

**Joint Parliamentary Meeting
on the initiative of the European Parliament
and the Parliament of Finland**

“From Tampere to The Hague: Moving forward?”

Brussels – 2/3 October, 2006

Address by the Director of Europol

What future for Europol?

Dear Members of the European Parliament,

Dear Members of the various National Parliaments,

Ladies and Gentlemen,

Introduction

It's a real honour for me to have been invited to your meeting. It's a pleasure for me to take the floor on the occasion of this joint session between the EU Parliament and representatives of national parliaments.

It's an honour for Europol as organisation and – at the same time – it's a pleasure for me personally. Let me also tell you, as a European citizen, that I find the exchanges of views that I have heard today most interesting and stimulating.

Topic of the speech

I was asked to concentrate my short intervention on “What future of Europol?”. I think you will all agree with me that it is a wide topic, with far reaching implications for European citizens and for all competent authorities in the EU's law enforcement community. Furthermore, the whole issue is closely linked to the debate regarding parliamentary control over Europol's activities.

Europol's main ideas in the short term

When it comes to the professional development of the organisation in the foreseeable future, I would like to recall the broad lines of my intervention at the informal Justice and Home Affairs Council in Vienna. In January 2006, the Austrian Presidency launched a discussion on the future role of Europol. On that occasion, I said that, from Europol's point of view, immediate action was needed regarding four elements.

- the ratification of the three existing protocols to amend the Europol Convention
- an integrated horizontal approach at EU level
- flexible procedures to manage the organization
- a policy discussion on the adequacy of the current legal framework

I would like to expand on these proposals during my short intervention. I will inform you about developments since the Council held in January 2006:

1.

The **amendments** to the Europol Convention are about to be ratified by the Member States in 2006. By that, the changes will presumably enter into force in the first semester 2007. Once ratified, they will enhance Europol's role as the central European police office. What does this mean for Europol's future role?

Let me illustrate this with two examples:

- The second protocol (Council Decision of 28 November 2002) assigns Europol the competence to participate in Joint Investigative Teams, the JITs. Additionally, it underlines and reinforces Europol's role as a central coordinating body for Member States' investigations, by which Europol would become more operational, without getting any coercive powers.

- The third protocol (“Danish protocol”, Council Decision of 27 November 2003) streamlines internal procedures which have slowed down Europol’s work in the past and still do so today. It will also facilitate the participation of the so called third partners – such as e.g. Eurojust - in Europol’s analytical work.

The long ratification process that was needed for the three protocols in the EU-MS raises the question as to whether the current legal framework should be replaced.

I will come back to this question at the end of my address.

2.

In the EU, we also need to develop an **integrated holistic approach**. This work is needed to clarify the roles and responsibilities of the various players active in the Justice and Home Affairs domain. This concerns the horizontal cooperation at EU level but it is also needed to complement and to align

the activities carried out at European level with the MS' activities at national level. This concerns the vertical cooperation between the EU and national levels.

It is the responsibility of the national authorities to carry out in the MS the implementation of the priorities that were agreed at EU level. National authorities should also make the best possible use of the support that is offered by the various EU players (including Europol for the exchange of information, criminal analysis work and specialised expertise). At the same time, it is the obligation of the EU institutions to support the activities of the MS.

When it comes to internal security within the EU, the European Justice and Home Affairs stakeholders – the Council, the Commission, the EU Parliament, Eurojust, OLAF, SitCen, Frontex, Europol, etc, but also the MS' authorities – must develop real synergies and complementarities between them.

This evolution is underway and, among other initiatives, the Directors of the various EU agencies responsible for internal security are regularly in close contact to each other.

3.

