



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 31 May 2012**

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**ENFOPOL 153**

**NOTE**

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From: Presidency

To: Council

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Subject: Draft Council Conclusions on the increased and more effective use of the Europol Information System (EIS) in the fight against cross-border crime

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1. On the basis of the discussion on intelligence-led policing through closer cooperation with Europol in the fight against itinerant criminal groups at the Law Enforcement Working Party (LEWP) meeting on 15 February 2012, the Presidency prepared draft Council Conclusions on the increased and more effective use of the Europol Information System (EIS) in the fight against cross-border crime.
2. These draft Council Conclusions were discussed at the LEWP meetings on 13 March 2012 and on 13 April 2012 and agreed by COREPER on 30 May 2012 as set out in Annex.
3. On this basis the Council is invited to agree on the Conclusions set out in Annex.

**Draft Council Conclusions on the increased and more effective use of the Europol  
Information System in the fight against cross-border crime**

THE COUNCIL OF THE EUROPEAN UNION

HAVING REGARD to the fact that cross-border crimes are a serious and growing problem in the EU and to the fact that Member States are faced with an extensively growing number of crimes committed by mobile crime groups and other criminals operating across national borders;

UNDERLINING the need for more efficient exchange of information between law enforcement authorities in order to tackle cross-border crime, identify the criminals involved and reveal the potentially organised structures behind;

RECALLING that the European Council in the Stockholm Programme – An Open and Secure Europe Serving and Protecting Citizens<sup>1</sup> has stressed that organised crime continues to become more globalised, that the fight against such crime requires, inter alia, systematic exchange of information and that Europol should become a hub for information exchange between the law enforcement agencies of the Member States, a service provider and a platform for law enforcement services;

RECOGNISING that the Council has included enhanced information exchange in order to obtain a better intelligence picture as a shared strategic goal for the eight EU crime priorities in the Council conclusions on setting the EU's priorities for the fight against organised crime between 2011 and 2013 in the framework of the EU Policy Cycle<sup>2</sup>;

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<sup>1</sup> OJ C 115, 4.5.2010, p. 1.

<sup>2</sup> 11050/11 JAI 396 COSI 46 ENFOPOL 184 CRIMORG 81 ENFOCUSTOM 52 PESC 718 RELEX 603.

RECOGNISING also that the Operational Action Plans related to the EU crime priorities set out in the framework of the EU Policy Cycle include operational actions focusing on the creation of a better EU intelligence picture in relation to this problem and a streamlined framework for feeding Europol's database;

BEING AWARE of the work carried out in other EU fora in order to strengthen information exchange between law enforcement authorities and the need to avoid duplication of these efforts;

NOTING the need to enhance Member States' efforts to make full use of the information possibilities offered by the existing Europol databases;

UNDERLINING that Article 8 (4) of the Council Decision establishing the European Police Office (Europol)<sup>3</sup> requires Member States to supply Europol on their own initiative with information and intelligence necessary for Europol to carry out its tasks;

ACKNOWLEDGING that the requirement to supply information and intelligence to Europol only applies to the extent that it does not entail harming essential national security interests, jeopardising the success of a current investigation or the safety of individuals, or disclosing information relating to organisations or specific intelligence activities in the field of national security, cf. Article 8 (5);

NOTING that the Council conclusions on the fight against crimes committed by mobile (itinerant) criminal groups<sup>4</sup> invited Member States to make full use of the existing European instruments and tools for the exchange of information on a strategic, tactical and operational level, and together with Eurojust and Europol to explore possibilities to enhance cooperation and effectiveness in the fight against this crime phenomenon;

CONSIDERING that the Europol Information System offers an effective and valuable platform for information sharing on cross-border crime within the mandate of Europol;

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<sup>3</sup> OJ L 121, 15.5.2009, p. 37.

<sup>4</sup> 15875/10 GENVAL 19 ENFOPOL 314.

