specific Organized Crime within the Balkans is not fully understood by EU politicians – this specific type of crime needs to be understood – Hungary would recommend that the SC becomes a Europol Regional Office - remove the SCA and adopt Europol as a Branch Office.

The fight against Organized Crime in the Balkans cannot be managed from the Hague (Europol).

Note : SIPEK – the SC initiative lead by Serbia to give financial assistance in bringing MS Public Prosecutors together as the means of harmonizing the various MS legislations and procedures – Hungary would suggest a closer cooperation with Eurojust.

- p. Overall – is there general satisfaction with the current status of the SECI Center – the level of information exchange and cooperation between the member states – what improvements would the country like to see in order to ensure the most effective use of their investment

As at o) above.

Budapest : Ministry of Interior Office for European Integration

Representatives for the Ministry of Interior : Dr Kristina Berta, Deputy State Secretary for International Relations, Dr Janos Szacsuri,

Legal Expert,

Hungary was initially not impressed by SC – now however we realize the SC has an important role to play in the region and is an ideal means of cooperation with those countries not yet in the EU or not expected to be in the EU.

The SC is multifunctional – it differs from other similar organizations (Interpol /Europol) in that it has a training capacity, assists in financing elements of specific investigations and it has the TF OPS

The Council of Europe was asked to help to create data protection legislation and modify the SCA – the SC has problems with having no legal basis for a database (Hungary would not insert data into a database without the proper legislation being in place.

Hungary has bilateral agreements with all MS (check this answer with that given previously) and are using the SC as a cooperation centre.

In a few months Hungary will be a real partner within Europol – we can then play an important role as being both a SC MS and a member of the EU – a bridge for other MS.

Hungary would not insert data into a SC database as the SC does not currently allow for this – however the question is premature as this matter is currently being reviewed, however, Hungary will not participate in the development of a database without the proper legal status.

Bilateral cooperation with Romania is improving all the time. Hungary has good cooperation with neighboring countries Croatia, Slovenia and Austria – not so good with Serbia and Montenegro, but we are interested in improving this situation and also with the Ukraine.

SC MS EU members Hungary, Greece and Slovenia should adopt an inter-mediator role between the other MS and the EU - to try and change the legislative basis of SC.

(Q) Hungary will shortly pay for Europol membership – will that have any effect on Hungary's policy in relation to the SC because in many ways there is a duplication with both Europol and SC being that both organizations are fundamentally there for the exchange of information.

(A) This is a political decision but the SC will not be able to survive without the EU SC MS or a reduced membership of SC or the current US financial assistance.

The SCA must be changed within the next few years – there must be new rules and modifications – previously there was not enough political will by some of the MS for these changes but Europol could influence the necessity for these changes – the long-term future of the SC should be as a regional branch of Europol.

Four countries are not currently able to adopt the necessary changes on data protection but these changes could be phased in.

The EU could support and invest in influencing these necessary

changes – there are many Law Enforcement projects within the region
– the EU could act as a coordinator.

3. Judicial aspects

The interviewed persons underlined that the SECI Centre carries out co-operation mainly on police and customs level, i.e. in the field of preliminary investigations and exchange of intelligence.

SECI is therefore not involved by Hungary in judicial co-operation issues, such as, for instance, investigations asked through letters of request and to be carried out by police or customs officers.

There are no specific contacts between Hungarian judiciary and SECI. Bi- and multilateral co-operation in criminal matters (mutual legal assistance, extradition/European arrest warrant) is now currently covered through EUROJUST, as Hungary has appointed a National Member in The Hague since 1st May 2004 (Mrs. Ilona LEVAI), who may use the channel of the EUROJUST contact points in the Balkan region.

MEETING REPORT No: 56

Team	Alan Wilson, Manfred Seitner and Jean-François Bohnert
Place	Center Member Country – Slovenia
Date	03 June 2004
Participants	Mr. Janiz Premoze, Undersecretary of State, National Coordinator for the Stability Pact, Mr. Stjepan Kovacevic, Director, State Undersecretary, Criminal Police Directorate, Mr. Boris Rehar, Head of International Police Cooperation Section, Mr. Sandi Curin, MA, Undersecretary, Ministry of the Interior, Mr. Viljem Belovic, Deputy Director General, Customs Administration of R. Slovenia and Mr. Rajko Kobal, Advisor to the Director General, Intelligence Centre / Investigation Division, Customs Administration of R. Slovenia

Subjects discussed

4. General questions

- a. Was the intention (1) to create facilities for liaison officers to meet permanently and exchange information in direct contact or (2) to create an autonomous entity which could take over responsibilities distinct from the ones exercised (jointly or individually) by the Member Countries?

