NOTE
from: Netherlands delegation
to : K.4 Committee
Subject: Provisional work programme of the Steering Group II Police Cooperation and Customs Cooperation Working Parties for the period 1 January to 30 June 1997

Introduction


The Netherlands Presidency’s general aim is to promote practical police and customs cooperation at European level. This work programme also incorporates the so-called horizontal topics, i.e. “racism and xenophobia”, “trafficking in human beings”, “cooperation with third countries” and “cooperation with the countries of Central and Eastern Europe (CCEE)”.

In addition to the topics which the Netherlands Presidency wishes to treat as priorities, the programme includes a number of "ongoing" activities, which need to be continued or completed depending on progress under the current Irish Presidency.
Work programme for the Police Cooperation Working Party

1. Introduction

The Netherlands work programme for the Police Cooperation Working Party is in three parts, namely a general part, a part concerned with technology and interception and, lastly, a list of seminars and experts' meetings.

2. General part

As far as the Working Party's general activities are concerned, the Netherlands Presidency will concentrate on the following six topics: training, action plan on drugs, public order cooperation, ILEA and MEPA, CCEE cooperation and UN policing operations.

The objectives are as follows:

(1) Establishing the relationship and distribution of tasks between the Police Cooperation Working Party, the AEPC (Association of European Police Colleges) and Heads of Training, completing the cataloguing of common features in training programmes and, finally, updating the AEPC guide to include training availabilities. In so doing, account will also be taken of training requirements emanating from other working parties, such as customs.

(2) Implementing the cross-pillar action plan on drugs as regards training (compiling a survey of training programmes) and prevention (experts' meeting).

(3) Extending existing public order cooperation in the area of sport (i.e. football) to other situations such as demonstrations, major public events, meetings and other large-scale events involving citizens from several EU Member States and compiling a manual listing the national crisis centres.

(4) Examining how cooperation with ILEA and MEPA can be extended.

(5) Promoting effective and coordinated cooperation with regard to assistance in the field of police cooperation to the CCEE.
3. Technology and interception

Here, the programme is largely based on the Irish Presidency's work programme. Six topics are involved:

radio communications, interception of telecommunications, cooperation between forensic laboratories, preparation for the creation of a DNA databank, missing persons/corpses, and EU/Interpol interaction. The Netherlands Presidency will provide the following input:

(1) defining of a radio data communications standard; the aim is to arrive at a decision on standardization that ties in with Schengen developments;

(2) making it technically feasible for justice and police to carry out real-time interception of satellite telecommunications traffic. Account will be taken of developments at the ILETS meeting in Dublin on 5 February 1997. The "Internet" topic is aimed at establishing a link with the horizontal topic of combating trafficking in human beings and child pornography. With a view to harmonizing knowledge of interception in the Member States, the Presidency is contemplating the organization of a course on interception in cooperation with the Zutphen Detective-training College;

(3) once cooperation between ENFSI and the Police Cooperation Working Party has been formally agreed, ENFSI will be able to advise on a range of forensic matters;

(4) creating a databank to store DNA profiles; liaison will be ensured with either Europol or Interpol (see also point 6 below);
(5) improving the exchange of data between Member States on missing persons/corpse; in this connection, the establishment of national coordinating units will be stimulated. Liaison will be ensured with either Europol or Interpol (see also point 6);

(6) harmonizing activities in the EU framework or the Interpol framework where necessary.

4. **Seminars/expert meetings during the Netherlands Presidency**

4.1. **EU expert meeting on security and crime prevention (12-14 May 1997)**

This seminar will build on the recommendations of the Stockholm Conference (9535/96 ENFOPOL 91) and close consideration will be given to crime prevention. The purpose of the expert meeting is twofold: an exchange of information in this area between the EU Member States, the CCEE, Cyprus and Malta, and consideration of possibilities for European agreements. The following topics will be focused on at the seminar: youth and security; surveillance; safe living environments; prevention and a managerial approach to organized crime.

4.2. **Seminar on d.rugs (provisional)**

This seminar, which will probably be organized in cooperation with the European Commission and the Parliament, will focus on a targeted, inter-sectoral approach to criminally active drug addicts. Attention will be paid to the response to hard-core drug addicts by the caring sector, the police, the courts and the authorities. The seminar will build on a similar seminar organized by the Irish Presidency, with the Commission’s cooperation in November 1996.

