



Council of the
European Union

136165/EU XXV. GP
Eingelangt am 10/03/17

Brussels, 10 March 2017
(OR. en)

10217/06
DCL 1

CRIMORG 95

DECLASSIFICATION

of document:	10217/06 RESTREINT UE
dated:	9 June 2006
new status:	Public

Subject:	EVALUATION REPORT ON THE THIRD ROUND OF MUTUAL EVALUATIONS "EXCHANGE OF INFORMATION AND INTELLIGENCE BETWEEN EUROPOL AND THE MEMBER STATES AND BETWEEN THE MEMBER STATES RESPECTIVELY" REPORT ON SLOVENIA
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THE EUROPEAN UNION

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THIRD ROUND OF MUTUAL EVALUATIONS
"EXCHANGE OF INFORMATION AND INTELLIGENCE BETWEEN EUROPOL AND
THE MEMBER STATES AND BETWEEN THE MEMBER STATES RESPECTIVELY"

REPORT ON SLOVENIA

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1. INTRODUCTION

- 1.1. Following the adoption of the Joint Action of 5 December 1997, a mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organised crime was established.
- 1.2. Following a proposal originating from the Swedish delegation and taken up by the Presidency to evaluate the supply of information and intelligence to Europol and the exchange of information and intelligence between Member States, the MDG adopted the proposal at its meeting on 3 and 4 June 2002.
- 1.3. At its meeting on 3 December 2002 the MDG approved the questionnaire on the third round of mutual evaluations on the topic "exchange of information and intelligence between Europol and the Member States and between the Member States respectively".
- 1.4. Following discussion at the MDG meeting on 9 January 2003, a list showing the order of Member States to be visited was agreed. Slovenia is the twentieth Member State to be evaluated during the third round of evaluations.
- 1.5. The questionnaire and the objectives of this evaluation are contained in document 11679/3/02 REV 3 CRIMORG 71.
- 1.6. The experts in charge of this evaluation were: Mr Arpad LÁSZLÓ EORDOGH (Hungary), Mme Elisabeth HAMIDI (Austria) and Mr Ole ANDERSEN (Denmark). Two observers, Mr Ruud De HEER (EUROPOL) and Mr Yves JOANNESSE (Commission), were also present together with the General Secretariat of the Council.
- 1.7. The evaluation team has prepared the following report with the assistance of the Council Secretariat, on the basis of the observations and conclusions of the experts in the team together with the Slovenian authorities' answers to the questionnaire.

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1.8. The report first deals with the general information and structures (2), followed by the internal organisation of the exchange of information (3) and the external exchange of information (4) and then deals more specifically with Europol (5). In the last chapter, the experts make a global and technical evaluation and then propose some recommendations to enhance cooperation and effectiveness in the exchange of information within Slovenia and with other Member States and Europol.

2. GENERAL INFORMATION AND STRUCTURES¹

2.1 LEGAL BASIS

The Slovenian Police exchange personal and other data collected with law enforcement bodies of other countries on the basis of the Police Act (Zpol, Official Gazette RS, No 53-2219/2005), Personal Data Protection Act (ZVOP-1, Official Gazette RS, No 86-3836/2004), Classified Information Act (ZTP, Official Gazette RS, No 135-5855/2003), Foreign Affairs Act (Official Gazette RS, No 113-4929/2003) and Convention 108 for the Protection of Individuals with regard to Automatic Processing of Personal Data.

In accordance with Art. 54 of the Police Act (Official Gazette RS, No 53-2219/2005) the police may, if necessary for the performance of their tasks, transmit personal and other data collected to law enforcement bodies of other countries or international organisations, at the latter's request or on their own (i.e. Slovenian police) initiative, subject to actual reciprocity. Prior to the transmission of data the police must obtain the assurance that the country the data is being transmitted to has high data protection standards and that the body in another country or international organisation will use the personal data only for the purposes defined in the Police Act. The exchange or transmission of data is carried out on the basis of international treaties, conventions and agreements.

With the EU Member States Slovenia has the following agreements or protocols governing the exchange of data in the field of international police cooperation:

¹ This part of the report is based largely on the answers to the questionnaire.

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Austria

- Arrangement between the Government of the Italian Republic and the Federal Government of the Republic of Austria and the Government of the Republic of Slovenia on cooperation in the police centre Vrata – Megvarje of 14.9.2004
- Arrangement between the Government of the Republic of Slovenia and the Austrian Federal Government on the establishment of joint offices for border control of 28.4.2004
- Agreement between the Republic of Slovenia and the Republic of Austria on police cooperation of 28.10.2003
- Agreement between the Republic of Slovenia and the Republic of Austria on facilitated border control in railway and road traffic of 15.4.1999
- Arrangement between the Ministry of the Interior of the Republic of Slovenia and the Federal Ministry of the Interior of the Republic of Austria on cooperation in combating internationally organised crime, international illegal trafficking in drugs and international terrorism of 23.6.1995
- Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Austria on readmission of persons at the common border and the arrangement on the implementation of the Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Austria on readmission of persons at the common border of 3.12.1992

Belgium

- Agreement between the Government of the Republic of Slovenia and the Government of the Kingdom of Belgium on police cooperation of 22.1.2001
- Agreement between the Government of the Republic of Slovenia, of the one part, and the Governments of the Kingdom of Belgium, the Grand-Duchy of Luxembourg and the Kingdom of the Netherlands, of the other part, on re-admission of persons whose entry or residence in the country is illegal of 16.11.1992