Create a centre where all Member States LOs could exchange ideas and develop cooperation – Slovenia was concerned that the work of SC would be duplicated with that of Europol and Interpol.

Slovenia has bilateral agreements with all SC Member States except Moldova and BiH. Slovenian has daily cooperation with almost all Member States countries – both operational and management by means of these bilateral agreements – Slovenia has good cooperation with most MS without the SC – the initial aim of the SC was to create a centre for cooperation and exchange of ideas between MS Customs Officers, then at the later stage the Police were included.

Slovenian Customs also have bilateral agreements with all MS except Moldova and Serbia and Montenegro – this is in progress but the current situation between S&M makes this difficult.

The initial idea of the SC was as mentioned above but it has now grown from this initial concept of having a Centre to exchange information and now has TF OPs and a training programme – we are aware of the tasks and operations carried out by the SC but we cannot judge the results.

SC TF Ops are either duplicating or overlapping with the work of other organizations e.g. Interpol - there are also other concerns which were not covered in the original SCA e.g. witness protection and an

Intelligence database.

- b. If the intention was to give SECI distinct tasks of its own, which tasks?

As at a) above.

- c. Have the intentions changed since the establishment of SECI? If so, which future tasks?

As at a) above.

- d. According to the Charter and SECI Agreement the purpose is *Prevention and Combat of Trans-Border Crime*. In later documents the purpose has been changed to *fight against crime and efforts against specific crime*. Which role should SECI fulfill? If tasks exceeding the agreement are given to SECI should the Agreement then be changed?

If the SC activities were to gravitate too far from the SCA (Slovenia has special legislation for the SCA) then Slovenia would leave the SC. Slovenia is bound by the SCA resting on national legislation.

- e. Is there, in terms of rights and obligations, any difference between Member Countries and Observer Countries, except the voting right at JCC meetings?

The status of Observer Countries is defined by an MOU + International Organisations e.g. WCO and Interpol should act as advisors - give assistance. Some Observer Countries tried to gain information through the Slovenian LO – we couldn't comply as this is not in our legislation and anyway they can carry out these checks through other organisations e.g. Europol /Interpol.

There is no difference between an OC and an MS apart from the fact that an OC has no voting right at JCC meetings and neither do they pay a membership fee – Slovenia has concerns that this is not right.

We redirect Observer Countries to put their enquiries through Europol /Interpol – Observer Country Status should not be maintained without restrictions and limitations – an OC should either fully join the club or leave.

- f. Does your country exercise data protection and confidentiality requirements towards other countries in the exchange of information through SECI?

Slovenia has adequate data protection legislation – (Q) How do you deal with MS who do not ? – (A) Slovenia has expressed its reserve against this exchange of data (ART 4). Slovenia is aware that

some of the MS are not signatories to the European Data Protection Convention. Slovenias level of data exchange is that of general information - strategic /statistical but not specific or personal.

- g. Is your liaison officer/s at SECI authorized to handle classified information?

Slovenia does not exchange classified information through either SC or their LO.

- h. The JCC has decided the establishment a data base containing personal crime data and information, called the SECI Information System. Can such a data base be established in accordance with the SECI Agreement? Will data from your country be inserted?

The establishment of a database is not covered by the SCA – the SCA will firstly have to be amended. A Supervisory Group was set up and already some amendments to the SCA have been proposed. Each MS will, as is the case in Europol, decide on what information they are prepared to insert into the system – Slovenia will put forward limitations as to what information is inserted into any database and what countries have access. However changes to SCA must be made first together with clauses limiting the access to data - otherwise Slovenia will not participate plus we have concerns with regard to duplication of databases e.g. Europol/Interpol.

- i. If a data base containing personal data is established at SECI, would Observer Countries have access to the data?

See h) above.

- j. Is there at the level of your NFP established a structured coordination between central police authorities and customs administration?

With regard to a NFP - Slovenia has a structured coordination between Custom and Police – we discussed the matter fully and in opinion of both administrations we decided that there is no need to create a joint NFP because the level of exchange of information was so low – the current situation is that the LO submits requests directly to Customs or to the Criminal Police - if it is a joint issue then the Police and Customs will meet to discuss the matter.

