



Joint Parliamentary Meeting (JPM) "Building a Citizens' Europe" 16-17 November 2009

Working Group 3 Protecting Citizens – A European domestic security strategy

I. A more efficient European police cooperation

The abolition of internal border controls as part of the Schengen agreement has made it easier for people to travel between the countries involved. We are also moving towards a more internationalised and globalised world in general. At the same time, this has made it easier for criminals to move between different countries and means that the conditions for cross-border crime have changed. The primary purpose of police cooperation in the EU is to combat forms of crime of a typically cross-border nature. In recent years, police cooperation between EU member states has developed rapidly. Police cooperation takes place largely through direct contacts between authorities, but also through the EU body for police cooperation, Europol.

The Presidency's draft Stockholm Programme states that Europol is to serve as a hub for information exchange between the law enforcement authorities and a platform for networks in the field of police and customs cooperation between member states. Europol and Eurojust should systematically be involved in major cross-border operations and be informed when joint investigation teams are formed.

The EU ministers responsible for home affairs met in the Hague on 1 October 2009 to discuss ways to improve EU police cooperation aimed at combating cross-border crime. The discussions focused, among other things, on how Europol can help to improve the fight against crime and on how cooperation between Europol and other EU agencies, e.g. the border security agency Frontex and the judicial cooperation unit Eurojust, can be strengthened. The home affairs ministers agreed to establish closer cooperation between the EU agencies. Europol, Eurojust and Frontex were therefore urged to draft a report together on ways in which to strengthen their cooperation.

The Presidency's draft Stockholm Programme also emphasises the importance of fostering a genuine European judicial culture. The Commission is therefore called upon to ensure that the exchange of experience and best methods is intensified and that the number of joint training programmes and exercises is increased with the ambition that one third of European law enforcement personnel should receive training in European conditions in the next five years. Such training should be organised at both the national and EU levels. CEPOL will intensify its educational activities with the aim of achieving concrete added value and ensuring that the training has a European dimension. Furthermore, the Commission is invited to establish specific, Erasmus-style exchange programmes involving countries outside the EU, in particular candidate countries and other countries with which the EU has Partnership and Cooperation Agreements, and ensuring that participation in joint training programmes, exercises and exchange programmes is determined on the basis of tasks and is not dependent on sector. The Commission will also be responsible for ensuring that common quality standards in forensic medicine and best methods for crime scene investigations are developed. The Presidency also considers that the EU and aspects of international cooperation should be part of national curricula. The European Council encourages Member States to devise national career mechanisms that reward officers for taking up duties related to cross-border cooperation and thereby favour the creation of an EU-wide response at all levels.

Discussions are taking place on how cooperation between police authorities in the EU can be developed. No matter what opinion they have, participants could reflect on the following question in order to stimulate debate:

- In which areas can cooperation between the Union's police authorities be improved?

2. Exchange of information

In 2004, as part of the Hague Programme, the European Council adopted a new agenda for police cooperation. This agenda forms the basis of development work of a more general nature. The agenda stresses that a strengthening of freedom, security and justice requires an innovative strategy as regards cross-border exchange of information on combating crime. The member states' information exchange on such matters should, according to the Hague Programme, be guided by a principle of availability. Under the principle of availability, an official at a law enforcement authority in one member state is to make information accessible to an officer in an equivalent position in another member state, if the person concerned needs the information in order to perform his or her responsibilities.

In the Commission's Communication An area of freedom, security and justice serving the citizen, COM (2009) 262, the Commission stresses that security in the Union requires efficient mechanisms for the exchange of information between national authorities and European actors. Both the Commission, and the Presidency in its draft Stockholm Programme, therefore propose that a European information model is introduced in the EU, based on a more powerful strategic analysis capacity and better gathering and processing of operational information. According to the Commission, the Union also needs to heavily boost its capacity to analyse and collate the strategic information at its disposal. This means that synergies between Europol and Frontex need to be improved. Networks of liaison officers also need to be coordinated and used in a better way. According to the Commission, this will enable swifter decisions on what action to take at operational level.

The European Data Protection Supervisor maintains in his opinion on the Commission's Communication that the emphasis on the exchange of information in the EU is logical since there is no European police force, European judicial system or European border control. Measures to exchange information are therefore valuable for the Union's member states in their efforts to work more efficiently to combat cross-border crime and to monitor external borders. The European Data Protection Supervisor welcomes the fact that the Commission's Communication establishes that a European information model cannot be developed solely on the basis of technical solutions but that it is essential that information is gathered, shared and processed only on the basis of concrete needs for security and taking into account data protection principles. As regards the use of large-scale computer systems, the European Data Protection Supervisor refers to earlier opinions, where he has especially stressed the need for strong and tailor-made safeguards as well as the need for proportionality control and impact assessments, before measures are taken in this area.

In order to stimulate debate, participants could prior to the meeting reflect on the following question:

- Can the common training measures proposed in the Presidency's draft Stockholm Programme help to achieve greater exchange of information?

3. Procedural rights

Discussions on the issue of procedural rights were first held in 2004 after the European Commission presented a draft framework decision. After protracted and complicated negotiations, the Council was forced to note, in 2007, that no agreement could be reached on the issue.

In its Communication An area of freedom, security and justice serving the citizens, COM (2009) 262, the Commission states that the rights of the defence must be strengthened. Both the Commission and the Presidency, in its draft Stockholm Programme, have stated that progress is required in this matter, not only in order to uphold the rights of the individual, but also to maintain mutual trust between member states and public confidence in the EU.

In early July, the Swedish Presidency presented a draft roadmap for procedural rights and a resolution on practical measures concerning interpretation and translation. The Commission then presented a draft framework decision on interpretation and translation. At the JHA Council on 23 October 2009, the member states expressed their support for these three documents.

In a roadmap for work with procedural rights, the EU member states have agreed that if measures are needed at EU level, work should be undertaken using a step-by-step approach and that a number of rights that the EU should work with in the future should be identified. Further, the member states have agreed on a framework decision that strengthens the right to interpretation and translation in criminal proceedings and a resolution on practical measures concerning interpretation and translation as a first step in work relating to the roadmap. The measures concern:

- o the right of suspects and accused persons to interpretation and translation;
- o the right of suspects and accused persons to information, partly about their rights and partly about the nature of the accusation against them of and also their right to access information necessary for the preparation of their defence;
- o the right of suspects and accused persons to legal aid and legal advice;
- o the right of suspects and accused persons to have relatives and others informed of the deprivation of liberty and protection for suspects and accused persons who are vulnerable;
- o a Green Paper from the Commission on pre-trial detention.

In order to stimulate debate, participants could prior to the meeting reflect on the following question:

- Are there any procedural rights among the proposed measures that should be given greater priority?