CYPRUS

- Agreement concerning cooperation in the fight against terrorism, illicit drug trafficking and organised crime of 4.12.2002

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Czech Republic

- Protocol between the Ministry of the Interior of the Republic of Slovenia and the Ministry of the Interior of the Czech Republic on the implementation of the Agreement between the Government of the Republic of Slovenia and the Government of the Czech Republic on readmission of persons at the State border of 9.9.2003
- Agreement between the Government of the Republic of Slovenia and the Government of the Czech Republic on readmission of persons at the State border of 22.5.1998
- Agreement between the Government of the Republic of Slovenia and the Government of the Czech Republic on cooperation in combating illicit trafficking in drugs and psychotropic substances, organised crime and terrorism of 22.5.1998

DENMARK

- Agreement between the Government of the Republic of Slovenia and the Government of the Kingdom of Denmark on readmission of nationals of the other country and aliens residing illegally on the territory of the other country of 7.5.1997

ESTONIA

- Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Estonia on cooperation in the fight against organised crime, illicit trafficking in drugs, psychotropic substances and precursors and terrorism of 29.6.2002
- Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Estonia on readmission of persons of 16.5.1997

FRANCE

- Agreement between the Government of the Republic of Slovenia and the Government of the French Republic on readmission of persons whose entry or stay is illegal of 1.2.1993

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Greece

- Agreement between the Government of the Republic of Slovenia and the Government of the Hellenic Republic on cooperation in the fight against crime, especially terrorism, illicit trafficking in drugs and organised crime of 27.9.2002
- Agreement between the Government of the Republic of Slovenia and the Government of the Hellenic Republic on readmission of persons whose entry or stay is illegal of 6.4.1994

Italy

- Arrangement between the Government of the Italian Republic and the Federal Government of the Republic of Austria and the Government of the Republic of Slovenia on Cooperation in the police centre Vrata – Megvarje of 14.9.2004
- Memorandum of cooperation in determining operational forms of implementation of joint surveillance in the Slovenian-Italian border area of 12.12.2000
- Agreement between the Government of the Republic of Slovenia and the Government of the Italian Republic on cooperation between the police forces of 5.7.1998
- Memorandum of cooperation between the police forces of the Republic of Slovenia and the Italian Republic of 14.11.1997
- Agreement between the Government of the Republic of Slovenia and the Government of the Italian Republic on readmission of persons at the State border of 3.9.1996
- Agreement on cooperation between the Ministry of the Interior of the Republic of Slovenia and the Ministry of the Interior of the Italian Republic in the fight against illicit trafficking in narcotic and psychotropic substances and against organised crime and the Minutes of the meeting between the Ministry of the Interior of the Republic of Slovenia and the Ministry of the Interior of the Italian Republic on the exchange of computer processed data relating to illicit trafficking in narcotic and psychotropic substances on the Balkan Route and in the Mediterranean of 28.5.1993

Latvia

- Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Latvia on readmission of persons of 5.3.1998

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LITHUANIA

- Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Lithuania on readmission of persons whose entry or residence is illegal of 6.5.1996

Luxembourg

- Agreement between the Government of the Republic of Slovenia, of the one part, and the Governments of the Kingdom of Belgium, the Grand-Duchy of Luxembourg and the Kingdom of the Netherlands, of the other part, on re-admission of persons whose entry or residence in the country is illegal of 16.11.1992

HUNGARY

- Arrangement between the Government of the Republic of Slovenia and the Government of the Republic of Hungary on the implementation of the Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Hungary on border control of road and railway traffic of 16.4.2004
- Arrangement between the Government of the Republic of Slovenia and the Government of the Republic of Hungary on the implementation of the Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Hungary on border control of road and railway traffic of 12.10.2004
- Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Hungary on border control of road and railway traffic of 12.10.2000
- Protocol on cooperation in the fight against organised crime between the National Police of the Republic of Hungary and the General Police Directorate of the Ministry of the Interior of the Republic of Slovenia of 17.11.1999
- Arrangement on the implementation of the Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Hungary on readmission at the common state border of persons whose stay on the territory of the other country is illegal of 6.5.1999
- Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Hungary on readmission at the common State border of persons whose stay on the territory of the other country is illegal of 5.2.1999

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- Arrangement between the Government of the Republic of Slovenia and the Government of the Republic of Hungary on cooperation in the fight against terrorism, illicit drug trafficking and organised crime of 19.5.1993

Malta

- Agreement between the Government of the Republic of Slovenia and the Government of Malta on cooperation in the fight against organised crime, illicit trafficking in drugs, psychotropic substances and precursors, terrorism and other serious criminal offences of 16.7.2003

GERMANY

- Agreement between the Government of the Republic of Slovenia and the Government of the Federal Republic of Germany on cooperation in the suppression of serious criminal offences of 2.3.2001
- Agreement between the Ministry of the Interior of the Republic of Slovenia and the Federal Ministry of the Interior of the Federal Republic of Germany on the providing of assistance with equipment during the period from 1999 to 2002 of 16.11.1999

Netherlands

- Agreement between the Government of the Republic of Slovenia, of the one part, and the Governments of the Kingdom of Belgium, the Grand-Duchy of Luxembourg and the Kingdom of the Netherlands, of the other part, on re-admission of persons whose entry or residence in the country is illegal of 16.11.1992

Poland

- Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Poland on return and readmission of persons without residence permits of 28.2.1996
- Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Poland on cooperation in the fight against terrorism, organised crime and illicit drug trafficking of 28.8.1998

