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EUROPOL 8

NOTE

from : the K.4 Committee

to : the Permanent Representatives Committee (part 2)

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Subject: **EDU/EUROPOL**

- Report on the activities of the Europol Drugs Unit between 1 January and 31 December 1994 - First year progress report

1. At its meeting on 22 February 1995, the K.4 Committee approved the above mentioned report which is attached.

2. A number of delegations put forward the suggestion to :
 - (a) transmit the report to the European Parliament for information ;
 - (b) examine conditions under which all information originating as EDU/Europol can be rendered public, e.g. the present report.

3. COREPER is requested to :
 - (a) submit the report to the Council (JAI) on 9/10 March 1995, after having confirmed the approval ;

- (b) request the Council to decide whether or not the report should be transmitted to the European Parliament.
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**Report on the activities of the EUROPOL Drugs Unit
between 1 January and 31 December 1994¹
First Year Progress Report**

1. Political decisions and start-up of EUROPOL Drugs Unit

The establishment of EUROPOL is provided for by article K.1, section 9, in Chapter VI of the Maastricht Treaty.

In anticipation of this, the EUROPOL Drugs Unit (hereinafter referred to as EDU) was set up under the authority of a Ministerial Agreement (concluded 2 June 1993 in Copenhagen).

The task of EDU, as set out in the Agreement, is of course derived from the anticipated task of EUROPOL but covers a narrower field (illicit drug trafficking, the criminal organisations involved and associated money laundering activities affecting two or more Member States).

The European Council decided on 29 October 1993 that EUROPOL would be based in The Hague.

EDU started at the beginning of 1994.

The EDU building was finally inaugurated on 16 February 1994 when it was handed over to the Caretaker Co-ordinator by the Dutch Minister of Justice via the Greek EU presidency.

¹ Report to be presented to the Ministers in accordance with the Ministerial Agreement on the establishment of the EUROPOL Drugs Unit

2. Organisation and structure of EDU

In keeping with various ministerial decisions, EDU comprises the following functions (see current organisation chart January 1995 - annex 1):

Co-ordination Board
Staff Unit / Planning & Development
EUROPOL Liaison Officers (ELO's)
Analysts
Information Technology
Documentation/Library
Training
Administration and Support
Security

At the Luxembourg meeting on 20 and 21 June 1994, the Council of Ministers of Justice and Home Affairs of the Member States appointed the Co-ordinator until the entry into force of the convention setting up EUROPOL. At their Brussels meeting on 30 November and 1 December 1994 it was decided to appoint two assistant co-ordinators and two additional members of the Board.

27 ELO's, seconded from 12 Member States, are actually present in The Hague. The preparation to host ELO's of the new Member States has been started.

The Host State Support Group existed from 01 January 1994 until 31 December 1994 and consisted of 9 officers/civil servants responsible for Personnel, Finance, Relocation and Welfare, General Facilities, Documentation and the switchboard. In addition there were 15 security guards. The Support Group - headed by a Dutch senior officer - has been provided and financed by the Host State. Its functions are subsumed from 01 January 1995 within the EDU administrative structure. However a representative of the Host State will stay in order to complete the outstanding tasks in respect of the renovation of the premises, to represent the interests of the Host State and to support EDU in problems arising from the fact that EDU is not yet a legal entity, so that the Host State has to act legally on behalf of the EDU.

The Member States supported the very early stages by providing additional personnel at their own expense. This assistance is continuing with personnel provided for the co-ordination and planning & development tasks.

3. Implementation of the tasks of EDU

In order to make a start on the activities of EUROPOL before the convention comes into force, it was agreed that the exchange of information via its forerunner Institution EUROPOL DRUGS UNIT (EDU) should, for the time being, be organised on the basis of the national legal systems.

This forerunner institution would also carry out general analyses of trends in drugs-related crime, criminal organisations involved, new mod operandi and other characteristics of organised crime.

3.1 Exchange of information

The exchange of information and intelligence (both non-personal and personal data) by the ELO's is currently the primary activity of the EDU.

