



POLICE COOPERATION

The main instrument for police cooperation is the European Police Office (Europol), which is a central plank of the broader European internal security architecture. Cooperation and policies are still developing, with attention focused on countering pan-EU threats and crime more effectively and, particularly for the European Parliament, doing so in compliance with fundamental rights and data protection rules.

LEGAL BASIS

Articles 33 (customs cooperation), 87, 88 and 89 of the Treaty on the Functioning of the European Union (TFEU).

OBJECTIVES

Effective police cooperation is a key plank in making the Union an Area of Freedom, Security and Justice based on respect for fundamental rights. Cross-border law enforcement cooperation — involving the police, customs and other law enforcement services — is designed to prevent, detect and investigate criminal offences across the European Union. In practice, this cooperation mainly concerns serious crime (organised crime, drug trafficking, trafficking in human beings and cybercrime) and terrorism.

ACHIEVEMENTS

A. Beginnings

Police cooperation among the Member States began in 1976 through what was known as the ‘Trevi Group’, an intergovernmental network of representatives of justice and home affairs ministries. The Treaty of Maastricht then set out matters of common interest which gave legitimate grounds for police cooperation (terrorism, drugs and other forms of international crime). It also established the principle of creating a ‘European police office’ (Europol), which initially took shape as the Europol Drugs Unit. The Europol Convention was signed on 26 July 1995, though the office did not officially begin its work until 1 July 1999, on the basis of the enhanced powers granted by the Treaty of Amsterdam (signed on 2 October 1997). However, police cooperation had already progressed before the advent of Europol. With the creation of the Schengen Area in 1985, at first involving only a handful of Member States, cross-border police cooperation had become a reality (see also [4.2.4](#)). With the entry into force of the Treaty of Amsterdam, the Schengen *acquis* — including its police cooperation aspects — was incorporated into EU law, though it fell under the ‘third pillar’



of intergovernmental cooperation. The same intergovernmental approach was used for police cooperation measures adopted by a small group of Member States under the Prüm Treaty, which contained provisions on the exchange of DNA, fingerprints and vehicle registration details. The Prüm Treaty was fully introduced at Union level by Council Decision 2008/615/JHA of 23 June 2008.

B. Current institutional framework

The institutional framework has been considerably simplified by the Treaty of Lisbon (TFEU), with most police cooperation measures now adopted under the ordinary legislative procedure (codecision) and subject to judicial review by the Court of Justice. Nevertheless, even leaving to one side the specific features of the Area of Freedom, Security and Justice (opt-outs for the United Kingdom, Ireland and Denmark (Protocols 21 and 22 annexed to the TFEU) and a privileged role for national parliaments (Protocols 1 and 2), police cooperation, together with judicial cooperation in criminal matters, has not been entirely woven into the Community framework and retains some of its original features:

- The Commission shares its power of initiative with the Member States, provided they represent a quarter of the members of the Council (Article 76 TFEU);
- The European Parliament is merely consulted on operational cooperation measures, which are adopted unanimously by the Council. In the absence of unanimity in the Council, it is possible for nine or more Member States to work together on the basis of enhanced cooperation. In this scenario, the European Council suspends the process in order to seek consensus ('emergency brake' mechanism under Article 87(3) TFEU).

C. Main legislative acts on police cooperation adopted under the ordinary legislative procedure

- [Regulation \(EU\) 2015/2219](#) of the European Parliament and of the Council of 25 November 2015 on the European Union Agency for Law Enforcement Training (CEPOL) and replacing and repealing Council Decision 2005/681/JHA, applicable since 1 July 2016;
- [Directive \(EU\) 2016/681](#) of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime. Member States were required to incorporate the directive into national law by 25 May 2018;
- [Regulation \(EU\) 2016/794](#) of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, applicable since 1 May 2017;
- [Regulation \(EU\) 2018/1726](#) of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), and amending Regulation (EC) No 1987/2006 and Council



Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011, applicable since 11 December 2018;

- [Regulation \(EU\) 2018/1862](#) of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU, applicable from 28 December 2021 at the latest;
- Parliament adopted its [position at first reading on 16 April 2019](#) with a view to the adoption of Regulation (EU) 2019/... of the European Parliament and of the Council on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/.... There is a provisional agreement between Parliament and the Council on the final act;
- Parliament adopted its [position at first reading on 17 April 2019](#) with a view to the adoption of Directive (EU) 2019/... of the European Parliament and of the Council laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and repealing Council Decision 2000/642/JHA. There is a provisional agreement between Parliament and the Council on the final act.