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Europol

- Convention based on Article K.3 of the Treaty on European Union, on the establishment of a European Police Office (Europol Convention) of 26.7.1995
- Protocol, on the basis of Article K.3 of the Treaty on European Union, on the interpretation, by way of preliminary rulings, by the Court of Justice of the European Communities of the Convention
- Entry into force: 1.9.2004
- Protocol, on the basis of Article K.3 of the Treaty on European Union and Article 41(3) of the Europol Convention, on the privileges and immunities of Europol, the members of its organs and its Deputy Directors and employees
- Entry into force: 1.9.2004
- Protocol, on the basis of Article 43(1) of the Convention on the establishment of a European Police Office (Europol Convention), amending Article 2 and the Annex to that Convention (signed on: 30.11.2000)
- Protocol amending the Treaty on European Union, on the establishment of a European Police Office (Europol Convention) and Protocol on the privileges and immunities of Europol, the members of its organs and its Deputy Directors and employees (signed on 28.11.2002)
- Protocol, on the basis of Article 43(1) of the Europol Convention, amending the Convention (signed on: 27.11.2003)

STRUCTURES

3. INTERNAL ORGANISATION OF THE EXCHANGE OF INFORMATION

3.1. STRUCTURES

3.1.1 In the Republic of Slovenia only the police have the investigative powers that enable the investigation of criminal offences covered by Europol's mandate. Since the other competent national authorities that are responsible for preventing and combating criminal offences (the Customs Administration of the Republic of Slovenia and Office for the Prevention of Money Laundering) do not have any powers in the criminal investigation procedure, they hand over a case to the police if they detect a criminal offence.

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3.1.2 Through the Police Act, which took effect on 18 July 1998, the Police Service became a body within the Ministry of the Interior of the Republic of Slovenia. The Director-General of Police, who also conducts the work of the Directorate-General of Police, heads the Police Service. Pursuant to the Act, the police perform their tasks at three levels: the State, the regional and the local levels. Organisationally, they are composed of the Directorate-General for Police, Police Directorates and police stations. At the State level, the harmonised, professional, efficient and lawful work of the uniformed police is taken care of by the Uniformed Police Directorate with its sections for public order, traffic, the State border and foreigners, and the organisation and development of uniformed police. The other specialised service of the Slovene Police Service is the Criminal Police Directorate. With the help of its sections for general, white collar and organised crime, special tasks, computer crime and criminal analysis and also international police cooperation, the Criminal Police Directorate conducts, coordinates, monitors, analyses and assesses the situation in the area of criminal acts, cooperating with the judiciary, the authorised bodies abroad and other State bodies, such as the Customs Administration (on 20.2.2003 an Agreement on mutual cooperation was signed by the Police Service and the Customs Administration) and the Office for Money Laundering Prevention.

3.1.3 The main duties of the Customs Administration are to implement customs and excise supervision, assign customs-approved treatment or use of goods, implement customs and excise controls, inspections and customs investigation, prevent and detect criminal activities in respect of goods, implement entry and exit controls of national and foreign currency, control entry, exit and transit of goods under special provisions in the interest of safety, protection of the health and life of people and plants, environmental protection, protection of national goods of artistic, historical or archaeological value or protection of property, control persons crossing the national border and carry out other duties provided for in other legal provisions.

3.1.4 As the cooperation between the Police and Customs under Europol's mandate mostly concerns combating illicit drug trafficking, a Commission for the Prevention of Illicit Drugs Trafficking was established in accordance with an Act on establishing the Commission for the Prevention of Illicit Drugs Trafficking, No 0226-3-028/18-98, dated 9.10.1998, which was signed by the Minister of the Interior and the Minister of Finance. The members of the Commission are representatives of the Uniformed Police Directorate, Criminal Police Directorate and Customs Administration. The responsibilities and activities of the Commission relate to the coordinating and guiding of the work of units in charge of illicit drugs trafficking, as well as coordinating activities related to the international projects concerning illicit drugs trafficking, and it monitors the area of illicit drugs trafficking.

3.1.5 The Government Office for the Prevention of Money Laundering of the Republic of Slovenia (the Office) is a constitutive body of the Ministry of Finance, which started operating on 1 January 1995. The Office receives, gathers, analyses and disseminates the information that it obtains from financial and other organisations. If, upon analysing the data, information and documentation received, the Office judges that reasons exist to suspect the committing of a criminal offence of money laundering in connection with a transaction or a certain person, the Office sends a written report accompanied by the necessary documentation to the police. The Police Service then decides if the Office's reason for suspicion is justified or not and conducts an investigation.

3.1.6 In Slovenia, therefore, the police is the main competent body in the field of the prevention, detection and investigation of criminal offences covered by Europol's mandate. For this reason the Europol National Unit, which is a liaison body between Europol and the competent national authorities, was established as part of the International Police Cooperation Section of the Criminal Police Directorate.

3.1.7 To make sure that that the Europol National Unit's obligations to Europol are fulfilled in accordance with Article 3 of the Europol Convention, upon the ratification of the Europol Convention, the article defining the obligation of the competent bodies in the Republic of Slovenia relating to cooperation with Europol through the ENU was adopted.

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Responsibility for the field covered by Europol within the Police lies with the Criminal Police Directorate.

3.2. CHOICE OF COMMUNICATION CHANNEL

3.2.1 For the exchange of information and intelligence between Europol and the Member States a secure channel exists for the exchange of electronic messages from the ENU to our Liaison Bureau Slovenia. The ENU is moreover integrated into a secure telephone communication system, which extends to both the staff of Europol and most of the staff of Member States' ENUs. All operational units in Slovenia send and receive information and intelligence and other messages from Europol and Member States via the ENU. At the Liaison Bureau Slovenia, the Info-Ex system is used for the exchange of messages.