4.3. **Workshop on violence against women (11 to 15 June 1997)**

On the initiative of the European Network of Policewomen, to follow up the fourth World Conference on Women in Peking and the Vienna conference on trafficking in women (June 1996), the police sector will hold an implementing conference in June 1997. The conference will focus on the role of the police in combating violence against women and trafficking in women.
4.4. Seminar on "Intelligence from databases located at forensic science laboratories and its relation to criminal investigation" (early March 1997)

The seminar’s broad theme will be the "mutual use of forensic science databases", coupled with Europol’s role; it will cover topics such as a DNA-profile database, a photographic/analytical database of narcotic drugs, a system for the chemical profiling of drugs, a database storing traces of arms and munitions and fingerprint registration. The seminar will focus on four aspects, viz. standardization, information exchange, Europol’s role and judicial aspects.

Work programme of the ad hoc Europol Working Party

1. Introduction

Under the Netherlands Presidency there will be a need to carry out a number of priority activities on implementing the Europol Convention and on monitoring the management of the Europol Drugs Unit (EDU). The Netherlands Presidency’s programme will – quite logically – be largely confined to continuing, and where possible completing, the work begun by previous Presidencies. In addition, it is intended to start up some new projects which are important for the smooth functioning of Europol.

Within the European Union the fight against organized crime is a priority, and Europol is expected to be able to make an effective contribution to this in the foreseeable future. Insofar as that depends on the activities of the ad hoc Working Party, the preparations for an effective start by Europol on its activities will therefore need to be carried out as far as possible during the Netherlands Presidency. This involves not only the formal requirements for implementing the Europol Convention (implementing arrangements), but also the creation of any other conditions necessary for Europol’s successful operation (development of the Europol computer system).

The monitoring of the EDU continues to command constant attention.
2. Implementation of the Europol Convention

Since the start of the Spanish Presidency in July 1995 the ad hoc Europol Working Party has worked diligently on the projects which need to be completed before Europol can start its activities. Those projects primarily concern a number of implementing arrangements provided for by the Europol Convention.

2.1. Implementing arrangements

Making progress on the arrangements which – pursuant to Article 45(2) of the Europol Convention – need to be adopted before Europol can take up its activities is a matter of top priority. Four of these arrangements still need to be submitted to the JHA Council for provisional adoption.

Thanks to the Irish Presidency's efforts, the ad hoc Working Party has almost completed its discussions on the draft rules concerning the use of analysis files and the draft Staff Regulations (except the Annexes). It has reached agreement on the principles to underlie the draft rules concerning the protection of confidential information. The draft Protocol on privileges and immunities was partly discussed during the Italian Presidency; the ad hoc Working Party will give it priority. In addition, a draft Headquarters Agreement drawn up by the Netherlands and the EDU has been submitted to the ad hoc Working Party for provisional approval. The latter will discuss it in tandem with the draft Protocol on privileges and immunities.

The Netherlands Presidency’s aim is to submit the draft Rules concerning the use of analysis files, the draft Staff Regulations (including the Annexes), the draft Rules concerning the protection of confidential information and the draft Protocol on privileges and immunities to the JHA Council on 27 and 28 May 1997 for provisional adoption.
Europol will not be able to take up its activities until the rules of procedure of the joint supervisory body, provided for in Article 24(7) of the Europol Convention, have been established and approved by the JHA Council. The Netherlands Presidency will request the EU Data Protection Commissioners Working Party on Police to draw up draft rules, confer on the matter with the ad hoc Working Party in due course and complete the draft in the course of 1997.

2.2. Further activities in connection with implementation of the Europol Convention

As stated above, for Europol to function smoothly, it is not only necessary to lay down rules; other activities are also essential. Among those activities, the main emphasis should be on developing the Europol computer system (TECS).

In connection with TECS, it looks as if a number of major issues will have to be discussed and various decisions taken during the Netherlands Presidency. The ongoing discussions on the so-called Vision Document (Europol 83 Rev 1) need to be completed. Indeed, this is a policy document "translating" the Europol Convention for practical day-to-day purposes. The approach set out in that document on how Europol is to carry out its tasks forms a basis for that unit's organization and a reference for its programmes of activities.