Slovenia is a small country with a small Law Enforcement Service - if there are any joint issues we simply meet and discuss. There is a MOU signed by the directors of both the Services (Customs and Police).

- k. What is the added value of the Center with respect to other existing mechanisms (Interpol, EU bilateral, World Customs Organization, potentially Eurojust and Eurojust etc)?

For many of MS countries the SC has additional value because they have no other means of cooperation except through Interpol – Slovenia with all their bilateral agreements particularly between the countries of the former Yugoslavia means that the SC does not have much additional value with regard to operational exchange of information – Customs and Police have bilateral agreements with most MS – now that Slovenia is a member of EU we should follow all the EU protocols, tasks and legislation. The SC does not have any particular additional value in operational field. However, from the point of view of being present and participating in the region there is an added value in SC as this region has its own specific areas of Organised Crime – but is this enough of a return for our investment.

Customs – we cannot have a different role from those played by other EU MS.

- l. In general, and with the view to become part of the Schengen co-operation and becoming a full member of Europol, what does this mean for the policy of your country towards SECI?

Slovenia has a political desire to be present in the region – however we are guided by the professionals Police /Customs – the decision to send a Slovenian LO to the SC was politically driven and made at governmental level. Slovenia share the goal of the Stability Pact towards the SAP process – the SC plays a crucial role in the fight against Organised Crime.

The various differences in the legislation of SC MS and the level of implementation are such a colorful tapestry – the SC has a role in liaising between each MS and assisting in harmonizing these legislative differences - Eurojust should become more exposed to the problems facing SC MS and assist in harmonizing the legislation towards EU standards and compatibility.

The Slovenian Government sees the SC as a Clearing House playing its part in exchanging information and cooperation within this sensitive region whilst maintaining its neutrality.

From a Stability Pact perspective we need to support and develop the close cooperation that the SC represents – Eurojust /Europol should commit itself to supporting SC and should complement the

standards of the EU towards SC.

Slovenia as a new EU MS should follow the EU trends and policy – this EU assessment of the SC should define the role of EU with regards to its support of the SC and its overall objectives towards training and Law Enforcement in the region.

The Slovenian Undersecretary for State (JP) believes there should be a Customs and Police presence in SC – however, the Slovenian Police have concerns with regard to the role of SC with the increase in MS joining the EU and /or becoming members of Europol (even Moldova is foreseen to be negotiating membership of Europol)

Eurojust should profit from what the SC has already achieved – they should play their part in developing this early initiative and assisting the SC MS to the next stage.

In the opinion of the Slovenian Undersecretary for State (JP) “ the SC for the time being stands alone – this is a statement – I do not believe there is currently any overlap - anyway duplication and overlap is not necessary an evil – sometimes it leads to quicker results.

The EC has a responsibility to assist the SC to the next phase for the future – the gradual transition from US to EU – to coordinate the implementation of Law Enforcement change in the region with advise, training and the coordination of Law Enforcement and assistance – to educate and enforce best practices and common standards and develop clear lines of communications plus Cross-Border measurements to train the MS to work closely together.

The changes in Balkan Law Enforcement has been dramatic over the past few years and there is a real need to have a centre to bring these various agencies and organizations together for the long-term benefit of the region.

5. Operational questions

- a. What is the level of awareness and knowledge of the SECI Center at Operational Officer level – has the SECI Center been well promoted in country - throughout the Police and Customs Services.

The SC is well known and recognised by the Police at a regional level – many TF Ops have been carried out with the cooperation of Slovenian Police/Customs - presentations on the SC have been given to the Regional Police Chiefs and the SC LO has also given his own presentations – the promotion of the SC is

very important factor because without this the field officers would not be aware of this facility.

Customs – most officers are aware mainly as a result of TF Ops – prior to TF OP we explain the purpose, the target and feedback the results.

- b. Who decides to forward and / or approves a country request to SECI – what distinguishes the decision to forward a request to SECI rather than to one of the other information Centers e.g. Europol?

Depends on the content and specific needs of any given request - the decision is made by the International Police Cooperation which is all under one roof Interpol/Europol/SC - not all MS are members of Europol and as such there are problems deciding between which organization to use – Europol /Interpol.

Customs have only forwarded one request through the SC – the reason was that we do not have a bilateral agreement with S&M – we wrote directly to S&M but we didn't receive a response so we decided to use the SC – Customs is still using Bilateral Agreements in preference in using SC. Customs to Customs direct is more efficient than using various intermediary channels plus we have a preference to organize Operational meetings directly with another Customs Administration rather than going through other Organisations.

