NOTE

from: Presidency

to: Working Party on Police Cooperation

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Subject: Advanced technologies: production of a directory of the prefixes and roaming agreements of mobile phone operators in the fifteen countries of the European Union – Questionnaire

The opening up of borders has led to greater mobility and encouraged certain criminals to move to other EU countries, where they can conduct their criminal business out of sight of the police forces of their own countries.

This is particularly true in certain areas of organised crime such as drug trafficking, money laundering and the trade in human beings.

Surveillance of such serious crime is still possible either through human resources using large numbers of staff, or technically with the use of tracking devices installed without the user's knowledge.
Another method is the computerised monitoring of mobile phone identification procedures at the primary relay stage, to ascertain the geographical area in which the user is located.

That simple process can be thwarted when a border is crossed unless the roaming agreements between operators are known.

The production of a directory of mobile telephone operators' prefixes, using the telephone number and the I.M.S.I. (International Mobile Subscriber Identity) number, as well as roaming agreements, will enable a police force in one Member State, within the limits of national law, to make a direct request to a force in another Member State for a subscriber to be monitored without having first to apply to the national operator.

Conversely, the police in one Member State will be able to place under surveillance, with a given operator, the foreign mobile phone number used by one of its nationals.

The time saved will be especially important in cases of kidnapping and ransom demands.

The production of such a directory will require a feasibility study based on the replies to the following questionnaire, which deals with the legal and technical aspects of the problem.

The following timetable is suggested:

28/9/2000: Circulation of the questionnaire
20/10/2000: Deadline for replies
26/10/2000: Publication of initial findings
28/11/2000: Finalisation of the directory
QUESTIONNAIRE

I. **LEGAL ASPECTS**

It should be noted that "surveillance" is not the same as "phone tapping" and covers only the identification of relays activated by the mobile telephone under observation.

1.1. Can the police initiate surveillance operations?
1.2. If yes, what procedure is followed?
1.3. What are the time limits for implementation?
1.4. Are surveillance operations limited in duration?

1.5. Do surveillance operations require the intervention of the judicial authorities?
1.6. If yes, what procedure is followed?
1.7. What are the time limits for implementation?
1.8. Are surveillance operations limited in duration?

1.9. Are phone operators obliged to provide information on their subscribers if ordered to do so?
1.10. If yes, is it possible to have that provision rescinded?

II. **TECHNICAL ASPECTS**

2.1. Are mobile phone operators able to identify technically the relays successively activated?
2.2. If yes, are the results immediate or deferred?
III. DIRECTORY OF MOBILE TELEPHONE OPERATORS

3.1. How many mobile phone operators are there?
3.2. Are their numbers likely to rise sharply?
3.3. Do those mobile phone operators manage the technical aspects of their networks themselves or do they contract the work out to companies providing services?
3.4. Do the operators have roaming agreements with their European Union counterparts?
3.5. If yes, are those agreements with a single operator or with several operators in a given country?
3.6. Is it possible for those agreements to be reviewed frequently?
3.7. Do the police have access to that information?

IV. ADVANTAGES OF A DIRECTORY OF MOBILE PHONE OPERATORS' PREFIXES

4.1. Do you think this project will be of use in police cooperation?
4.2. Have you any reservations?
4.3. Have you any suggestions?