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***THE EUROPEAN PARLIAMENT
THE COMMITTEE ON CIVIL LIBERTIES, JUSTICE AND HOME
AFFAIRS***

PUBLIC SEMINAR

***AN EFFICIENT AND ACCOUNTABLE POLICE COOPERATION
IN THE EU
THE WAY FORWARD***

Monday 18 December 15:00 p.m - 18:30 p.m.

***European Parliament,
Paul Henri Spaak building, room PHS 5B001
Rue Wiertz 60 - Brussels***

As expressed in the articles 29 and 30 of the Treaty on the European Union, one of the Union's main objectives is to provide citizens with a high level of safety within an area of freedom, security and justice by developing common action among the Member States in the field of police. In a Schengen area without controls at the internal borders, it is crucial to develop efficient police cooperation in order to prevent criminals to hide in impunity.

Since the entry into force of the Maastricht Treaty, which incorporated the police co-operation into the EU Treaty, the European Union has adopted a considerable number of measures to improve cooperation between Member States' police services. More recently, the Hague Programme reflected the concerns related to enlargement and terrorism and aimed at boosting operational cooperation, notably through an enhanced exchange of information between law enforcement agencies and EU databases.

In general, although many progresses in detail can be acknowledged, the EU has not yet achieved a common approach in this area and the police cooperation in the EU has been criticised because the current framework does ensure neither optimal results nor a perfect protection of the rights of individuals.

This seminar will take into consideration the existing institutional and informal framework of the police cooperation. The objective of this meeting is to be a constructive forum for reflection on the means on how to improve police cooperation in the EU, while protecting the rights of the individuals concerned and furthering democratic control. A draft programme is attached. Background notes on the discussed topics will be available.

DRAFT PROGRAMME

15:00 - 15:30 - OPENING SESSION

Introduction by

- **Mr Jean-Marie CAVADA**, Chairman of the EP Committee on Civil Liberties, Justice and Home Affairs
- **Mr Franco FRATTINI**, Vice-President of the European Commission, Commissioner for Justice, Freedom and Security
- **Mr Kari RANTAMA**, Deputy National Police Commissioner, Finland, Chairman of the Article 36 Committee, on behalf of the Finnish Presidency

15:30 – 16:30 - SESSION I

WHAT ARE THE MAIN OBSTACLES TO POLICE COOPERATION AND COMMUNICATION IN THE EU ?

Main obstacles to police cooperation

Presentation by Dr Valsamis MITSILEGAS, Senior Lecturer, Department of Law, Queen Mary University of London (15:30 - 15:45)

- **The disparity between the legal and constitutional systems in the EU**
 - the question of the various legal and constitutional traditions of the Member States as regards police powers, gathering of personal data at national level and data protection.
 - the question of the Europe of different speeds, which can lead to an inconsistency in the level of protection of the citizens of the common area of freedom, security and justice.
 - the principle of availability introduced by the Hague Programme which is to be applied from 1 January 2008, based on the idea of integration through mutual recognition instead of harmonisation and which can pose a problem if there are no common safeguards protecting constitutional principles and fundamental rights.
- **The multitude of actors and structures in the police cooperation field - question of the complementarity, coordination and risk of overlapping**
- **The need for a comprehensive threat assessment**

The concept of intelligence-led policing aims at improving the knowledge of the threats, given that without good knowledge of the significant criminals and criminal networks, it is difficult to combat the threats and to set priorities in this area. The Organised Crime Threat Assessment (OCTA), produced by Europol describes the main types of crime, the structure of organised crime groups and the way they operate. Is OCTA enough forward looking and pro-active or does it remain rather reactive?

- **The difficulties at the level of defining strategies - need for a clear definition of the objectives and priorities**

The development of an Internal Security Strategy is necessary.

- **The lack of common culture and mutual trust among police authorities and the high sense of ownership of information**

Difficulties in exchanging information between law enforcement authorities and reluctance to work with colleagues abroad have been observed. The mutual trust between law enforcement authorities should be improved, especially because the principle of availability is based on mutual recognition, which presupposes total trust to the legal and operational system of the other Member State.