Within Europol, **greater flexibility** is needed to handle general management issues in the organisation. The rules governing the management of the organisation must be evaluated. For example, the staff regulations for Europol are very inflexible. The process of amending and aligning the staff regulations does not meet the requirements of a multi-national and multi-cultural organisation. It's more than difficult - sometimes even impossible - to follow the various demands of the organisation, the staff members including their families and the Member States. The Europol Directorate needs a proper tool to direct and guide the organisation under its leadership while remaining fully accountable to the various stakeholders of the organisation. One concrete result is imminent: after the idea

had been launched more than one year ago, the Council will most probably endorse the proposal to amend the staff regulations so that Europol staff can be employed for up to nine years at Europol. This will enable the staff members including their families as well as the organisation to have more continuity in the work. It will also allow a real career planning for the staff.

4.

Finally, it is the opinion of many people - and it is also mine – that a policy discussion on the **adequacy of the current legal framework** is needed. As you know, the Austrian Presidency launched a discussion on the appropriateness of the Europol Convention as a legal instrument. This discussion is currently progressing in the Council structures. The Europol Convention had its real merit at a time when EU cooperation in the field of Justice and Home Affairs was only at its beginning. The question arises as to whether it is still relevant today. Indeed, other legal solutions exist, and different models have been

followed for other EU agencies (Eurojust and CEPOL, for example).

As the Director of Europol, I do not wish to enter into a technical debate in this forum as to whether this should take place by means of a Council Decision, with or without the ratification of a protocol abrogating the Europol Convention, or whether it appears more appropriate to wait for the “European law on Europol” foreseen in the draft Constitutional Treaty. I leave this necessary and very important discussion to the Ministers and to you, the Parliamentarians. But I wish to say that, in my opinion, the bonus would be: greater flexibility and timeliness in relation to requirements for change, as deemed appropriate in the future.

Europol's operational role

When I am asked if Europol should become more operational, my answer is easy: yes! Europol should be more operational. To avoid any confusion, though, Europol does not ask for its

employees to be given executive or coercive powers e.g. to arrest people, to carry out seizures or to make house searches etc. throughout the EU. However, I would like to promote the more frequent presence of Europol staff at crime scenes during operations following the MS' invitation. This should be done in order to provide advice, to assist the local authorities in the gathering of best evidence and to facilitate the provision of live investigative data to the Analysis Work Files at Europol.

Let me demonstrate this with an concrete example: recent and still ongoing investigations in a particular MS regarding terrorism show that, when early involved by the Member States, Europol can indeed assist with its data pool to identify new lines of investigations. In this particular case, new investigative lines to ongoing investigations in three other MS could be detected by Europol's databases.

The protocol on Joint Investigation Teams will soon be in place and will further strengthen Europol's operational capabilities. This is how I see the vision for Europol: to support the Member

States' operations in order to fulfil its mission, written down in Article two of the Europol Convention.

Parliamentarian Control

Let me now come to the end of my intervention, with the important issue of parliamentary control over Europol's activities. I am fully aware that this discussion has been going on for several years and, soon or later, it will generate new developments.

Indeed I think that parliamentary overseeing of police activities is a very important aspect within democratic societies. This is my strong belief as European citizen as well as long serving police officer. My presence here today should also be seen as a sign of real interest and of good will to establish a trustful relationship with the EU Parliament and, beyond, with national Parliamentarians across Europe.

But, as the Director of Europol, I am also bound to strictly follow the rules that apply to the organisation. And, so far, the role of the European Parliament with regard to the activities of Europol is currently rather limited – as this was decided by the Council.

Nevertheless I see some improvement in the third protocol to the Europol Convention that will explicitly allow that *“the Presidency of the Council or its representative be assisted by the Director of Europol when appearing before the European Parliament for discussing general questions relating to Europol”*.

I also see some possibilities for the national Parliaments to make greater use of the current legal framework when discussing Europol issues in the national parliaments, with the national Ministers.

Dear Members of the European Parliament,

Dear Members of the various National Parliaments,

Ladies and Gentlemen,

I am pleased to have been given the opportunity to inform you about the last developments on Europol. And I look forward to your discussions and exchanges of ideas.

Thank you for your attention.