3.2.2 In addition to the Europol channel there is also a secure Interpol channel (I/24/7 system). The national unit responsible for combating terrorism uses the secure channel of the PWGT (Police Working Group on Terrorism), which makes possible the exchange of information and intelligence between national units for the fight against terrorism.

In principle, for cases under Europol's mandate the Europol channel is used for exchanging messages with Europol, Member States and third countries that have signed agreements with Europol. If cooperation is also needed with other countries, the Europol channel is supplemented by the Interpol channel. In all other cases that are not covered by Europol's mandate, the Interpol channel is used.

3.2.3 The PWGT channel is not used as the primary channel for the exchange of information with Member States but as a channel that the national unit for the fight against terrorism uses in order to facilitate the exchange of information and intelligence. However, it is always pointed out to the contacted office that the Europol channel is the primary channel for both sending requests and receiving replies to requests.

Occasionally information and intelligence are exchanged through liaison officers stationed in Slovenia and via bilateral cooperation between Member States.

3.2.4 Slovenia is a member of the SECI Centre (Southeast European Cooperative Initiative – Regional Centre for Combating Transborder Crime), and the International Police Cooperation Section has a liaison officer stationed there. The SECI Centre is also used as a secure channel for information and intelligence exchange with third countries that are members of the centre. The workstation for data exchange with the Slovenian liaison officer at the SECI Centre is located at the International Police Cooperation Section. The exchange through this channel only accounts for a small portion of the exchange of information and intelligence between Slovenia and other countries.

The International Police Cooperation Section also has the BDL (Bureau du liaison) channel, which was established for secure transmission of data on terrorist activities within the framework of the EU Council.

The bilateral or multilateral nature of a case does not affect the choice of the channel for communication with law enforcement bodies of other countries.

All requests sent to the International Police Cooperation Section for the exchange of data with law enforcement bodies of other countries are forwarded to the ENU provided they are covered by Europol's mandate. The ENU checks again whether the request is indeed in line with Europol's mandate and, if so, the Europol communication channel is used. If this is not the case, however, the case is referred to, or supplemented by, the Interpol channel. If necessary, the ENU then coordinates the case in cooperation with the Interpol Division.

3.2.5 For information and intelligence exchange with SECI Member States that are not part of Europol, the SECI channel is sometimes used.

In urgent cases, operational units of the criminal police sometimes establish contacts with their counterparts in other countries, and subsequently inform the International Police Cooperation Section that they have done so.

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The communication channels available are not compatible in terms of free accessibility:

- We are planning a technical solution with a single entry and exit "communication window", through which individual telecommunication channels would be connected.
- Each individual communication channel is adequately protected from intrusion or unauthorised access in accordance with the security standards.

4. EXTERNAL EXCHANGE OF INFORMATION

4.1. DATA EXCHANGE PROCESS

4.1.1 Matters under Europol's mandate are transmitted via the Europol channel. Matters outside Europol's mandate are transmitted via the Interpol channel. If the Europol channel does not cover everything involved in a case, it is supplemented by the Interpol channel.

One of the principles used in the choice of the communication channel with Member States is that the Europol channel is predominantly used for exchanging "soft" data, while the Interpol channel is used for "hard" data. But in such cases "hard" data is transmitted at the same time in Europol Information System and AWF.

The communication channel used for data exchange at the international level is the responsibility of the International Police Cooperation Section of the Criminal Police Directorate. The Europol Division (ENU), Interpol Division, Sirene Division and Telecommunications and Technical Support Division are all part of this Section.

4.1.2 Slovenia has a policy for international exchange of information. In this context all criminal police units have received written instructions as to the conditions which have to be met in order to be able to use the Europol channel. In the case of lack of clarity or definition in relation to a given case, the heads of the Interpol, Europol and Sirene Divisions discuss the matter together with the head of the International Police Cooperation Section and agree on the channel to be used in the specific case.

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4.1.3 After the reorganisation of the International Police Cooperation Section is completed, a joint application for all information will be created in the Technical and Information Support Division and a mechanism will be established within this Division to prevent duplication of cases and use of two or more channels in relation to the same case.

4.1.4 The Europol liaison officer helps with the exchange of information between the ENU and Europol and Member States as well as third countries that have signed agreements and offers assistance to facilitate cooperation in the prevention and suppression of serious forms of international crime. The liaison officer and the competent unit in Slovenia usually establish the first contact in a given case through the ENU, while later there can be direct communication between the Europol liaison officer and the criminal police unit dealing with a particular case. All electronic messages are exchanged exclusively through the ENU and the liaison officer keeps the ENU informed of all the developments.

In his office at Europol, the Europol liaison officer has direct access to the central database, which includes both public registers/files and national and local criminal intelligence. Thus in urgent cases the liaison officer can check certain data in this database and provide an immediate reply to Europol or the Member States.

4.1.5 Data exchange is carried out in accordance with the provisions of the Police Act (Official Gazette RS, No 53-2219/2005), Personal Data Protection Act (Official Gazette RS, No 86-3836/2004), Classified Information Act (Official Gazette RS, No 135-5855/2003), Foreign Affairs Act (Official Gazette RS, No 113-4929/2003) and Convention 108 for the Protection of Individuals with regard to Automatic Processing of Personal Data. Problems in exchanging data with third countries may arise if a country which intends to exchange data does not have suitable legislation on personal data protection.

