

6200/94

RESTREINT

EUROPOL 28

OUTCOME OF PROCEEDINGS

of: Europol Working Party

on: ~~29 and 30 March 1994~~

The Europol Working Party met in Brussels on 29 and 30 March 1994. The outcome of its proceedings is summarized below.

1. Adoption of the agenda

The Working Party adopted the agenda as contained in telex No 1177 giving notice of the meeting on 24 March 1994, subject to the examination under "Other business", at the request of the French delegation, of the question of working languages within the EDU/Europol.

A. EDU/EUROPOL

The French delegation entered a scrutiny reservation on documents that were not available in French.

2. Status report

(4772/1/94 EUROPOL 1 REV 1 and 5583/94 EUROPOL 17)

The EDU/Europol representative presented and commented on the report set out in 5583/94 EUROPOL 17).

The EDU/Europol representative stated that at present 20 officers had been seconded by their countries. These officers had taken part and were taking part in investigations of some 50 cases of international crime. An initial meeting of operational heads of National Drugs Bureaux and/or NCIS was scheduled for 19 and 20 April 1994 in The Hague. Recruitment procedures for analysts had begun. He reported that the Netherlands authorities had made a large number of computers available to the EDU/Europol. He stressed that at present the greatest problem was the recruitment of staff.

Another major question was the status of staff during the pre-Convention phase (see point 9).

Neither the status report nor its presentation by the EDU/Europol representative elicited specific comments from the delegations.

3. Revised development plan 1994

(4212/3/94 ENFOPOL 4 REV 3)

The Working Party examined the revised development plan for 1994 presented by the EDU/Europol representative.

The Working Party's discussions focused on the Press Office shown on the establishment plan (see page 10 of 4212/3/94 ENFOPOL 4 REV 3).

In view of the major information requirements, several delegations stressed the need to set up a Press Office.

Other delegations felt that it was more the function of national press services to satisfy requests for information. The proposed EDU/Europol Press Office would therefore have to proceed with prudence and pragmatism.

The EDU/Europol representative pointed out that there would be one person placed under the responsibility of the Assistant Co-ordinator and was invited to submit a report on his view of the role of the Press Office.

The Working Party agreed to the revised development plan for 1994 on the understanding that one person, under the aegis of the Assistant Co-ordinator, would be responsible for contacts with the press.

The French delegation upheld its reservation on the creation of a Press Office. It was not opposed to keeping the public informed but felt that the means proposed would not provide a real external communications service as the EDU had no responsibility in this area.

4. The Working Party agreed to the guidelines contained in the following EDU/Europol documents:

- Development and Structure of National Drugs Intelligence Units/National Criminal Intelligence Services (11019/1/93 ENFOPOL 58 REV 1);
- Relationship between Europol/EDU and Law Enforcement Agencies in Member States (11012/93 ENFOPOL 51).

5. Crime analysis by Europol/EDU

(11016/1/93 ENFOPOL 55 REV 1)

The EDU/Europol representative presented 11016/1/93 ENFOPOL 55 REV 1, a document based on the comments forwarded to the EDU/Europol before 10 March 1994.

In the light of a comment from the German delegation emphasizing compliance with the provisions of the Ministerial Agreement, he stressed the need to know whether an analyst could work on personal data under the supervision of the Liaison Officer or whether Liaison Officers alone could carry out these analyses.

The Working Party agreed to the approach sketched out in the above document and concurred with the EDU/Europol representative's suggestion of examining the question at the meeting referred to in point 2 above on 19 and 20 April 1994. On the basis of the outcome of that meeting a new document would be submitted to the Working Party.

6. Classification of criminal intelligence

(4774/1/94 EUROPOL 3 REV 1)

The Working Party made no comments on this document.

7. General situation report (4773/1/94 EUROPOL 2 REV 1)

The EDU/Europol representative presented a draft interim report on the general situation, which was circulated at the meeting.

The report, whose aim is to describe and compare the powers of law enforcement authorities in the twelve countries of the Union, supplements the report on illicit traffic approved by the Council meeting on 29 and 30 November 1993.

He stressed the need for the Liaison Officers to help finalize the report.

Delegations were invited to forward any comments on the report to the EDU/Europol before 20 April 1994 so that the final version could be submitted to the Article K.4 Committee in time for its adoption by the Council on 20 and 21 June 1994.

The Working Party agreed to the EDU/Europol approach and hoped that the Liaison Officers would contribute to the finalization, without detriment to their other activities.

8. Budget for 1995

The EDU/Europol representative presented a draft budget for 1995.

He suggested that a group of financial experts should examine the draft in The Hague with a view to preparing the examination of the draft at the Working Party meeting from 25 to 28 April 1994.

At the request of the Italian delegation, he stated that the host country would meet expenditure on the building for 1994 only. He added that it was necessary to decide whether the Staff Unit and Planning and Development would be financed by EDU/Europol or by each Member State in respect of the persons it had seconded.

The Working Party welcomed the suggestion that a meeting of financial experts should be held in The Hague on 18 and 19 April.

The EDU/Europol would endeavour to clarify certain budget items in advance and in writing, where necessary calling upon the Liaison Officers to translate documents.

9. Staff duties, obligations and immunities

(11015/1/93 ENFOPOL 54 REV 1)

The EDU/Europol representative stressed that the above document covered the post-Convention phase. Meetings of experts would be needed to clarify the various problems. The EDU/Europol was currently studying the statutes of various international organizations.

However, for the time being priority must be given to solving certain problems linked with the pre-Convention phase.

One of the points emerging from examination of this question was the urgent need for an agreement on the legal status during the pre-Convention phase of persons seconded by the Member States (e.g. Liaison Officers). Were they subject to the laws of their State of origin or to those of the host State? How did they stand as regards social security? Emphasis was placed on the need to draft recommendations. It would be necessary to distinguish between the privileges and immunities relating to relations between the EDU/Europol and the host State on the one hand and staff regulations governing relations with the employer on the other.

The Belgian delegation insisted that the question of social security should be settled as soon as possible.

The Netherlands delegation endorsed the need to classify the various problems. A list should be drawn up by the EDU/Europol and Netherlands experts working together. This report should be submitted to the Working Party and then examined in detail by a group of experts. Similar solutions should be found to certain problems.

The Working Party asked the EDU/Europol and the authorities to submit a report on the most urgent issues, if possible in time for the Working Party's next meeting, on the understanding that a general multilateral solution should be envisaged, in particular for the situation of those on secondment from their States.

10. Other business

– Working languages for the EDU/Europol

(request by the French delegation)

Discussion of this item is summarized in 6018/94 EUROPOL 27).

B. DRAFT CONVENTION ON THE ESTABLISHMENT OF EUROPOL

(9757/93 ENFORC 3)

The Working Party's discussions on this item are summarized in 6202/94 EUROPOL 3 and the architecture of the Europol computer system in 6204/94 EUROPOL 31.