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**NOTE**

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from : UK Presidency

to : Europol Working Group

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Subject : **UK Presidency work programme**

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**Introduction**

1. It will be a key priority for the United Kingdom Presidency to do all that it can to ensure that the Europol Convention enters into force as early as possible in 1998 and that Europol is ready to take up its work. The entry into force of the Convention is dependent on ratification by all Member States - and all have committed themselves to doing so by the end of 1997. The Convention specifies a number of instruments that must be in place before Europol starts its work (listed in Article 45(4)). There are also a range of practical preparations that need to be made.
2. This could be the last semester in which it is necessary for the Europol Working Group to meet. Once Europol has taken up its activities under the Convention, the UK Presidency envisages that the Management Board will carry out the functions for which the Europol Working Group is responsible. During this semester the programme for the Working Group can, as under previous Presidencies, be divided into two main areas
  - preparation for the implementation of the Convention
  - management of the existing Europol Drugs Unit (EDU).

## Preparation for the implementation of the Convention

3. Thanks to the work completed under earlier Presidencies, most of the instruments required under Article 45(4) of the Convention have now been completed, with texts "frozen" by the Council for formal adoption once the Convention is in force. Work is still needed on the following
  - confidentiality regulations (Article 31(1) of the Convention)
  - rules of procedure of the Joint Supervisory Body (Article 24(7))
  - headquarters agreement between the Netherlands and Europol (Article 37)
  - bilateral agreements between the Netherlands and Member States on privileges and immunities of liaison officers (Article 41(2)).
4. It is the responsibility of the Europol Working Group to finalise a text of the confidentiality regulations and to submit them, via the K4 Committee, to the Council. The UK Presidency will aim to complete this task as soon as possible, building on the extensive discussions there have been under earlier Presidencies.
5. The rules of procedure for the Joint Supervisory Body (JSB) must be agreed by both the JSB and the Council. The primary role in preparing a draft lies with the EU Data Protection Commissioners' Group. The task of the Europol Working Group is to contribute to the drafting process by commenting on the draft text to indicate areas in which the Council might have difficulties. It will inevitably be a delicate process to arrive at a text that can secure unanimous approval in both the future Joint Supervisory Body and the Council. The United Kingdom Presidency will continue the work of the Luxembourg Presidency in seeking to facilitate that process.
6. The primary role in preparing the headquarters agreement and bilateral agreements on the privileges and immunities of liaison officers lies with the Netherlands. The UK Presidency will look to the Netherlands delegation to keep the Europol Working Group informed of progress, to allow collective consideration of any difficulties that may emerge.

7. There are a number of other issues that the Europol Working Group will need to address in preparation for the implementation of the Convention, even though there is no legal requirement for them to be in place before Europol takes up its activities. These include:

- the development of the Europol Computer System (TECS), including the consideration of an interim solution for the phase immediately after the implementation of the Convention. The Europol Working Group will maintain its supervision of the projects that are underway. During the UK Presidency it will be necessary to take forward plans for stage 3 of TECS.

There are points related to TECS which will formally be for decision by the Management Board but which will influence the design of TECS and on which the Europol Working Group should prepare the ground. These include: design of the index system (Article 11) and detail of audit log reports (Article 16).

- finance. The Council has agreed the EDU's budget for 1998. It must be assumed that future years' finance and any supplementary budget for 1998 will be considered by the Management Board under the procedures set out in the Convention. But it will be helpful for financial experts and the Europol Working Group to do some preparatory work on the 1998 and 1999 budgets and the five year financing plan (Article 35(4)). It will also be necessary to ensure that the necessary appointments are made to the joint audit committee (Article 36).
- appointments. Preparations will need to be made for the appointment of a secretary to the Management Board, the secretariat for the Joint Supervisory Body (Article 24(10)) and a Financial Controller (Article 35(7)), although finalisation may have to wait until the new bodies are in place. Member States will need to consider the appointments that they will be making to the Management Board, Joint Supervisory Body, Financial Committee and Security Committee.

Consideration must also be given to the appointment of the Director and Deputy Directors of Europol (Article 29(1) and (2)) following the transitional arrangements agreed by the JHA Council at its meeting on 4-5 December.

- future work programme. The Management Board will need to consider amendments to the 1998 EDU work programme in the light of the additional activities which will be possible when the Convention is in force. It will also need to authorise the initial analysis projects to be undertaken by Europol (Article 12(1)).

### Management of EDU

8. In its role of overseeing the management of the EDU, the Europol Working Group functions as a shadow Management Board. The UK Presidency will seek whenever possible to schedule relevant agenda items in discrete blocks so that national representatives with a primary interest in the supervision of the EDU can attend for these items alone. As Member States identify the individuals who they are likely to appoint to the Management Board, it may well be helpful to include those individuals in delegations to the Europol Working Group.
9. As in earlier Presidencies, the issues to be addressed will include:
  - finance
  - work programme and priorities
  - external contacts and visits, including international conferences.

As the transition to the Management Board means, it will be necessary to look at the way in which existing expert groups (eg HENUs, TECS Project Board) will relate to the Management Board.

### Future development of Europol

10. The UK Presidency recognises that Article 30 of the Amsterdam Treaty envisages a developing role for Europol. Recommendation 25 of the European Union's action plan to combat organised crime sets a target date of end 1998 for an assessment of whether the development of the role of Europol requires amendment to the Convention. The UK Presidency hopes to begin consideration of this issue, but its first priority is to secure effective implementation of the present Convention.