D. Police cooperation agencies and other related bodies

1. European Union Agency for Law Enforcement Cooperation (Europol)

[Europol](#) is an agency whose main goal is to make Europe safer. It supports the EU Member States in their fight against terrorism, cybercrime and other serious and organised forms of crime. Europol also works with many non-EU partner states and international organisations. Large-scale criminal and terrorist networks pose a significant threat to the internal security of the EU. The biggest security threats come from terrorism, international drug trafficking and money laundering, organised fraud, the counterfeiting of euros, and trafficking in human beings.

Europol has set up several specialised units to respond to these threats:

- European Cybercrime Centre (EC3) to strengthen the law enforcement response to cybercrime in the EU and thus help to protect European citizens, businesses and governments from online crime;
- European Migrant Smuggling Centre (EMSC) to support the EU Member States in targeting and dismantling the complex and sophisticated criminal networks involved in migrant smuggling;
- European Counter Terrorism Centre (ECTC) is an operations centre and hub of expertise that reflects the growing need for the EU to strengthen its response to terror;
- Intellectual Property Crime Coordinated Coalition (IPC3) provides operational and technical support to law enforcement agencies and other partners;



- FIU.net is a decentralised and sophisticated computer network supporting the Financial Intelligence Units (FIUs) in the EU in their fight against money laundering and the financing of terrorism;
- The EU Internet Referral Unit (EU IRU) detects and investigates malicious content on the internet and social media networks.

Europol was established under the Europol Regulation. It is based in The Hague, the Netherlands.

In order to achieve greater accountability for the agency, a Joint Parliamentary Scrutiny Group (JPSG) on Europol was set up under the Europol Regulation. Article 88 of the TFEU provides for scrutiny of Europol's activities by the European Parliament, together with national parliaments. According to Article 51 of the Europol Regulation, 'the JPSG shall politically monitor Europol's activities in fulfilling its mission, including as regards the impact of those activities on the fundamental rights and freedoms of natural persons'.

2. European Union Agency for Law Enforcement Training (CEPOL)

[CEPOL](#) is an agency dedicated to developing, implementing and coordinating training for law enforcement officials. CEPOL contributes to a safer Europe by facilitating cooperation and knowledge sharing among law enforcement officials of the EU Member States, and to some extent from third countries, on issues stemming from EU priorities in the field of security; in particular, from the EU policy cycle on serious and organised crime.

The Law Enforcement Training Agency is established under the CEPOL Regulation. It is based in Budapest, Hungary.

3. Standing Committee on Operational Cooperation on Internal Security (COSI)

Under Article 71 of the TFEU, 'a standing committee shall be set up within the Council in order to ensure that operational cooperation on internal security is promoted and strengthened within the Union. Without prejudice to Article 240, it shall facilitate coordination of the action of Member States' competent authorities. Representatives of the Union bodies, offices and agencies concerned may be involved in the proceedings of this committee. The European Parliament and national parliaments shall be kept informed of the proceedings.'

COSI was established by the [Council Decision of 25 February 2010](#) on setting up the Standing Committee on operational cooperation on internal security (2010/131/EU).

4. EU Intelligence Analysis Centre (EU INTCEN)

The EU Intelligence Analysis Centre (EU INTCEN) is not, strictly speaking, a police cooperation body, since it is a Directorate of the European External Action Service (EEAS) and only deals with strategic analysis. Nevertheless, it contributes to police cooperation by producing threat assessments based on information provided by intelligence services, the military, diplomats and police services. INTCEN is also able to make useful contributions from an operational perspective by providing, for example, EU-wide information on the destinations, motives and movements of terrorists.



ROLE OF THE EUROPEAN PARLIAMENT

Parliament has played a key role in shaping EU legislation in the field of police cooperation by making the safety of European citizens a political priority. Furthermore, under the ordinary legislative procedure, it has been working on improving police cooperation on an equal footing with the Council.

The main instrument for police cooperation is Europol, which is a central pillar of the EU's broader internal security infrastructure. As part of the Europol reform, Parliament actively advocated greater parliamentary scrutiny and improved data protection rules.

Police cooperation and policies are still in development, with attention focused on countering pan-EU threats and crime more effectively and, particularly for Parliament, doing so in accordance with rules on fundamental rights and data protection. While there has been a complete overhaul of the rules applying to EU police cooperation agencies, concerted efforts will still be needed to further strengthen police cooperation measures, in particular on the exchange of data and evidence between Member States' law enforcement authorities and between them and EU agencies. Parliament urged the Member States to make the necessary technical standardisation improvements with regard to data quality and establish a legal framework for a future approach of 'information sharing by default'. As the number of tasks increases and expectations grow, adequate financial and human resources for EU agencies need to be ensured. The role of Parliament, moreover, will probably shift from introducing new legislation to monitoring the implementation of the legislation.

Parliament is now a fully-fledged institutional actor in the field of security policies and should play a crucial role in evaluating and defining internal security policies. It has already left an indelible mark on internal security policy, including police cooperation policies.

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05/2019