- **The problems at the operational level** (incompatibility of communication and surveillance equipment, the linguistic barrier, the lack of evaluations and quality statistics)
- **The question of democratic deficit and accountability** in the development of databases and of EU agencies such as Europol and in the adoption of secondary legislation by Comitology

Data protection - Are current standards in the police cooperation field satisfactory?

Presentation by Mr Peter HUSTINX, European Data Protection Supervisor (15:45 - 16:00)

It is crucial that the law enforcement agencies are able to exchange information but external control and authorisation is necessary. Moreover, the concerns about data protection become more acute since the idea to make databases containing police information (SIS, Europol database) interoperable.

DEBATE (16:00 – 16:30)

***16:30 – 17:30 - SESSION II
SOLUTIONS FOUND UNTIL NOW AND BEST PRACTICE IN POLICE
COOPERATION***

What are the solutions found until now to common operational problems? Would it be interesting to extend some best practices to all the Member States?

Presentation by Mr Pierre BERTHELET, lecturer in law and political science, expert in European internal security matters (16:30 - 16:40)

Some examples:

- **The Schengen Convention**
- **The Prüm Convention**
- **The regional cooperation** between the Member States and those implemented with third countries. (For example: Task Force on Organised Crime in the Baltic Sea Region)

- **The Bilateral and multilateral agreements and the creation of police cooperation centres** - what is the added value of these centres: are they doors which open the way to deeper collaboration between neighbouring states within the Schengen context?

Presentation by Mr Bernd BELLE, Chief-commissioner of the Baden-Württemberg Police and German Coordinator at the France - Germany Police and Customs Cooperation Centre of Kehl (16:40 - 16:50)

The Proposal for a Council Decision on the improvement of police cooperation between Member States at the internal borders and amending the Convention Implementing the Schengen Agreement (COM(2005)0317 - LIBE/6/29788)

Presentation by Mr Herbert REUL, Member of the EP Committee on Civil Liberties, Justice and Home Affairs and Rapporteur (16:50 - 17:00)

This proposal of 2005 subsumes the best practices that emerged over the past decade and aims at providing for a common framework for police cooperation, with minimum standards, allowing the Member States to go further in cross-border cooperation. The Decision concerns the information exchange, the operational cooperation (joint patrols, joint interventions and surveillance operations), the compatibility and interoperability of equipment, the training of police officers. It imposes to the Member States the establishing of permanent cooperation structures in order to sustain the emergence of trust between officers of different countries. In addition, the Decision amends the provisions of the Schengen Convention concerning cross-border surveillance and cross-border hot pursuit.

DEBATE (17:00 – 17:30)

17:30 – 18:30 - SESSION III

WHAT FURTHER SOLUTIONS COULD BE ENVISAGED IN ORDER TO IMPROVE POLICE COOPERATION?

What could be done at the strategic and operational level in order to enhance police cooperation?

Presentation by Mr Patrick ZANDERS, Chief-commissioner and Director of the International Police Co-operation Policy Division of the Federal Police, Belgium (17:30 - 17:45)

- Role of the European Council and of the Council of the EU - possible better implication of the European Parliament ?
- Role of the European Police Chiefs operational task force - what is the added value after seven years of existence? How could transparency be improved?

- The G 6

Would it be possible to provide the National Parliaments, the European Parliament, the public with full information on the results of G6 meetings? How are the other EU Member States informed about proposals made by the G6 countries? Are they sufficiently involved?

Inter-governmental groupings of this type have in the past led to developments such as the Schengen agreement, the Schengen Convention and the Prüm Convention. Is it really suitable that such developments are open to countries that were absolutely not involved in the negotiations?

Do the G6 proposals go beyond current EU policy, bypassing some important measures currently being negotiated?

- Europol¹

Is cooperation between national police forces and Europol satisfactory? How can the added value of Europol be improved? How could parliamentary scrutiny be improved? Is the present nature of Europol consistent with its mission and objectives? What are the changes foreseen for Europol?