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4.1.6 In May 2005 the Police Cooperation Centre in Vrata Megvarje in Austria became operational. The main purpose of joint operation is, in accordance with the Decree ratifying the Arrangement between the Government of the Italian Republic and the Federal Government of the Republic of Austria and the Government of the Republic of Slovenia, to strengthen cross-border cooperation and exchange of information in the field of police work, coordination of joint tasks of control and surveillance and other operations at the common State border, readmission of persons residing illegally on the territory of contracting parties and exchange of information regarding crime suppression.

4.1.7 When dealing with requests, Slovenian police adheres to the standards regarding the time limits for replies which have been set by both Europol and Interpol. Occasionally there are delays as the International Police Cooperation Section does not have its own translators and all the documents have to be sent to the Ministry of the Interior's translation service. Another reason for delays may be the heavy work load on criminal police staff at regional level, who cannot always send the requested data and Slovenian Authorities are not able to send the requested data by the agreed deadlines.

5. EXCHANGE OF INFORMATION BETWEEN MEMBER STATES AND EUROPOL

5.1. DEFINITION OF INFORMATION AND INTELLIGENCE

In the police manual on operational information there is the following definition: "soft information" is the information pointing to the data that indicates reasons to suspect that a criminal offence or a minor offence was committed and to suspect who the perpetrator might be. On the basis of this information the Police wants to arrive at a higher level of probability regarding a criminal offence or minor offence and the perpetrator, i.e. the "reasonable suspicion" that gives grounds for the initiation of the procedure. Apart from that, the Police also has "hard information", which consists of legally relevant facts about which there is no doubt (reliable personal data, a detailed criminal report, a judgement of conviction, etc.).

The Slovenian Classified Information Act (Official Gazette RS, No 87/2001 and 101/2003) determines four levels of data classification and protection:

- "strogo tajno" equivalent in Europol "top secret"
- "tajno" equivalent in Europol "secret"
- "zaupno" equivalent in Europol "confidential"
- "interno" equivalent in Europol "restricted"

All the information with all the different classifications may be transmitted to Europol.

To date there have been no cases in which the provisions in Article 4 of the Europol Convention were applied.

Europol needs up-to-date information. It is therefore always supplied with relevant information before or during an investigation. In the event of an offence coming within Europol's mandate, the Criminal Police Directorate, ENU, endeavours to exchange information with Europol and Member States as quickly as possible (soft information), so that crime can be tackled efficiently.

For this reason all operational units within the Criminal Police Directorate have received instructions that especially soft/sensitive information is to be sent via the Europol channel.

5.2. EUROPOL NATIONAL UNIT

Organisationally, the ENU is part of the International Police Cooperation Section within the Criminal Police Directorate. This Section also includes the Interpol and Sirene Divisions. The fourth Division within the International Police Cooperation Section which provides administrative and IT support to the Interpol, Europol and Sirene Divisions is responsible for the entry/exit of all incoming and outgoing documents. In this way the duplication of work, sending the same responses through different channels and sending uncoordinated responses is avoided.

The International Police Cooperation Section is also responsible for all Slovenian liaison officers abroad and liaison officers of foreign countries stationed in Slovenia. At the moment Slovenia has got one liaison officer at Europol, one at the SECI Centre and a seconded officer at the General Secretariat of Interpol in Lyon. In the near future Slovenia intends to send a second liaison officer to Europol and another to Belgrade (Serbia and Montenegro).

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The ENU has 11 posts: Head of the ENU, 2 Liaison Officers, 1 Senior Criminal Police Inspector, 4 Criminal Police Inspectors, 2 Senior Criminal Investigators, 1 Criminal Investigator.

Work areas:

- Political and governance: this area is covered by the Head of the ENU, one Criminal Police Inspector and one Criminal Investigator;
- Strategic and operational: activities in this area would be performed by one Senior Criminal Police Inspector, assisted by three Criminal Police Inspectors and two Senior Criminal Police Officers. The tasks of Liaison Officers in The Hague are mainly oriented towards the strategic and operational areas.

Seminars are organised to raise awareness among the law enforcement officers and employees of other competent bodies in the Republic of Slovenia about the existence of Europol and the services it offers.

The representatives of the ENU participate in the seminars organised by the various Divisions for law enforcement officers. Apart from the specialist professional knowledge, general information about Europol is also given at such seminars.

Slovenia also sends police staff to seminars on Europol, which are organised by Europol or CEPOL.

5.3. USE OF INFORMATION AND EUROPOL ANALYSIS CAPABILITY

Regarding the AWF, the Slovenian Authorities have no particular interests here. But they intend to feed into the files all the information and intelligence which operational units obtain in their work. AWF that are relevant for the types of crime in question are not so frequent.

5.4. PERCEPTION OF EUROPOL'S VALUE

Europol's role is to assist in solving operational cases and obtaining and transmitting information, as well as organising training courses. It is interesting in particular to point out the exchange of information within AWF, especially in the framework of AWF Copper, in which Slovenia participates. Slovenia is very satisfied with information received in the field of combating terrorism (especially operational and strategic analyses of Islamic fundamentalism and new ways of obtaining funds to finance terrorist activities).

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Europol creates added value with very useful strategic analyses and reports. Slovenia also has big expectations of the transformation of OCR (Organised Crime Report) to become OCTA (Organised Crime Threat Assessment), which will be future-oriented and will be more useful in the planning of law enforcement work.