3. Monitoring of the EDU management

Structured substantive monitoring of the EDU continues to be of major importance – especially while that body is being set up. The ad hoc Working Party will therefore also have to give this matter due attention.

The questions involved here largely form part of routine work such as that concerning the Coordinator’s 1996 report and the draft 1998 budget.

A method is being developed for bringing out more clearly the link between EDU/Europol activities and the relevant budget headings when drawing up not only draft programmes of activities but also the draft budget. The EDU and the financial experts are working on this. Once their proposals are ready, these will need to be placed before the ad hoc Working Party.
Work programme of the Working Party on Drugs and Organized Crime

1. Introduction

Here, the work programme consists of a number of topics on both organized crime and drugs. They are closely interrelated. The Netherlands work programme is aimed at further improvement of the opportunities for technical and practical cooperation between intelligence and justice departments. Through concrete projects, efforts will be made to foster closer relations between the relevant departments in the Member States.

In this connection, the various Third-Pillar working parties will be encouraged to cooperate as far as possible. The Presidency will also favour Commission involvement in the proceedings where appropriate.

In view of developments in the Baltic States, Central and Eastern Europe and Latin America, consideration will be given to opportunities for cooperation with countries in those regions.

2. Input by the Netherlands Presidency

(1) Report on the nature and scope of organized crime in the EU

Building on the headway made in the 1995 report, the quality of the compilation needs to be further improved. Thus a better insight will be obtained into organized crime, thereby enabling the report to generate more practicable recommendations.

(2) Cooperation between national criminal intelligence departments

The Netherlands Presidency intends to identify problems and to formulate clear recommendations on the exchange of operational information between the Member States. This matter will be discussed at a Conference in May 1997.

(3) Trafficking in human beings and sexual exploitation of children

It is now being studied whether the Working Party can take further action on ongoing initiatives in this area and on the outcome of the JHA Council's discussions on the matter.
(4) **Computer crime**

The aim and action to be taken will be determined following the appearance of the document on "Harmful and illegal content on the Internet" which the Telecom Council discussed in November 1996.

(5) **Money-laundering**

The work done in this area by the Italian and Irish Presidencies will be continued. In particular, efforts will be directed towards investigation of the extent to which the exchange of information between Member States can be made faster and more effective.

(6) **Car crime**

Action on this question will be determined by the Working Party on the basis of more specific proposals from the Irish Presidency and the EDU.

(7) **Controlled delivery**

The aim is to record the most important legal and practical problems in the area of controlled delivery, to improve practical cooperation between EU Member States and between EU Member States and the countries of Central and Eastern Europe in the area of controlled delivery and also improve legislation in this area. Use will be made of the results achieved by the Irish Presidency and work carried out within the Schengen framework.

(8) **Growing and production of narcotic drugs**

The Presidency's activities in this area are directed predominantly at combating the production of and trade in synthetic drugs. In the report on the harmonization of drugs legislation this is highlighted as one of the areas in which the aim should be a common and – as far as possible – harmonized approach. The purpose is to improve operational cooperation.
European trafficking routes

The aim is to improve the information position of the EU Member States and of the countries of Central and Eastern Europe (operating methods and extent of the smuggling of narcotic drugs out of the production areas), to make recommendations concerning a more effective approach to drug-smuggling from these areas, improve (operational) cooperation and the exchange of information on illegal trade in heroin and cocaine, and to formulate coordinated repression activities. The reports on trafficking in heroin within the EU were prepared during the Irish Presidency.

Work programme for the Customs Cooperation Working Party

1. Introduction

The priorities of the Presidency of the Customs Cooperation Working Party are based on the multi-annual work programme agreed by the Council, containing the priorities for cooperation in the field of Justice and Home Affairs (JHA). In addition, attention should be paid to the points brought out by the Irish Presidency, which, as regards customs cooperation, gave the fight against drugs a central place on the basis of the 66-point drugs action plan of the Madrid European Council.

The main objective is to further enhance the effectiveness of customs controls.

The aim is to improve mutual cooperation between the Member States’ customs services. This should result in stepping up the fight against fraud in general and against drug-smuggling in particular.