Police also prefer to use Bilateral agreements where possible – we find this quicker than through the SC.

SC is still a very young institution where as Europol is older and Interpol is the oldest – operative officers tend to go through established contacts with colleagues who are already known.

- c. Is there a level of importance or security given to the decision to forward a request through SECI?

The decision must be harmonized with internal guidelines and national legislation (Customs and Police).

- d. Are there security guidelines in place relating to information forwarded to and received from the SECI Center – what management checks are in place to ensure only legitimate requests are forwarded to SECI?

Any verbal request must be supported with a written request. (Police) – any input into the database must define the legitimacy of the request. Customs must receive a written request.

- e. Is there a discernable difference between level and number of country enquiries – using Europol, Interpol and SECI – if so what are the reasons?

Year 2003 :

Police :

Interpol : 52,000 documents and 11,000 new files – this excludes information on car theft which is exchanged electronically (Romania / Moldova have the highest number of requests through Interpol)

Europol : 465 received operational requests, 17 submitted operational requests (the number is increasing this year and it will be even greater when full membership of Europol is attained).

SC : 38 requests received and initiated both Police and Customs (this figure does not include TF OPs exchange and/or trainings)

Customs :

130 requests received either through Bilateral Agreements /OLAF /EU MS

20 requests sent by Bilateral Agreement

SC : 9 requests received, 1 request initiated (Customs participated in three TF OPS plus three trainings)

- f. Are the SECI Center timescales for completion of a request clearly known by the responsible staff in country (NFP or others) – are there clear instructions / guidelines in relation to the level of priority and support to be given to requests to and from the appointed SECI Liaison Officer?

The timescales for a response to a SC request is generally good – it sometimes depends on the response at local levels but our SC LO tends to chase up these requests. The number of the requests is so small there is no real need for any special mechanism.

Police HQ – NFP gives timescales to the responsible staff at local levels and these are then monitored.

Customs (timescales) – there is no special action taken in relation to timescales - each request is treated like any other.

- g. On receipt of a request from SECI are there clear instructions for processing the information – the

timescales, level of priority and resources to be allocated – are SECI requests treated differently to requests to and from Europol / Interpol?

Customs requests from SC are treated the same as any other request – we do not distinguish from which Organisation - each request is allocated to a responsible individual.

Police do distinguish between the requests from the various Organisations – SC LO is known personally by all Police Officers in Slovenia.

- h. What mechanism is in place to follow-up enquires – are there specific records kept to monitor the numbers of enquiries, responses, feedback and results.

See f) and g) above.

- i. What is the level of cooperation between the Police and Customs Service in relation to exchange of information through SECI and during their Task Force Operations – can this be improved.

The cooperation level between Police and Customs is excellent – Slovenia is a small country and the two organizations work very closely together– they are each others left and right hands – with regard to TF Ops, regular meetings are held between Police and Customs.

- j. This year the SECI Center intend to increase the number of Task Force Operations (Drugs, Anti-trafficking and Tobacco are all envisaged in the near future) – what is the general view of these operations – whilst the operations are on-going do they generate a greater exchange of information and can this be harnessed to ensure a permanent and ongoing flow of information.

These developments are contrary to the SCA – SC LO acknowledges that there were some ideas within the SC to develop a 24 hour on call service– Slovenian LO is against this initiative – he is personally available on a 24 hour basis and can react to another MS LO request – he is however not sure that this would be reciprocated by other MS LOs.

A 24 hour on call service would tend to approach the policy of Europol - if the SC is to develop a new information system it would then require more staff and analysts and if it goes down this road we would see the development of the second Europol - 2 organisations doing the same job.

Slovenian Customs – there are already too many

organizations doing the same or similar tasks.

Slovenian Police do not see a need for a 24 hour service at SC – the number of requests needing an immediate response is small and we already have a LO and contact officers.

SC TF Ops are too long - everybody eventually hears about it e.g. Operation Bulldog lasted for three months – an operation should be quick and sharp – Europol have already stated that high-impact operations in their opinion have a limited value.

- k. Would a “24 hour” on call or operational status improve the current use of the SECI Center?

See at j) above.

- l. It is generally agreed that the number of requests generated from and to the SECI Center is low and the level of completion/response is poor (currently stands at approximately 50%) – do you concur and how then can this situation be improved.

