

Informal JHA Ministerial Meeting
Tampere, 20-22 September 2006

COMBATING TERRORISM AND ORGANISED CRIME

- Enhancing operational activities and multidisciplinary law enforcement cooperation

The Hague Programme further develops the objective set out in the Treaty of the European Union. The Programme calls for the effective combating of cross-border organised and other serious crime and terrorism through enhancing practical cooperation among the police and customs authorities of Member States, through cooperation with Europol and through the better use of existing instruments in this field. In accordance with the Programme, the coordination of operational activities by law enforcement agencies and other agencies in all parts of the area of Freedom, Security and Justice (FSJ) must be ensured.

In its *Report on the implementation of The Hague Programme for 2005*, the Commission estimates that the very first evaluation of the monitoring of the national implementation of FSJ policies appears largely compartmental and certainly insufficient at this stage. However, the Commission also states that FSJ policies are still in their infancy and that the evaluation of their national implementation is therefore premature. In its Communication on *Implementing The Hague Programme: the way forward*, the Commission highlights the added value that Europol provides to improving the effectiveness of, and cooperation between, the Member States' law enforcement authorities in combating terrorism and organised crime.

The Commission believes that as operational cooperation between the Member States increases and mutual trust grows, the development of the agreed *Internal Security Strategy* is now necessary. The Strategy should be based on the ongoing inter-institutional work in the area of counter-terrorism and the protection of critical infrastructures.

At the informal JHA Ministerial Meeting, held in January 2006, a political discussion took place in respect of the coordination needed to enhance operational cooperation in the field of internal security at the EU level. In June 2006, the JHA Council approved the Austrian Presidency's proposal for the assessment of the internal security architecture and the implementation of those structures to prevent organised crime (OCTA).

After the success of the process in the field of organised crime has been reviewed, the process could, in the longer term, be expanded to other fields on a case-by-case basis, namely to terrorism, illegal immigration, cross-border crime, volume crime, and risk and crime assessment connected to major events. Implementation of the internal security architecture requires developing an *evaluation system*. In order to monitor the internal security process continuously and to adjust it to changes, a process designed to evaluate the different areas of internal security and to follow the common guidelines should be designed.

The Finnish Presidency will continue to develop the internal security architecture, starting from the structures related to organised crime. In the light of the experience gained from developing these structures, a decision can be made on whether the equivalent structures in other areas of internal security should also be changed.

The future steps will be assessed at the Council meeting in December 2006 after the interim report on the implementation of the priorities adopted by the Council and OCTA has been discussed.

Measures taken by the Member States are also required for the purposes of coordinating operational activities by law enforcement agencies and other agencies referred to in Articles 29 and 30 of the Treaty of the European Union, and in the Hague Programme. For example, adopting the Council resolutions based on OCTA requires not only that measures be taken at the Community level but also operational cooperation among the national authorities of each Member State and operational cooperation between the judicial and law enforcement authorities of all Member States and, where necessary, with the relevant third countries. It is of primary importance to ensure that the prerequisites for operational law enforcement cooperation between the EU Member States and countries having borders with them are adequately met.

However, the coordination model produced by the internal security process does not answer the question of how the coordination and closer cooperation, necessary for operational and judicial cooperation, between police, customs, border guard and other competent authorities should be organised at the Member States level. In this context, it should be kept in mind that the Council recommendation – adopted under the Austrian Presidency – on the drawing up of agreements between police, customs, border guard and other specialised law enforcement services in relation to the prevention and combating of crime (6856/1/06) has not been linked to the internal security process.

The OCTA and the recently uncovered plans for terrorist attacks against EU Member States' citizens call for urgent action in the judicial and law enforcement fields. As such then, the enhancement of operational cooperation between Member States' police, customs, border guard and other relevant law enforcement authorities, as well as that between the judicial authorities, is an essential part of

the Internal Security Strategy and of the utmost importance in maintaining and developing the area of FSJ.

The Finnish Presidency therefore proposes that multi-disciplinary police and judicial cooperation at the national level be further enhanced.

Measures carried out in the Member States will be assessed at the Council meeting in December 2006 after the interim report on the implementation of the priorities adopted by the Council and OCTA has been discussed.

The necessary measures should however be taken before the December meeting. In the ongoing operational cooperation among national authorities, between the Member States and on a regional scale, full use should be made of the central forms of fighting organised crime and terrorism, such as common monitoring and surveillance operations, intelligence-led policing, operations directed at commonly defined targets (target oriented policing) and joint investigation teams. Operational cooperation with third countries central to the EU, such as the candidate countries, Balkan countries and Russia, should also be carried out in a more effective manner.

Some Member States have undertaken the opportunity to develop and deepen their mutual cooperation in security matters at a faster pace than other Member States. A good example of this is the Treaty of Prüm.

Across the EU, there is a need to enhance cross-border operational cooperation. The fact that the principle of availability, introduced in The Hague Programme, enables law enforcement authorities to obtain information directly from another Member State improves the conditions for such operational cooperation. This principle will be implemented by certain Member States in accordance with the Treaty of Prüm. Systems for exchanging information to be developed under the Treaty of Prüm will be regarded as strong models when implementing the principle of availability in the EU Member States. The Treaty of Prüm also defines the conditions for cross-border operations aimed at combating crime and ensuring public order and security. Similar provisions on cross-border operations have not however been adopted across the EU.

In today's world, the methods used by organised crime groups and by terrorists are more sophisticated than ever before. This calls for more effective counter-action by the relevant authorities. In the Presidency's view, it is necessary to promote practices that enable the authorities to cooperate across sectors and country borders.

Enhancing and broadening operational cooperation should be furthered by collecting and sharing the Member States' experiences gained from applying well-functioning models and practices of operational law enforcement cooperation (in Finland, cooperation between police, customs and border guard authorities). It is also important to collect and share experience of well-functioning

practices of regional cooperation between the Member States and those implemented with third countries. A good example of such practices is the ongoing cooperation in the Baltic Sea region (Task Force on Organised Crime in the Baltic Sea Region, BSTF) involving the EU Member States around the Baltic Sea, Russia and Norway.

Topics for discussion:

The Presidency proposes the following position as the basis for discussion:

1) Do the Ministers agree with the Presidency on the objectives in respect of developing operational law enforcement cooperation in the Member States, between the Member States and with third countries?

2) What do the Ministers consider to be the best means of furthering operational cooperation? Should the work be started by collecting and sharing experience of 'good practices' in respect of cooperation adopted in the Member States, between the Member States, between the regions and with third countries?

3) Are the Ministers of the view that operational cooperation between police, customs, border guard and other specialised law enforcement authorities – to be carried out in the Member States, between the Member States and with third countries – should, in order to combat terrorism and organised crime in the European Union efficiently, be more binding?