2. Input by the Netherlands Presidency

(1) External frontiers strategy

The Netherlands attaches the greatest importance, with regard to the planned further increase in the effectiveness and efficiency of customs controls, to a common external frontiers strategy of the fifteen customs services. This external frontiers strategy will have to relate to all types of breach of customs legislation. The aim is common action in this field.
(2) Joint customs-control operations

In giving priority to joint customs-control operations two aspects are to be distinguished:
(a) a working strategy for control operations,
(b) a number of concrete control operations.

(3) Risk analysis

Emphasis should be laid on the need to use risk analysis for effective protection of the external frontiers. Guidelines for risk analysis will have to be worked out and used as a basis for one or more concrete proposals. Attention will also have to be paid to cooperation between risk analysts within the European Union.

(4) Container controls

Control of container traffic is a matter of priority for the Netherlands Presidency. France is currently the forerunner in this field (with the Netherlands as co-runner) and has now issued a questionnaire. The Presidency will continue this action.

(5) Naples II

The Presidency attaches importance to revision of the Naples Convention, since that would constitute a step forward in mutual cooperation following the CIS rules. The Netherlands Presidency is aiming to clarify matters by reaching a political decision on the objective and scope of the Convention (Title I) (K.4 Committee/JHA Council).

(6) JHA Customs 2000

Now that the EC Decision on Customs 2000 has been adopted, it should be possible to make progress with the Customs 2000 strategic programme for the JHA Pillar. The Netherlands Presidency can try to make enough progress in preparing a draft Community action on the basis of the French proposal to enable guidance on external frontier strategy to be incorporated.
(7) **Follow-up to CIS Convention**

The Netherlands Presidency will be placing CIS-Convention matters on the agenda. These include ratification by the Member States, the intended provisional entry into force and the launching of the planned CIS Committee and the Council’s policy for further development of the CIS.

(8) **Sensitive intelligence exchange between Member States and at EU level**

The Presidency will be organizing a seminar on the exchange of sensitive intelligence between Member States and at EU level in order to implement the relevant point in the drugs action plan. A contribution can be made here by customs authorities, e.g. in the form of a customs workshop.

(9) **Coordination of Europol/CIS activities**

The Irish Presidency has asked the Netherlands to assume responsibility for coordination between Europol and the CIS. The importance of this is increasing as progress is being made in most Member States with ratification of the Europol and CIS Conventions.

(10) **Follow-up to Memoranda of Understanding between customs authorities and business operators**

Since a Community action was adopted under the Irish Presidency on the point in the drugs action plan concerning Memoranda of Understanding between customs authorities and business operators, the Presidency in 1997 will be able to embark on the assessment planned for the end of 1997 after a year has elapsed.

**Work programme for the Working Party on Terrorism**

1. **Introduction**

The activities of the Working Party on Terrorism will be continued in line with its activities in previous years. Priority is being given to obtaining an up-to-date picture of important events and trends in the sphere of terrorism, paying special attention to Islamic terrorism and separatism. A key move here will be to draw up the document on the terrorist threat. Another important initiative in combating terrorism is the list of counter-terrorist centres of excellence.
2. **Input of the Netherlands Presidency**

   - **Document on the terrorist threat**
     An attempt will be made to complete this six-monthly update of events and trends in the field of terrorism in March 1997, including the summary and analysis of the document.

   - **List of counter-terrorist centres of excellence**
     This list is intended to facilitate counter-terrorist cooperation between the Member States of the European Union by making use of each other's counter-terrorist know-how, skills or expertise. Every Member State will indicate the particular forms of know-how, etc. which it can offer and which other Member States can make use of.

   - **Counter-terrorist action under the Second Pillar**
     An effort will be made through the Working Party to obtain a clearer picture of counter-terrorist initiatives elsewhere. Within the European Union this concerns the Working Party on Terrorism under the Second Pillar. A Community meeting with this Working Party is planned for March 1997.

   - **Racism and xenophobia**
     Every year, in principle before 1 April, Member States report on serious incidents which have occurred involving racist or xenophobic aspects. The possible setting-up of a Monitoring Centre in this connection is relevant here. Efforts will be made to set up this Monitoring Centre in 1997, which will be "European Year against Racism".

   - **Consolidation function of the Working Party**
     The Irish Presidency embarked on a consolidation of Agreements, etc., on the basis of the Working Party's activities. This will be continued.