Until now Slovenia has never faced a major case that would require the involvement and assistance of Europol in coordination. Usually police services only get the data they have requested, but it is true that each case solved brings added value. Law enforcement authorities would however like to emphasise the usefulness of the collection of public sources on events connected with terrorism in the work of the CTTF2.

A lot of information is exchanged via Europol, and the replies to requests arrive in acceptable time frames.

6. EVALUATION BY THE EXPERT TEAM

6.1 INTRODUCTION

6.1.1 The evaluation of the Republic of Slovenia took place from 24 to 26 January 2006.

Following the 1990 election in favour of independence, an independent republic was established on 25 June 1991. This historical fact meant that Slovenia was the first Yugoslav republic to leave the Federation formed by the former Yugoslavia. In June 1996 an association agreement was signed with the European Union, leading to full accession to the EU in 2004.

6.1.2 Slovenia covers a territory of 20 273 km² (i.e. roughly the equivalent of half the Swiss Confederation) with slightly fewer than 2 million inhabitants. It is interesting to note that apart from Slovene, which is the official language of the country, Hungarian and Italian are recognised as minority languages. 50% of the country's population lives in urban areas and its borders are shared with Italy, Austria, Hungary and Croatia. As the last gateway before the countries of the South-Eastern Balkans, Slovenia's location is very strategic in terms of risks to its borders but is also crucial for the exchange of information since the "Balkan supply route" is, for the Europe of 25, one of the most sensitive of the routes used in serious international crime.

6.2 INTERNAL ORGANISATION OF EXCHANGE OF INFORMATION

6.2.1 Before making any evaluation of the different practices examined in connection with information exchange, the experts noted the importance which the various people they spoke to attached to the legal environment of the work framework of all the agencies and departments in charge of combating serious international crime. At many levels of encounter, the importance of protecting the privacy of all citizens was stressed each time. Above all, the protection of privacy is a fundamental national right recognised by the Slovenian Constitution. Furthermore, the Republic of Slovenia ratified the UN Declaration of Human Rights of 10 December 1948 and the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950. The country has likewise acceded to two other Council of Europe instruments: the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data of 28 January 1981 and the Recommendation of the Committee of Ministers regulating the use of personal data in the police sector adopted on 17 September 1987.

6.2.2 To return to the European Union in the strict sense, Slovenia has transposed Directive 95/46 of 24 October 1995 on the protection of individuals with regard to the processing of personal data and Directive 97/66 on the protection of telecommunications data. To this legal environment the incorporation of the Schengen acquis and accession to the Europol Convention, including the three protocols amending this Convention are subjects and legal bases encompassing the field of computerised data protection and its processing and uses, the bodies in charge of these areas are fully informed technical players possessing the qualifications required to engage in their fields of activity quite legally. Finally, with regard to domestic law, Articles 54 to 64 of Title IV of the Police Act define the conditions for obtaining and processing information. In general, all the people encountered indicated, in their field, that the greatest importance was attributed to compliance with all these rules governing protection and use.

6.2.3 The Slovenian police, which consists of a force of around 10 000, is divided into 10 directorates at central level and 11 regional directorates. It is interesting to note that the Slovenian police is a unified police force and that no other agency on the territory has any similar police power. The International Police Cooperation Section, on the one hand, and the Computer Crime and Crime Analysis Section, on the other, are found within the Criminal Police Directorate.

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At the level of the Directorate-General for National Police, there is also a Section responsible for Analysis and a Section in charge of International Relations. However, it is within the International Police Cooperation Section under the Criminal Police Directorate that the structures responsible for specialised international cooperation are found – including Interpol, Europol and SIRENE cooperation or coordination of exchanges with liaison officers. (See 6.3).

6.2.4 For a better understanding of the system in place, the experts focused their attention on the databases used by the police departments for serious domestic crime. As a majority of all European police forces the Slovenian database systems is also founded on a central application. The experts focused their analysis on this FIO application. This tool supports the central operational information collection system of the Slovenian police¹. The purpose of the FIO "operational information" module is to collect and process soft information that gives grounds for suspicion that a criminal offence or a minor offence has been committed and for suspicion as to who might be the perpetrator. Based on such data, the system can establish a higher level of probability regarding a criminal offence/minor offence and the perpetrator, i.e. "reasonable suspicion", and gives grounds for instituting proceedings.

The information protection system is divided into 4 levels of protection.

Level 1: General information. Every police officer with basic authorisation to access police databases can use the system at the level of general information. He/she can enter and examine information as well as update his/her information. This access level is arranged immediately upon the allocation of a password. Although the user has only this access level, he/she will be able to access all of his/her information (as their author) that is mentioned in the categories below.

Level 2: Confidential information. The circle of people with authorisation to access this level is narrower and in principle (possibility of dynamic changes) includes: officers in charge of police stations and their deputies dealing with crime, officers of Criminal Police Sections in Police Directorates, certain officers of Inspectorates in Police Directorates, certain officers of the Security and Protection Office and Directors of Police Directorates.

¹ The other systems use by the police are indicated in Annex A to this report.

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Level 3: Top secret information. At this level, only officers of the Criminal Police Directorate of the Directorate-General for Police have certain rights along with some officers from Police Directorates; head analysts, heads of Divisions, heads of Groups and their deputies in Criminal Police Sections.

Level 4: Specially protected information: access is only possible for named individuals for a defined period.

6.2.5 The experts consider this system completely consistent and fully in compliance with European standards. Furthermore, its configuration enables the investigating departments holding information rights to find out at any time which departments or staff are interested in searching for particular information.