CONSIDERING also that the value and efficiency of the Europol Information System relies on Member States implementing and strengthening the use of this information platform in law enforcement investigations;

NOTING the wide variation in the use made of the Europol Information System by Member States when it comes to both providing information to the system and conducting searches in the system as part of law enforcement investigations;

CONSCIOUS that an increase in the number of data uploads in the Europol Information System by Member States will stimulate an increase in the use of the system and thereby create a self-reinforcing effect in Member States as they receive more positive search results that can be valuable to national as well as international law enforcement investigations;

CONSIDERING that if all Member States would provide the system, by the end of 2014, with a number of data corresponding, for instance, to half of the average number of data per million inhabitants provided by those Member States using the Europol Information System most, the effectiveness of the system as an important tool in cross-border law enforcement investigations all over Europe could significantly improve;

NOTING that Member States should focus on improving the national use of the Europol Information System in accordance with the key performance indicators as agreed by Europol and Member States ensuring a satisfactory level of improvement;

BEARING IN MIND that Europol shall maintain the Europol Information System and be responsible for the proper working of the system in technical and operational respects, while ensuring compliance with the provisions of the Council Decision establishing the European Police Office<sup>5</sup> and, in particular, taking all measures necessary to ensure that the provisions on data storage and deletion, data protection and data security are properly implemented;

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<sup>5</sup> OJ L 121, 15.5.2009, p. 37.

NOTING that, in accordance with Article 10 (4) of the Council Decision establishing the European Police Office (Europol), Europol may process data for the purpose of determining whether such data are relevant to its tasks and can be included in the Europol Information System referred to in Article 11;

BELIEVES that it is necessary on a political level to underline the importance of enhancing the use of the Europol Information System to ensure that the potential and the added value of this system is fully used in order to strengthen the fight against cross-border crimes and

INVITES MEMBER STATES to

- promote knowledge of the capabilities and functioning of the Europol Information System in Member States, in particular via the Europol Management Board and Europol National Units;
- enhance the uploading of data to the Europol Information System;
- make more use of searches in the Europol Information System in relevant law enforcement investigations;
- facilitate access to the Europol Information System to all relevant law enforcement authorities;
- set up, at national level, standard procedures or guidelines, in accordance with the provisions of the Council Decision establishing Europol, for the use (uploading of data and searches) of the Europol Information System in relevant law enforcement investigations;
- implement the use of data loader solutions as a cost-efficient standard procedure in relation to the uploading of data to the Europol Information System;
- conduct quality checks of the data to be uploaded to the Europol Information System;
- conduct regular searches (automatic batch or manual) of persons and other objects from a designated law enforcement unit, that forwards the search results directly to the law enforcement authority conducting the investigation or inquiry in question;
- set up a mechanism for systematically feeding any unit designated to carry out batch searches with data from relevant law enforcement authorities on persons and other objects to be included in batch searches;
- define criteria in accordance with national law and the Council Decision establishing Europol as regards the cross-border crime that may be subject to regular searches (automatic batch or manual);

INVITES EUROPOL to

- promote knowledge of the capabilities and functioning of the Europol Information System, in particular via the Europol Management Board and Europol National Units;
- continue its efforts to promote technical and administrative solutions which make the Europol Information System as easily accessible to law enforcement authorities in Member States as possible;
- compile and present annual statistics from the Europol Information System, in line with the key performance indicators as agreed by Europol and Member States, on the number of data on objects and persons provided by Member States and on the number of searches conducted by Member States;
- expand the interoperability between the Europol Information System and other Europol core information systems as well as relevant national systems;
- continue monitoring the use of the Europol Information System in Member States and to discuss within the framework of its Management Board specific measures and key performance indicators on how to promote and secure a more intensive and effective use of the system in the years to come;
- follow-up the progress with the use of the Europol Information System at the meetings of the Heads of Europol National Units and of the Europol Management Board;

CALLS UPON FUTURE PRESIDENCIES

- in consultation with Europol to follow-up the progress with the use of the Europol Information System at the LEWP and, if appropriate, other relevant Council fora.