



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 24 April 2001

**7616/01
COR 1 (en,da)**

LIMITE

**ENFOPOL 29
ECO 99**

CORRIGENDUM TO THE NOTE

from :	Presidency
to	Police Cooperation Working Party
No. prev. doc. :	7616/01 ENFOPOL 29 ECO 99
Subject :	Law enforcement operational needs with respect to public telecommunication networks and services.

Page 2 of document 7616/01 ENFOPOL 29 ECO 99

At the beginning of page 2, the text of the attached draft Council Resolution is inserted.
Pages 2 to 16 of document 7616/01 will form the annex to the draft Council Resolution.

DRAFT RESOLUTION
of the Council of the European Union

(date)

**On law enforcement operational needs with respect
to public telecommunication networks and services**

THE COUNCIL OF THE EUROPEAN UNION

Recalling the objectives of the Treaty on European Union;

Bearing in mind the Council Resolution of 17 January 1995 on lawful interception of telecommunications;¹

Reaffirming the need, when implementing telecommunications interception measures, to observe the right of individuals to respect for their privacy;

Considering that criminals, like anyone else, use telecommunications in pursuit of their objectives and that they take advantage of opportunities offered by telecommunications systems both to avoid detection and to commit offences;

Convinced that lawful access to these telecommunications is vital in the investigation of serious crime and the prosecution of offenders;

Aware of the impact on lawful interception of new and emerging technologies in telecommunications;

¹ OJ C 329, 4.11.1996, p.1-2

Bearing in mind that the aim of the 1995 Council Resolution was to provide a platform for discussion with Telecommunications Providers on Law Enforcement Agencies' operational needs rather than imposing legal obligations on them;

Taking into account the ongoing work of Law Enforcement Agencies' to co-operate with the telecommunications industry in discussions of operational needs and means of meeting them;

Aware of the fact that the 1995 Council Resolution described the operational needs of the Law Enforcement Agencies, but that the development of new technologies has made it necessary for some further explanation;

Has adopted this RESOLUTION:

1. The Council notes the requirements of Member States to continue and maintain lawful interception capabilities and considers that the Annex to this Resolution (Law Enforcement - Operational Needs) constitutes an important summary and explanation of the operational needs of law enforcement agencies in taking account of new and emerging technologies.
2. The Council considers that the Council Resolution of 1995 together with the aforementioned operational needs should be taken into account when Member States are developing and implementing any measures which may affect the legally authorised interception of telecommunications; it requests Member States to call upon Ministers responsible for telecommunications to support this view and to cooperate with Ministers responsible for Justice and Home Affairs with the aim of implementing the requirements in co-operation with Communications Services Providers.