In the chapter on Europol, the experts will come back to the Europol Information System. An inter-connection with Europol will in fact be made from the FIO in order to extract national information intended for the Europol information system.

6.2.6 To summarise the Slovenian system, the authorities have set up a joint application, the LISK, used by all the police departments. From this application all police may consult their accessible databases. All these applications are currently being updated to be transferred shortly to a more efficient database, the CICS. This new system should allow for an increase in exchanges of inter-departmental information and also authorise access to the Internet. As has been emphasised on several occasions, no person can be the subject of a file if he is not connected with a particular fact and/or incident. There is consequently a permanent flow from the local or regional police databases to the central level. The fact that all the events recorded are linked to precise incidents enables comparisons to be made at national level within the Crime Analysis Section of the Criminal Police Directorate.

The experts found this system excellent, especially as – for example – it contains all stolen documents, information on which is provided by Interpol and the Ministry of Foreign Affairs. This database may be consulted from the terminals by all police officers, including those in post at the borders.

6.2.7 In this connection the experts were able to study the organisation set up at the Thorn Maglern Cooperation Centre on the Austro-Slovenian border¹. In addition to the conventional work of joint border offices initiated by Schengen cooperation, it was observed that the exchange of information on possible criminal activities remained a priority. Thus, to make the activity of this Centre on the Austrian border even more efficient, the Slovenian police has made it possible to interrogate the central databases on criminal matters. This means that officers at the borders in this set-up no longer need or are obliged to interrogate the central system through the regional directorates. Although this is very encouraging, the experts were unable to check the state of cooperation between the local border level and the regional level in the other posts at the borders, especially with Hungary and Croatia. Furthermore, the Slovenian authorities will have to ensure that the fact that the border posts are allowed to interrogate the national databases does not interrupt working relations with the regional level at the risk of weakening cooperation and coordination. But without doubt this joint office model may in future come into general use, to the obvious common interest of all European partners. The model for a multilingual information file used by police officers at borders (in German, Italian and Slovene) sent to the central level of the International Police Cooperation Section and/or to the police authorities of the neighbouring States seems one to be followed in order to gather information rapidly and in a uniform manner, avoiding language problems.

According to Slovenian authorities a clarification has to be made to underline the most important segments ensuring such coordination. The central Schengen authority in the Republic of Slovenia is the International Police Cooperation Section in the Criminal Police Directorate of the General Police Directorate.

Joint centres, bodies or offices have to transfer all documents (such as requests, etc.) that are within the competence of the central Schengen authority to the International Police Cooperation Section for further processing. Apart from that, they have to (will have to) inform it on all matters and activities related to the implementation of Articles 39, 40, 41 in 46 of the Schengen Convention.

¹ Decree ratifying the Agreement between the Government of Italy, the Federal Government of the Republic of Austria and the Government of the Republic of Slovenia on the Thorn Maglern cooperation centre, Official Gazette of the Republic of Slovenia No 4/2005 of 17/3/2005.

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The joint centre (Police Cooperation Centre in Thörl Maglern - SLO-I-A) is logistically connected to the information-telecommunication system of the police (Lotus Notes, EP, FIO, INTRANET, Interpol, etc.) and thus in direct contact with the International Police Cooperation Section of the Criminal Police Directorate of the General Police Directorate.

In order to exchange data as quickly as possible, each police unit in the territory of the Republic of Slovenia can, based on a regularly completed form, request a search through the aforementioned Centre. If the search is negative (e.g. no alert has been issued for a person, a vehicle is not being searched, etc.), the procedure is terminated. But, if there is a »hit«, the police unit has to inform and report to the locally competent Operations and Communication Centre pursuant to the Instructions on Informing and Reporting. Additionally, police officers in the Centre inform and report to the International Police Cooperation Section in the Criminal Police Directorate, which carries out further procedure in cooperation with the competent foreign central law enforcement agencies. All further requests for data related to the »hit« are sent to foreign law enforcement agencies through the aforementioned Section. The same applies vice versa. A special list of data that police officers or criminal investigators can obtain in this way has been elaborated.

6.2.8 With regard to cooperation within the Member State, the assessors identified a problem concerning identifying priority work areas. The Slovenian police do not seem to have a specific National Intelligence Unit in which on a permanent basis strategic intelligence analyses are carried out. Although all data is centrally stored, a concept of Intelligence Led Policing is not in place. Law enforcement seems to be re-active in their approach. The expert team has not seen a pro-active approach to crime problems. However it must be said that the crime problem of Slovenia does not seem to be very high. There is a certain amount of difficulty in defining the priority tasks. In this sense the central police level is used more to give supplementary assistance at regional level – for example, to provide expertise in the regional area.

6.2.9 Nevertheless, as the Criminal Police Directorate receives all the information collected at national level, that is the level which can decide which regional service, for example, will be in charge of an investigation in order to avoid redundancies in investigation work. If the cases are too complex, the information is forwarded to the Crime Analysis Office, which will carry out an in-depth analysis. For each criminal investigation an inspector is appointed at national level to follow the course of the investigations at both regional and local level. He has a dual role: playing a supportive role and acting as supervisor. This supervisor may decide at any time to lead the investigation if necessary.

6.2.10 The Crime Analysis Section carries out various forms of operational analysis (case analysis, crime group analysis, investigation analysis). Strategic analysis is in their task field, however the experts have not seen proof of activities in this area. Intelligence analysis function is not institutionalised in the Slovenian police. At a national level 7 analysts are employed, with a further 21 on a regional level. Every regional force has at least one analyst. The operational analysis division of the police directorate of Ljubljana employs 4 analysts. At this level also the Strategic Analysis function is under developed in comparison to the Operational analysis function. The recruitment and assignment of analysts takes place via the central office. A need for a further development of the analysis function, both in activities and staff was expressed.