- Interpol

Is the cooperation between the Member States and Interpol satisfactory? How can it be improved? Why do some of the Member States not share their information with Interpol? What are the links with Europol?

- COSI - Standing Committee on Internal Security

In order to enhance "operational cooperation on internal security", what can be done as long the Constitution is frozen?

- What is the best strategic use of the Joint Investigation Teams in the fight against serious cross-border crime?
- How to create a mutual understanding and trust, a common culture among policemen? How can CEPOL help in that sense?
- Should the operational cooperation between police, customs, border guard and other specialised law enforcement authorities of the Member States be more binding in order to combat terrorism and organised crime in the European Union? Harmonisation or mutual recognition?
- How to improve the cooperation between police, customs, border guard and other competent authorities at the Member States level?
- Does the cooperation imposed by the European level influence the cooperation at the national level?
- How does the operational level influence the strategic level? Problem of the "top-down" decision-making way.
- The question of the bridging clause of the art 42 of the Treaty on the European Union.

¹ Many issues concerning Europol have been raised at the Parliamentary Meeting organised by the LIBE Committee in October 2005 "Improving parliamentary scrutiny of judicial and police cooperation in Europe". The activities of Europol and its 2005 annual report were presented by Mr Ratzel, the Director of Europol at our Committee meeting of July 2006.

How to improve parliamentary control?

Presentation by Prof Dr Willy Bruggeman, Professor at the Benelux University Centre, President of the Belgian Federal Police board, former Senior Deputy Director of Europol. (17:45 - 17:55)

The Constitutional Treaty aims at introducing more democracy and accountability in the field of judicial and police cooperation. In the absence of the Constitution, what are the solutions that could be found in order to remedy the lack of external control?

DEBATE (17:55 – 18:25) with:

- *Mr Kari RANTAMA, Deputy National Police Commissioner, Finland, Chairman of the Article 36 Committee*
- *Mr Günter KRAUSE, Head of Directorate General for Police Matters, Ministry of Interior, Germany*
- *Mr Ulf GORANSSON, Director, CEPOL*
- *Mr Michel QUILLE, Deputy Director Europol*
- *Mr Jean Michel LOUBOUTIN, Director of the Operational Police Support Directorate, Interpol*
- *Mr Gilles DE KERCHOVE, Director, General Secretariat of the Council of the EU, DG Justice and Home Affairs, Lecturer at the Institute for European Studies of the ULB, at the UCL and Fusl, Belgium*

With the participation of **Mr Herbert REUL**, Member of the EP Committee on Civil Liberties, Justice and Home Affairs and Rapporteur and **Mr Claude MORAES**, Member of the EP Committee on Civil Liberties, Justice and Home Affairs and Rapporteur on the Europol dossier.

CLOSING SESSION

Mr Jean-Marie CAVADA, Chairman of the EP Committee on Civil Liberties, Justice and Home Affairs.

ANNEX

PRACTICAL GUIDELINES FOR THE DEBATE

Presentations will be limited to 10 minutes.

During the discussion, so as to make it possible for the highest possible number of parliamentarians to intervene, speaking time will be limited to 3 minutes per contribution or question.

The floor will be given to Members in the order in which requests are received.

Speakers wishing to supplement their speeches may do so in writing by submitting documents (preferably in English or French) in advance to the secretariat (email: ana.dumitrache@europarl.europa.eu) These documents will be circulated during the meeting.

IMPORTANT NOTICE FOR THOSE WISHING TO ATTEND THE SEMINAR

This seminar is open to the public. However, for security reasons, participants who do not have a European Parliament access badge must obtain a pass in advance. Those wishing to obtain such a pass should contact the seminar secretariat (Mr Ryszard de Groot) before *14 December 2006*.

Simultaneous interpretation will be available in the following languages : EN, FR, DE, IT, NL, ES, DA, EL, PT, FI, SV, PL

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