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NOTE

From:	Presidency
To:	Law Enforcement Working Party
Subject:	Strengthening of the ATLAS network - follow-up discussion on the way forward

At meeting of the Law Enforcement Working Party on 24 July 2018, the Presidency asked the Member States to answer the questions laid down in 11053/18 and provide their views to the topics raised there.

Following the replies received the Presidency concludes that the majority of the Member States deems the existing range of legal possibilities in cross-border cooperation available to the Special Intervention Units related to the ATLAS Network sufficient or nearly sufficient.

That said, the Presidency points out that the legal basis for cross-border assistance to another Member State, as provided for in Article 3 of Council Decision 2008/617/JHA on the improvement of cooperation between the special intervention units, is mostly seen as a mere enabling provision for further bilateral or multilateral agreements, rather than a standalone instrument that would allow for a cross-border deployment without further arrangements on the use of arms and other sensitive issues. In this respect, instruments such as the Benelux agreement might serve as a source of inspiration for other Member States.

Where action is desired by most of the Member States for the near future are the issues of “**pooling and sharing of specialised equipment and specific capabilities**” and “**setting-up of common training facilities, acting as centers of excellence**”.

Regarding the mapping of specific capabilities of the Special Intervention Units related to the ATLAS Network, there are favourable opinions while also serious concerns of Member States due to the sensibility of the data exist.

Taking into account all factors related to the circumstances, especially the reactions of the Member States, the Presidency suggests to request ATLAS to examine, from a practical point of view, the questions of

- pooling and sharing of specialised equipment and specific capabilities and
- setting-up of common training facilities, acting as centers of excellence,

taking into account all relevant factors for the work of the Special Intervention Units related to the ATLAS network, and come back to the LEWP with an examination report until 30 November 2018.

In this context, the Presidency would also like to address the apparent inconsistency between the readiness to examine pooling and sharing of specific capabilities on the one side, and the reluctance of some Member States to map those specific capabilities at EU level.

Therefore, the examination by ATLAS should also include an estimation of the usefulness of a possible mapping of the specific capabilities of the Special Intervention Units for their daily work.

Should ATLAS come to the conclusion that mapping at EU level would constitute an added value for cross-border cooperation, the Presidency would like to discuss possible solutions regarding the protection of sensitive information at one of the next meetings.

One solution that could be envisaged is to entrust the keeping of such information with the newly established ATLAS Support Office within Europol, where any requesting SIU might be advised on specific capabilities of other SIUs in case of need, without making the complete overview available to all the Member States.

Consequently, the Member States are invited to reflect on the above suggestions by the Presidency and to approve that ATLAS be tasked with drawing up the abovementioned report.