The ELO's are considered to be representatives of their sending authorities. Police, Customs and Gendarmes are represented among the Liaison Officers in the EDU building, guaranteeing an effective, efficient, fast and reliable multi-lingual expert service 24 hours a day.

The requests handled can be broken down as follows:

- specific questions in connection with ongoing investigations (checking names, telephone numbers, vehicle licence plates, etc.);
- enquiries concerning particular phenomena, e.g. crack, precursors, etc.;
- enquiries concerning legal and technical/tactical questions.
- advisory support of ongoing special law enforcement operations

As a result of the successful support given by EDU via NCIS to the respective law enforcement agencies of the Member States, Police, Customs and Gendarmes are making greater use of the ELO network. Bilateral and multilateral information and intelligence are being exchanged more frequently every day via the ELO's and a fairly high level of service can be offered (speed, accuracy, language facilities, upgrading of information/intelligence).

In total the EDU received 595 requests from the Member States (146 during the first half of the year 1994):

- In respect of 81 % of the requests EDU provided a rapid and reliable information and intelligence exchange for ongoing investigations and other law enforcement activities in the Member States.

- In 14 % of the cases special expertise was requested, mainly due to the fact that investigations in the Member States were carried out with the direct and interactive support of the ELO's from the Member States concerned.
- In 5 % of the requests co-ordination support was given by the ELO's in ongoing multilateral law enforcement activities (e.g. controlled deliveries). In these cases the ELO's acted as representatives of their respective law enforcement authorities.

Comparing the numbers requests of the second half year of 1994 with those of the first half year, several conclusions can be drawn:

- 1) The number of requests was increasing, but this development was mainly (75 %) due to a limited number of countries. The German ELO's received 104 requests (was 16 in the first half year), the Belgians 103 (was 5), the French 66 (was 49) and the UK 62 (was 3). Portugal also showed a considerable increase; from 3 to 22. In six countries the number stayed more or less the same.
- 2) There appears to be a difference in policy with respect to the criteria for sending a request to EDU. This situation requires clarification and evaluation.
- 3) The level of promotion of EDU differs from Member State to Member State. To a certain extent, this is reflected in the number of requests these Member States send to EDU.
- 4) In some Member States the creation of a NCIS is still in progress. In fulfilling its tasks, the EDU is obviously dependent on the input from those NCIS'.
- 5) Although the EDU was soon involved in ongoing operations, some Member States seem to need more time than others to involve the EDU in their (international) law enforcement actions, mainly due to the fact that the added value of EDU had to be proven and experienced first.

3.2 Operational support

Since the second half of 1994 the liaison officers have been invited more frequently by Member States' authorities to assist in cross-border investigations, in order to support the co-ordination of ongoing operations (e.g. controlled deliveries) and to co-ordinate the international aspects of those investigations with their colleagues from other Member States involved. This trend may stem from awareness by the law enforcement agencies in the Member States concerned that, in this area, the EDU can add value to their traditional methods of co-operation. One specific advantage is that the law enforcement agencies in the Member States are able to communicate with their ELOs in their mother tongue; another is that the ELOs are experts in international co-operation in the fight against drugs criminality with a thorough knowledge of the respective legislation, methods and practice. Together with the aid of modern IT equipment, they are on permanent standby as direct contact points of their respective states.

Each and every case is dealt with from start to finish, without ever being handed over to any other agency.

Any action taken by the ELO's is in line with their terms and conditions of their mandate.

Additionally, internal EDU working procedures have been agreed with the NCIS'.

For the sake of clarity, it should be emphasised that the EDU does not direct any operations. Its role is to provide support and assistance and ELO's act under total control of their national authorities.

3.3 Crime analysis

Four analysts have been recruited, two from the United Kingdom and two from the Netherlands. They have set up, and are continuing to develop, a system for strategic and operational analysis. Although they are not authorised to store personal data in a central database, their activities can be summarised as follows:

- 1) situation report comparing the competencies of law enforcement agencies within the Member States.
- 2) collection and extrapolation of statistical data from EU Member States (drug seizures, persons arrested etc.)
- 3) tactical analysis e.g. a continuing study on drug street prices in the different Member States;
- 4) trends in the involvement of West African nationals in drugs trafficking to and from EU Member States (EDU project based on the experience of law enforcement experts who were actually involved in the field).
- 5) assistance to NCIS (operational analysis);
- 6) support to an ELO (operational analysis) for the analytical duties and support related to the information and intelligence available solely on an individual basis;

Additionally the analysts tested analytical IT systems, worked on proposals for standardisation of intelligence reports, and participated in national and EU training sessions (as trainer and trainee respectively).