See at j) above.

- m. What are the reasons for having only one SECI Liaison Officer – are there any plans to commit a further resource to the SECI Center (Slovenia – 1 x Police Officer, Hungary – 1 x Customs Officer)?

There is no intention either operationally or politically to commit a second LO to the SC – the Ministry of Interior decision as to whether or not to put a second Liaison Officer (Customs) to the SC is judged on the advice of Slovenian Police and Customs management and operational officers – the position of Slovenian Government is an open one - pending any changes of the SC and amendments to the SCA.

Customs – are committed to EU tasks and obligations and do not see why the Slovenian Customs Administration should have any other tasks and obligations that differ from those of any other EU MS.

- n. In what circumstances would the Government be prepared to finance, for a period of time, two Liaison Officers as per the SECI Center guidelines – can you see any advantages to having a full resource commitment stationed in the SECI Center?

See m) above.

- o. What are the primary expectations of the SECI Center

– are they currently being accomplished – are there any new plans for the future – are there any suggestions for the way forward and how can this best be achieved?

See l) in General Questions.

- p. Overall – is there general satisfaction with the current status of the SECI Center – the level of information exchange and cooperation between the member states – what improvements would the country like to see in order to ensure the most effective use of their investment?

See l) in General Questions.

i. Judicial aspects

The interviewed persons underlined that the SECI Centre carries out co-operation mainly on police and customs level, i.e. in the field of preliminary investigations and exchange of intelligence, even if this happens only in a few cases.

SECI is therefore not involved by Slovenia in judicial co-operation issues, such as, for instance, investigations asked through letters of request and to be carried out by police or customs officers.

There are no specific contacts between Slovenian judiciary and SECI. Bi- and multilateral co-operation in criminal matters (mutual legal assistance, extradition/European arrest warrant) is now currently covered through EUROJUST, as Slovenia has appointed a National Member in The Hague (Mrs. Barbara BREZIGAR), who may use the channel of the EUROJUST contact points in the Balkan region.

Draft Minutes: Assessment of SECI Regional Center for Combating Trans-border Crime

Place	Bucharest
Date	4 May 2004
Participants	Ms. Snejana Nenova (SN), Head of Legal Internal Department, SECI Center, Ms. Manfred Seitner (MS), Europol, Mr. Rosario Aitala (RA), PAMECA.
Protocol	Ms. Sladjana Cosic, ICMPD

Subjects discussed **RA** expressed his interest in two major topical issues necessary for a better understanding of the legal basis of SECI Regional Center for Combating Trans-border Crime¹⁶.

- 1) Are there any agreements with the Observer States? What is the legal background of the relations with the Observer States? What are the obligations and rules both from the side of SECI Center and from the side of the Observer States? What is a difference between the Member States and the Observer States?
- 2) What are the obligations towards the funding states?

SN explained that the legal framework for Permanent Observers was given in Point 3 of Charter¹⁷. Joint Cooperation Committee¹⁸ adopted the Resolution on the Criteria for Granting Status of Permanent Observers to the SECI Center specifying the requirements for states requesting a Permanent Observer status. Furthermore, the responsibilities of states holding a Permanent Observer status had been defined in Chapter VII, Article 27 of the Rules of Organization and Operation of the SECI Center. The procedure of requesting a Permanent Observer status was conducted on the basis of the exchange of letters, through diplomatic channels.

RA asked whether these letters also included the agreements on donations.

SN clarified that these letters did not cover agreements for donations, but represented a separate issue. SECI Center could address one of the better-developed countries for assistance in some particular project or technical assistance. An official request for assistance is sent to liaison officers in the embassy of a respective country, and the answer is afterwards also channeled through embassies. Ms. Nenova confirmed that there were no memorandums of understanding with countries, but only protocols or agreements. Such documents for financial support were signed only with Germany and United States of America.

MS inquired whether there were any other documents binding SECI Center to other countries.

SN confirmed that there were only protocols with the US Government, Agreement with Germany on one specific IT-project, and with the

¹⁶ Hereinafter: SECI Center

¹⁷ Charter of Organization and Operation of the Southeast European Cooperative Initiative – SECI Regional Center for the Combating of Trans-border Crime

¹⁸ Hereinafter: JCC

other countries only letters requesting trainings, experts, etc. The Agreement with Germany referred to the project for the technical support to liaison officers with purpose of connecting with national focal points. The aim of the project was to provide equal equipment to liaison officers stationed in SECI Center in Bucharest and to their respective national focal points in the countries. On this basis, SECI Center would be able to build its own communication channels and a database.

