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Ministerial agreement on the establishment of the Europol Drugs Unit

Introduction

Ministerial agreement on the establishment of the Europol Drugs Unit, signed in Copenhagen on 2 June 1993

The TREVI Ministers

Considering that the European Council at its meeting in Luxembourg on 28 and 29 June 1991 noted proposals for the establishment of a central European criminal intelligence office (Europol), agreed on the objectives underlying these proposals and instructed that they be examined further;

Considering that the TREVI Ministers submitted to the European Council on 4 December 1991 a report concerning the development of Europol with the unanimous agreement that Europol should be established, beginning with a drugs intelligence unit, and thereafter developed in the near future;

Considering that the European Council at its meeting in Maastricht on 9 and 10 December 1991 agreed on the creation of a European Police Office (Europol), the initial function of which would be to organise the exchange of information on narcotic drugs at the level of the Community's twelve Member States and instructed the TREVI Ministers to take such measures as were needed to allow it to be set up at an early date;

Considering that the European Council at its meeting in Lisbon on 26 and 27 June 1992 called for the preparation of the Convention necessary for the establishment of Europol;

Considering that the preparation and subsequent entry into force of the Convention will take some time;

Considering the urgent problems posed by international illicit drug trafficking, associated money laundering and organised crime and the Ministers' call, at their special meeting on 18 September 1992, that Europol's first phase, the Europol Drugs Unit be in place by January 1993;

Considering it necessary to organise the establishment of a Europol Drugs Unit and to have a form of cooperation in advance of a full Convention on Europol coming into force;

Have decided as follows :

The Ministers of each Member State will send one or more liaison officers to a central location on or after 1 July 1993 in order

to constitute with the liaison officers of the other Member States a cooperation team to be known as the Europol Drugs Unit.

The Unit is to act as a non-operational team for the exchange and analysis of intelligence in relation to illicit drug trafficking, the criminal organisations involved and associated money laundering activities affecting two or more Member States.

The objective of the Unit will be to aid effective action by the police and other law enforcement agencies within and between Member states, against the above mentioned criminal activities.

For this purpose, participants in the Unit will perform, each of them acting in accordance with the provisions of their national laws and any instructions given by or on behalf of their competent ministers, the following tasks:

(a) to exchange information (including personal information) between Member States in furtherance of specific criminal investigations of drug-related offences;

(b) to prepare general situation reports and crime analyses on the basis of non-personal information supplied by Member States and from other sources.

The activities of the Unit will be without prejudice to other forms of bilateral and multilateral cooperation in relation to combatting illicit drug trafficking and other related activities, nor to the competencies of the European Community.

Treatment of Information

Concerning illicit drug trafficking and other drug-related criminality including money laundering, the liaison officers will, within the limits of national legislation, legal rules and any instructions given by or on behalf of their competent ministers, communicate information in furtherance of specific criminal investigations of drug-related offences, the development of intelligence as well as strategic analysis. In order to fulfil these tasks, the liaison officers will have access to their relevant respective national criminal information and intelligence. The Ministers emphasise the necessity of protecting all information from unauthorised access and destruction, including ensuring the physical protection of data processing systems and links.

Requests for information made to the Unit by the police or other law enforcement agencies are to be channelled through one or a limited number of national central authorities which will also be responsible for the receipt and the passing on of any response from the Unit.

Data Protection

Personal information will be communicated on the basis of exchanges between the liaison officers, each of them acting in accordance with the provisions of national laws, and also any relevant legal rules and Ministerial instructions, concerning the processing of

personal information, and respecting any conditions expressed by the delivering state in respect of the use of such information. Any exchange of information between the requesting and the delivering Member State will take place solely on a bilateral basis via their respective liaison officers. Should the delivering state, in the course of dealing with a request, discover any information in connection with a drug-related offence relevant to another state, this information may be made available to the State in question via the liaison officers of the states involved in accordance with national legislation.

The transmission of personal information to non-Member States or to international organisations by the liaison officers will not take place.

To the extent required by their national legislation on data protection, the liaison officers will keep - exclusively for the purposes of data protection - a record of the personal information they have transmitted, as described above. Furthermore no personal information will be stored centrally, whether automatically or otherwise, in the Unit.

The Ministers invite their national data protection authorities to supervise the activities of their liaison officers in respect of national legislation on the protection of personal data. They particularly invite their national data protection authorities to check whether the Unit's common database (if any) contains only non-personal data.

Finance

The cost of maintaining officers sent to the Unit from Member States, and their necessary equipment, will be borne by their respective Ministers. Other costs of establishing and maintaining the Unit, which are to be met initially by the host country, will be defrayed jointly by the Ministries. Within the limits of their budgetary rules and annual procedures, each Ministry's voluntary annual contribution for this purpose will be determined on the basis of the country's gross national product (GNP), according to the scale used for the determination of the GNP element of the own resources that finance the budget of the European Communities. In each year the GNP of each Member State for the preceding year will be the basis used.

The foregoing record represents the agreement reached between the TREVI Ministers upon the matters referred to therein.

This Agreement shall enter into force on the day following decision by the competent authorities on the temporary or permanent site of Europol Drugs Unit/Europol.

This Agreement will come into effect for Ireland when the terms of the Agreement have been approved by Dail Eireann.

Signed in duplicate at Copenhagen 2nd June 1993 in English and French languages, both texts having equal validity.

[Signature on behalf of each country]