3.4 The tasks and functioning of EDU in relation to the NCIS of the Member States

In order to clarify the relationship between the ELO, NCIS and EDU, a handbook has been developed for each Member State.

In order to be able to gear the activities of EDU to the wishes of the NCIS' and to enhance relations and day-to-day co-operation with them, EDU organised four meetings, two with the Heads of the NCIS' and two with the Operational Heads, as a result of which relevant decisions have been taken on the operational and analytical work.

With regard to a Working Programme for EDU, an internal business plan was formulated, updated and discussed with the Heads of NCIS/National Drugs Bureaux. Additional new priorities will be set.

3.5 Practical examples of EDU activities

The following examples illustrate the pragmatic approach being taken to the work of the EDU:

- 1) A large consignment of drugs was found on a ship in Greece. Due to the lack of intelligence available concerning the crew, the Greek liaison officers consulted their colleagues at the EDU and, within one hour, essential information from Belgium and France was made available, so that the Greek authorities could take appropriate action and arrest three persons within 24 hours.
- 2) Police in Belgium had an illicit laboratory under surveillance. Just before the anticipated interception of the criminals involved a vehicle registered in Italy was sighted in the vicinity of the laboratory. Urgent enquiries were made via the EDU and the results showed rapidly that the members of the group were in contact with an Italian gang. Only access via ELO's to sensitive data could facilitate further co-ordination and the anticipated intervention was postponed to allow further international co-operation.
- 3) The German authorities investigated a major international money laundering operation. Analytical EDU support was then provided, at the request of the German authorities, to exploit all the available intelligence and to identify international criminal groups involved within different Member States of the EU.

- 4) The Danish authorities have been concerned with a multi-national drugs investigation believed to be operating in at least 5 Member States. At the request of the Danish NCIS, their Liaison Officer called a meeting at EDU for representatives of all the countries concerned and officers from the operational team in Denmark attended. Based on the information exchanged during this meeting investigations commenced in a number of the Member States concerned. Although they all continue their investigations independently, the Danish EDU liaison officer is assigned to co-ordinate their efforts. Liaison officers from all concerned Member States meet regularly to review the ongoing operations and to facilitate further co-operation.

- 5) The French police commenced a major investigation and the officer in charge (via the French ELO) invited ELOs from six other Member States involved to assist. As a result, investigations are now being conducted in three Member States, using a variety of operational methods including surveillance under total control of the national authorities, but co-ordinated via the EDU network.

- 6) The EDU has introduced a system to monitor illicit drug prices in the EU at six-monthly-intervals. This approach is not only of value as an indicator of the availability and popularity of different drugs (in combination with a purity indication) but can help national law enforcement agencies to become aware of new activities of already known or new criminal activities.

3.6 Other activities

At the request of NCIS or other relevant authorities, members of EDU have visited national services and attended international conferences to explain the position and tasks of EDU.

Informal contacts took place with Interpol and the World Customs Organisation in order to avoid duplication of efforts.

Being a new organisation and working in an area of great public interest, EDU has received many requests for information from different quarters.

Many representatives of parliamentary committees, law enforcement agencies and trade unions from different countries have visited EDU. The media have also shown a great interest in the organisation.

4. Management and Support activities

The first year, being a start-up and consolidation phase, required a great deal of management and support work.

co-ordination

The Management, together with the Staff Unit and Planning & Development Team, has set up the internal organisation.

Internal regulations have been, or are being, prepared and in due course will be integrated in a *vade mecum*.