RA asked who would be users of this system and have an access to the data, if the system would proved to be successful and effectively implemented.

SN confirmed that it would be only Member States, and not Permanent Observers. Upon Mr. Seitner's request, Ms. Nenova promised to ask for an authorization from Germany for providing the EC representatives with a copy of this agreement.

In addition, SN stressed that the protocols with USA differed from year to year. The last protocol had been signed in April 2004. USA provided financial support to SECI Center through various projects, and specified the beneficiary countries from SECI Center to enjoy US support in financial means. These were all SECI Center Member States except for Greece and Turkey. Every protocol was specified for different purposes. Recently, USA expressed their special interest in combating terrorism, and a special protocol on anti-terrorism was signed with the Home State Department. USA did not have a possibility to finance the GUUAM¹⁹ countries directly, but had provided financial means to SECI Center, which supported the GUUAM countries through experts, seminars, trainings, technical equipment, etc. Upon Mr. Seitner's request for a copy of all protocols, Ms. Nenova promised to ask the US State Department for an approval of providing EC with the copies of the protocols.

MS asked for the clarification of status and obligations of SECI Center towards the Permanent Observer States.

SN replied that the relation of SECI Center to each of the Permanent Observer States was described in the letters to each of these countries upon the decision of JCC on granting a status to each country. These letters were sent as an answer to the initial official letter from the countries.

MS asked for the copies of all letters from each state in order to make sure that there are no binding contents. (The copies were provided shortly after.) He also asked about the purpose of Supervisory Body.

SN clarified that its purpose had been defined in the Regulations and also in Resolution on the profile of Supervisory Body. (The copy was provided.)

RA inquired about the work of the persecutors group, and its findings up to date.

SN informed that the persecutors group was an advisory, independent body consisting of persecutors from twelve Member States. The group

¹⁹ GUUAM countries: Georgia, Ukraine, Uzbekistan, Azerbaijan and Moldova

was established in Belgrade and Ms. Nenova attended only that first meeting. Basically, the group's objective was to gather the information on the legislation from different countries and establish a judicial network among the participating states. This project had been financed by USA. (The list of the names of the persecutors participating in the project was provided.)

MS was interested in the national focal points and their hosting institution in the countries. (The list of focal points was provided.)

SN stressed that each country designated the responsible authority upon the ratification of the SECI Agreement. The designated authority was always one of the following two institutions: Ministry of Interior (police) or Customs Administration. Therefore, a national focal point was either from police or from customs, but it was up to the country to decide. This decision depended exclusively on the national legislation and is not impacted by SECI Center.

MS inquired how many communication channels would SECI Center have, after the introduction of the new communication system financed by Germany.

SN replied that there would be a new communication channel with the national focal points via IT-equipment donated by Germany. In addition, the Interpol network would still remain, which the liaison officers could always access. The equipment would be provided only to those countries, which assigned a national focal point.

MS expressed his concern about wordings in the SECI Agreement and Charter, which differed from the documents about Task Forces. Whilst the notion of "trans-border crime" was used in the SECI Agreement and Charter, the documents about Task Forces state "crime" and "organized crime". This could mean that the activities of Task Forces went beyond the framework of the SECI Agreement. Ms. Seitner inquired about the reason for using different terms.

SN reassured that different words had not been used on purpose and that there was no specific reason why the terminologies differ in the mentioned documents.

MS asked why the majority of the countries was needed for the establishment of a new Task Force.

SN explained that consensus was needed, and if there would be for example only two countries to support Task Force, it would not be established.

MS asked about the history of the newest Task Force for Anti-terrorism.

SN stated that Turkey proposed this Task Force in 2001, even before 09-11 had happened. The first workshop was organized in June 2001. Just afterwards the interest and importance of this Task Force had risen significantly.

MS asked for the explanation of the topical requirements for Task Force.

SN asserted that the topical requirements for Task Forces were defined in the Guidelines for Task Forces.

MS inquired what was SECI center actually: facilitator of activities of the countries or an organization given tasks by the Member States.

SN replied that SECI Center was an organization with its tasks.

MS was interested in the intention of Member States in regard to the databases.

SN stressed that there was a strategical database and SECI Center was authorized to exchange strategical information, but not personal data.

Pending: copies of the protocols with USA