

Towards and Area of Freedom, Security and Justice

EUROPOL

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European Commission

DG Justice, Freedom and Security

**Unit D.1 – Fight against terrorism, trafficking and exploitation
of human beings, and law enforcement cooperation.**

Convention on the establishment of a European Police Office (Europol)

Objective of Europol

- *Improve effectiveness and cooperation of competent authorities*
- *Preventing and combating serious and international crime*
- *Organized criminal structure involved*
- *Two or more member states are affected*

Convention on the establishment of a European Police Office (Europol)

Tasks of Europol

- *Facilitate the exchange of information*
- *Obtain, collate and analyse information*
- *Notify to MS connections identified between criminal offences*
- *Assist investigations in MS by forwarding relevant information*
- *Provide strategic intelligence*
- *Support capacity in joint investigation teams (2002 protocol)*
- *Request MS to coordinate or conduct investigations (2002 protocol)*

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Europol National Unit

- *Sole link with Europol (direct contacts with national competent authorities allowed by 2003 protocol)*
- *Supply Europol with information held by all national LEA*
- *Only purposes not to supply: harm essential national security interests, jeopardize the success of an investigation or the security of individuals, information in the field of State Security*
- *Accountable of the accuracy and the up-dating of data*
- *Responsible for loading national data in the Information System*
- *Heads of Europol National Units acting as advisers of the Management Board of Europol.*

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Europol Liaison Officer

- *MS to second at least one liaison officer*
- *Represents the interest of its national unit*
- *Security screening + obligation of confidentiality and discretion*
- *Subject to its national law*
- *Assists in the exchange of information*

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Europol Information System

- *All national data on criminal groups and activities (personal data + information on criminal offences)*
- *Europol national unit responsible for the loading and the communication with the information system*
- *Right to input and retrieve data: national unit, liaison officer, empowered Europol officials, Director and deputy directors of Europol*
- *Right to query the system granted to competent authorities by 2003 protocol*
- *Modification, correction and deletion by the unit which entered the data*

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Europol Analysis Work Files

- *Core business of Europol is criminal analysis*
- *One analysis group per project*
- *Analysis group: analysts and other Europol officials, liaison officer and/or experts of the MS supplying the information or concerned by the analysis*
- *Right to input or retrieve data limited to analysts (extended to participants of the analysis group by the 2003 protocol)*
- *The national unit communicating data, via the liaison officer or not, is the sole judge of the degree of its sensitivity*
- *Dissemination or operational use of analysis data decided in consultation with the analysis group. Cannot be done without the agreement of the MS initially concerned.*
- *An index system for the data stored in all AWF can be consulted by the liaison officers*

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Information processing and data protection

- *Implementation of convention N°108 of 1981 and recommendation N° R (87) 15 of 1987 of the Council of Europe*
- *Personal data retrieved from the system only used by the competent authorities in order to combat and prevent serious crime.*
- *Communicating MS may stipulate restrictions on the use of certain data (prior consultation before using the data)*
- *MS responsible for the legality of the collection, the transmission, the accuracy, the up-to date nature, the verification of storage time-limits (3 years, Europol to inform 3 months in advance)*
- *MS liable for any damage caused to an individual as a result of errors in data stored and processed by Europol.*
- *MS to inform Europol in case of deletion from national files of data communicated to Europol.*
- *Right of access by individuals to data related to them*

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Information processing and data protection

- *MS to designate a National supervisory body*
- *It monitors, in accordance with its national law the permissibility of the input, the retrieval and the communication of personal data to Europol*
- *Joint Supervisory body at Europol level composed of one or two representatives of each national supervisory body.*
- *MS to ensure a good level of data security (access control, storage control, user control, data access control, communication control, input control)*

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Organization

- *Management Board composed of one representative of each MS*
- *Tasks of the Management Board: regulations concerning the processing of data, the staff, the relations with third states; selection of the Director, deputy directors and financial controller; drawing up of the budget; amendment to the convention; report on Europol activities and future activities*
- *Director responsible for the day to day administration, legal representative of Europol, accountable to the Management Board*

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Financial provisions

- *Budget financed from MS' contribution*
- *Draft budget drawn up by the director, examined by the Financial Committee and the Management Board before adoption by the Council*
- *Adoption entails obligation for MS to make available their contribution*
- *Financial controller collects the income and monitor commitments and disbursement of expenditure*
- *Accounts audited each year by a joint audit committee*

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Accession by new Member States

- *Convention to be ratified*
- *Instruments of accession deposited with the Secretary General of the Council*
- *Convention enters into force 3 months after the date of deposit.*

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Rights and obligations of Liaison Officers

- *Officials of services responsible for preventing and combating criminal offences*
- *Two languages of the EU spoken*
- *Conditions of aptitude and ability*
- *Inform the Director of Europol of their activities + a monthly statistical report*
- *Availability and continuity of the service has to be guaranteed*

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Rules on the confidentiality of Europol information

- *All Europol information marked “Europol Unclassified not for public dissemination”*
- *4 other levels of protection: Europol Restricted, Europol Confidential, Europol Secret, Europol Top Secret.*
- *Corresponding security measures detailed in the Security Manual.*
- *Level of protection chosen by the MS supplying the information to Europol*
- *A representative of each MS in the Europol Security Committee*

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Rules applicable to Europol Analysis Files

- *When supplying data to Europol, MS to notify:*
 - *the purposes for which the data is supplied*
 - *the restrictions of their use, deletion or destruction*
 - *the possible access restrictions*
- *Data remain under the responsibility of the supplying MS until the inclusion in the work file*
- *Data only processed if it is adequate, accurate, relevant and not excessive in relation to the purpose of the work file*
- *Assessment of the source and of the information*
- *Recipient MS of data to inform the transmitting MS of the use made of the data and the results obtained*
- *Data are not kept more than 3 years.*