EDU presented to the working group on EUROPOL for decision and / or guidance documents concerning the following subjects:

- Development plan and working programme
- Proposals for data storage, data protection, classification of criminal intelligence, criminal analysis and development and structure of NDIU's / NCIS
- Staff regulations on duties, obligations and responsibilities
- Status problems
- Relations between EDU and law enforcement agencies in Member States.

At the request of the Working Group on EUROPOL the EDU provided advice in respect of specific questions relating to the crafting of the convention and studied specific problems.

EDU also participated as an observer in the Working Group Drugs and Organised Crime.

4.2 Personnel

• Recruitment

In 1994 a total of 30 members of the EDU personnel were recruited and started work: 4 analysts, 5 IT staff, 1 assistant General Facilities, 1 documentalist, 2 switchboard operators, 1 driver, 2 management assistants and 14 security staff (24 Dutch, 1 German, 1 Italian, 1 French, 3 English). Additionally, where necessary temporary staff have been recruited via the Dutch authorities.

Because the EDU is not yet a legal entity, all contracts with Dutch personnel were prepared by EDU but had to be concluded by the Dutch Government. For the same reason all members of staff still have to be seconded by the sending state; to which the costs are subsequently reimbursed.

Recruitment of the analysts and the IT staff was conducted throughout the EU. These candidates were selected mainly on the basis of their personal and technical qualifications by panels consisting of members of EDU and experts from the Member States. In addition, an attempt was made to provide representation in EDU's own staff for as many Member States as possible. The first two recruitment procedures of 1995 for a Senior Financial Officer and a Senior Personnel Officer have been instituted via the Secretariat of the European Council, following the same procedure as for the previous EU-wide recruitments.

- **Status**

A variety of problems have been encountered because the EDU does not have legal status, together with the differences between the relevant legislation of the host state and the sending countries. On behalf of all Member States the EDU, together with the competent Dutch authorities, developed proposals for an appropriate diplomatic protection for the duties and personnel of the EDU, by way of exchange of notes between the Host State and the eleven (now 14) other Member States. This solution will provide EDU personnel with professional immunity from penal, civil and administrative jurisdiction and the related privileges of the Vienna Convention on Diplomatic Relations.

At the end of November the Netherlands Ministry of Foreign Affairs sent notes to the Dutch Embassies in the Member States concerned. In respect of two Member States the exchange of notes has been completed. The Protocol Department of the Ministry of Foreign Affairs will officially inform the authorities concerned of this special (Vienna) status, issue a special identity card and register the EDU personnel concerned in the immunities and privileges register kept at the Protocol Department. The exchange of notes will apply for one year. These arrangements will expire as soon as a Headquarters Agreement comes into effect.

4.3 Welfare and Conference Services

The Host State have provided training courses in the Dutch language for EDU staff and members of their families.

In September an introduction programme to The Hague, The Netherlands, and Dutch culture for the EDU personnel and their families was organised by the EDU Management, the Host State Support Group and the City Council of The Hague.

A bulletin containing useful information, details of forthcoming events and news concerning EDU staff was produced 32 times in 1994.

Throughout the year the Host State Support Group assisted the EDU staff and their families in settling in and finding accommodation, educational facilities and other social and domestic related issues.

34 international and national meetings and visits were organised during the course of the year, involving in total 643 external participants.

4.4 Finance

During the last months of 1994 the necessary preparations were made to introduce a computerised financial system and to obtain automatic accountability for the EDU organisation with effect from January 1995. Various systems were compared and the SAP financial system was chosen, making use of an on-line connection with the Ministry of Justice. It may be decided after a period of evaluation to work stand-alone at EDU.

There was a small under-spend of the 1994 Dutch budget of 14,500,000 ECU, which the Host State has agreed to re-allocate for expenditure in 1995.

As far as the Common Budget is concerned the annual accounts will be presented to the Working Group on EUROPOL. A few minor changes were approved in September concerning the reimbursement of the salaries of seconded staff to the sending state (including the Host State) and the transfer of funds between budget heads. According to the Budget Regulations and Financing Principles of EDU in the provisional phase, payment for commitments made prior to the end of the financial year may be drawn from the 1994 budget until 1 March 1995. It is anticipated that approx. 25% of the budget will remain unused. As foreseen, any surplus will be credited to the Member States' contributions for 1996.

