



Calum Steele
President

European Confederation of Police

+352/43 49 61-1

contact@eurocop-police.org

EURO COP – 59a Rue Principale L-5480 Wormeldange - Luxembourg

www.eurocop.org

EuroCOP positioning on the EU police cooperation code – law enforcement cooperation across the EU-27

The unprecedented technological advancement of the 21st century has brought with it new criminal dimensions. As our societies become increasingly globalised, interconnected and digitalised, while such change is obviously beneficial for a whole host of reasons, it has clearly created new challenges and complications for law enforcement and policing. Criminals now have new tools to preserve their anonymity, to avoid detection while they commit crime, to conceal evidence and – above all – to build criminal networks that have an increasingly transnational reach.

In Europe, as set out by the European Commission within its consultation document, the creation of the Schengen area – and the abolishment of internal border controls – elevated the need for a more comprehensive system of law enforcement cooperation between the different Member States of Europe. Yet a closely coordinated police cooperation framework across Europe has not yet been sufficiently achieved, and organised criminal networks continue to exploit divergences between different national jurisdictions in the EU, at a time when crime - in all of its different dimensions - is increasingly international and does not stop at national borders. EuroCOP therefore welcomes the initiative of the European Commission to assess ways to modernise and improve the existing law enforcement cooperation framework, to enable police forces across the bloc to work in tandem and effectively combat the threats of serious and organised crime.

Improving police cooperation across borders is particularly relevant for border territories, which should be allowed to develop direct cooperation between corresponding police forces (even autonomous or semiautonomous police forces with full competences in their own territories) under Article 40 of the Convention implementing the Schengen Agreement of 14 June 1985. Failures in investigations and the exchange of information or cooperation in one part of the European territory can have fatal consequences in any other part of the European territory.

Indeed, a vital element in cross-border police cooperation is streamlined access to information. Delays in information-sharing and access can have fatal consequences. Under the status quo, the exchange of information works fairly well within the investigation level. Further, due to the fragmented legal framework for law enforcement cooperation at present, information received by national police forces is not readily accessible by officers on the ground. This is compounded in nations where



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autonomous or semi-autonomous police forces / services exist, as they are rarely the lead agency on National Security. Examples include Spain, Scotland, Northern Ireland, and Belgium.

It is vital that all service agents in the street can access investigative information when they need it, immediately, through their different active control rooms. With cross-border crime, this data exchange is often slowed by limited interoperability between different police forces' databases, and information technology infrastructures. EuroCOP considers that inadequate information sharing infrastructures between different Member States reduces coordination and affects the potency of police cooperation operations, and indeed impedes efforts to neutralise cross-border criminal networks.

The Commission is in a unique position to promote cooperative improvements in this regard. This is why EuroCOP also considers that as part of this consultation process, it could be very beneficial to have a parallel assessment of the efficacy of European information systems – including the Schengen Information System or necessary (such as the consultation of European criminal records beyond ECRIS).

Nonetheless, it would be counterproductive to improve the exchange of information, collaboration and cooperation between countries if Member State governments are not able to establish the same commitment between the different competent police forces in each of their territories. It is therefore essential that improvements to cross-border cooperation and information exchange take into account the decentralised structure of some Member States. Although EuroCOP understands the reluctance to get involved in the reserved powers of Member States, this non-involvement does not address the issues.

Furthermore, Europol should be allowed to cooperate directly with competent authorities in Member States, including regional police forces. This includes, for example, direct cooperation with the Ertzaintza in the Basque Country, the Mossos d'Esquadra in Catalonia in Spain, and the local police in Belgium. This is as envisaged by the REGULATION (EU) 2016/794 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA:

“Taking into account the decentralised structure of some Member States and the need to ensure rapid exchanges of information, Europol should be allowed to cooperate directly with competent authorities



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in Member States, subject to the conditions defined by Member States, while keeping the national units informed at the latter's request.” and the definition of “Competent authorities” set in article 2 of the same regulation: “the competent authorities of the Member States’ means all police authorities and other law enforcement services existing in the Member States which are responsible under national law for preventing and combating criminal offences. The competent authorities shall also comprise other public authorities existing in the Member States which are responsible under national law for preventing and combating criminal offences in respect of which Europol is competent.”

Regarding police cooperation in the context of Schengen management, we consider that now more than ever there is a need for stronger enforcement and implementation. The EU should ensure the necessary tools and resources are available to police an area with open borders such as sufficient policing capacity and adequate financial support. Part of this is the development of a European Law Enforcement Training Scheme (LETS) as proposed by the Commission. We welcome the idea of proposing a minimum standard EU knowledge level for all law enforcement officials on the trans-European dimension of law enforcement.

While this is currently under discussion, other issues related to training still need to be further emphasised in the future framework, most notably: the need to train officers across all ranks, as police officers experience the international dimension of crime on a day to day basis and should be better aware of international cooperation. At the moment, the Stockholm programme promotes contacts between senior officials of the Member States through structures such as COSI, Europol, and CEPOL, all of whom centre on high-level interaction. It is necessary to support the development of exchange programmes, which seek to enhance in an active and practical manner, interaction between police officers, both between training centres, as well as between operational police units. There is also a need to train officers’ language skills at all levels, to facilitate communication, and to include this in the standard curriculum for trainee officers.

Finally, as we set out in our response to the consultation on the original police cooperation code Roadmap, EuroCOP supports the Commission’s initiative to develop the different EU legal texts and non-binding guidelines on police cooperation into one coherent consolidated legal text. This will be essential to ensuring a robust and comprehensive legal framework as a basis for closer cooperation



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between European police forces and agencies.

A handwritten signature in black ink, appearing to read "Calum Steele", with a horizontal line drawn through the middle of the signature.