Proposals for changes in the 1995 budget, in the light of the accession of new Member States and additional needs on the basis of experience in 1994, were discussed in September and December in the Working Group on EUROPOL. No definite decisions were made despite the principle authorisation given to the Co-ordinator to budget for 15 Member States and no longer for 12. The detailed amendments to be made to the 1995 budget will be discussed when the accounts for 1994, together with the advice of the budget and financial experts are available.

4.5 Security

Given the objectives of the organisation, its work is directed at persons, groups and (criminal) organisations whose actions, for various reasons, may pose a threat to persons, facilities and/or the interests of EDU. Account is taken of the fact that the said persons, groups and organisations may try, by means of force and/or clandestine activities, to hinder the work of EDU or prevent it from operating altogether. Provisional security measures were implemented and instructions issued to secure the building, the grounds and the employees. In close co-operation with the Dutch authorities new regulations are in preparation in respect of the impact of the new security-facilities, which have to be installed before the 15th of March 1995.

4.6 Premises

The first phase of renovation of the building was carried out in order to provide an efficient and comfortable working environment.

The second phase of the renovation, which consists of the alteration of the ground floor, including a new main entrance, conference rooms, interpreting booths, security fences and electronic systems, was due to be completed by the end of December. It was delayed due to the additional work involved in installing 4 extra interpreting booths and the changes this necessitates to the ventilation system.

The date of completion of the conference area, new main entrance and security desk is now estimated to be at the end of February 1995. On 15 March 1995 the new conference facilities will be officially opened and they will be used for the first time for a Heads of NCIS conference the following day.

Additionally the kitchen has been modernised and a catering company has been contracted, financed by the Host State.

The total investment in respect of the premises provided by the Dutch Government was 16 million Dutch guilders (7.3 million ECU).

In the course of 1994 six contractors, 22 subcontractors and approximately 200 workers were involved in these activities. The day to day work was partly influenced by noise pollution and inconvenience for the EDU staff.

Under the guidance of the EDU Co-ordinating Board three members of the Dutch Support Group within EDU and one member of the Dutch Ministry of Justice participated in 134 construction related meetings.

4.7 Information Technology

In the field of communications, data processing and data protection the following work has been completed:

- Establishment of an internal network infrastructure including ISDN telephone technology
- Installation of high level secured workstations and servers
- Configuration of PCs and software according to the specific needs of EDU
- Installation of encrypted mail facilities to a number of NCIS' (Germany, Denmark, Belgium, Ireland, The Netherlands; Italy and Luxembourg to be installed soon).
- ELO direct access to their national data bases (Germany; Italy and Belgium in preparation), together with appropriate assistance to the Member States.
- Support for NCIS' during the provision of technical components and their preparation for operational use (including training courses for NCIS officers)

- Basic training (partly from outside consultants and trainers) and daily user support for EDU staff

Accordingly, ELO's have been provided with all the necessary facilities to enable them to work in accordance with the Ministerial Agreement and their respective national data protection regulations.

4.8 Other equipment

In January 1994 an EU bid procedure commenced to equip 100 workplaces to be provided by the Host State. The new furniture and equipment were delivered and installed in summer 1994.

Seven official cars have been supplied, fitted in accordance with EDU specifications and are now in use (4 - Host State budget and 3 - common budget).

4.9 Documentation

The purpose of the EDU Documentation Service is to provide relevant support for the EDU staff and Member States NCIS' in all aspects of documentation work. Through close and regular co-operation with the documentation services of the EU Member States, it is possible to inform all members of the staff about new developments in all areas of law enforcement, but specifically in the field of drug trafficking, drug-related crime and associated money laundering.

Links have been established with a number of law enforcement-related on-line database services, namely the National Criminal Justice Reference Service in Washington DC, CompuServe and the UNCJIN-L (United Nations Criminal Justice Information Network). There are plans to link up directly with the European Union Information Services in Brussels.

Pilot projects are now running to provide ELO's and NCIS' with additional support (Reuters, WorldBase etc.).

EUROPOL DRUGS UNIT
February 1995