6.2.11 In order to provide for coordination and national consolidation of all criminal offences, the central level of the Criminal Police makes a daily inventory of all offences committed over the past 24 hours. This working method seems to run smoothly and has a counterpart in the judicial field when a case is referred to a local and/or public Prosecutor. The central judicial Authorities, in close contact with the investigating departments of the crime division, may decide to entrust the monitoring of the criminal investigation to the national level.

6.2.12 At the regional police force, the system described is the one observed at the meeting with the police officers in Ljubljana. This police force, which is one of the 11 regional divisions, is of special interest insofar as its territory covers 565 000 inhabitants, i.e. almost 30% of the total population of the country, and as it alone deals with around 50% of all crime recorded in the whole of Slovenia. With a staff of 1579 police officers, its organisation is modelled on that of the national police force. In particular, within the Criminal Police Section, there is a division in charge of organised crime and a division responsible for operational analysis. This Section includes a total of 4 analysts. If account is taken of the place of the Ljubljana police within the country and the fact that a large part of the crime recorded has its origins in the neighbouring countries and especially those located in the geographical zone of the Balkans, it seems clear that this section will have to be strengthened in future to enable this regional directorate to respond to the challenges of international crime facing it.

This Section in fact works mainly in the following areas:

- operative information analysis,
- operational crime analysis (case analysis, analytical information, telephone analysis).

In addition to these activities, this unit also has to be in contact with the investigation departments to assist with surveillance measures and carry out telephone tapping. Considering all the above described activities the staff in post cannot respond correctly to all the objectives pursued.

6.2.13 During the evaluation, the team of experts was able to meet the Customs Directorate and more specifically the central service in charge of investigations. In Slovenia the Customs do not have powers of investigation in criminal matters. This means that all crimes and offences which may be detected during customs activities must systematically be forwarded to the police services for investigation. Although this system remains sacrosanct for the time being, the experts nevertheless stress that, with regard to drug trafficking, a Decree signed jointly by the Minister for the Interior and the Minister for Finance¹ has set up a national Commission for the Prevention of Drug Trafficking. This Commission coordinates all the activities in this field, at both national and international level, and brings together the Uniformed Police Directorate, the Criminal Police Directorate and the Customs Administration.

¹ Act establishing the Commission for the Prevention of Illicit Drug Trafficking, National Gazette 0226-3-028/18-98 dated 9/10/1998.

6.2.14 The expert team points out that for all the other fields no coordination of this kind exists. However, progress has been made with regard to the exchange of information since the Customs Directorate signed MOUs with public and private partners. Thus, MOUs have been signed with the Tax Administration, National Police, Slovenian Railways and the DHL company. The Customs have a system entitled INFONET which administers two vital databases. The first is called VIPI and is used to allow searches for persons under suspicion, vehicles or suspicious circumstances. The second is called ALARM and allows certain customs officers to enter useful information allowing access for instance to examples of fraud or information allowing checks to be targeted. However, inter-departmental cooperation with the other law enforcement agencies still remains at a residual level. For example, at Ljubljana Airport no synergy was demonstrated between Police and Customs to conduct an exchange of information and analyses in criminal matters.

There is therefore no sharing of information bulletins, as on certain European platforms or any inter-departmental meetings which would enable cross-checking of useful information. This is particularly regrettable since the Customs and Police Directorates are organised on the basis of virtually the same administrative and territorial divisions. Both Customs and Police at national level have 11 regional directorates. As for the investigation division, which has a total staff complement of 112 persons, there are 9 regional sections, 11 mobile units¹ and one analysis unit.

6.2.15 For the time being, exchanges take place spontaneously from Customs to Police services insofar as cases relate to criminal offences. According to the senior officers encountered, the Customs service hopes to be able in the long term to exchange information via an web site system. A project is under way to allow Customs to transmit to the competent police departments texts and photos received from different external partners but also information issuing from their own databases. Although the officers encountered have no particular demands in the sharing of Customs/Police responsibilities, the Customs Directorate would like a reform of the basic law on the sharing of customs/police responsibilities with regard to economic crime. The Customs considers that its position as a major economic player puts it in a privileged position for identifying fraud in this area of activity. With this in mind, a change in the basic law in this area is under preparation for 2007/2008.

¹ The customs service in Slovenia is competent over the entire territory without any geographical limitation to its intervention.

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This draft reform and the prospect of a standardised exchange via a web site between customs and police are two substantial adjustments which will undoubtedly allow the means of action by the two institutions to be strengthened by giving them more powerful methods of combating serious international crime. An extended need for mutual information sharing/exchange will arise.

6.2.16 This draft reform of the basic law on the responsibilities of certain law enforcement agencies makes complete sense in the light of the activities and powers conferred upon the unit to combat money laundering (Financial Intelligence Unit - FIU).¹ This service set up in December 1994 is an integral part of the Ministry of Finance and, in this respect, is a strictly administrative entity.

Like all FIUs, the two main tasks of this service are the prevention and detection of money-laundering operations.

6.2.17 Since Slovenia's ratification of the Council of Europe Convention², its powers have been strengthened as it now has the power, under the conditions laid down therein, to freeze suspicious assets. From persons and/or bodies required to report any suspicious transactions or illegal financial movements, the Slovenian FIU has a major source of information, particularly on cash transactions, which still appear to be predominant within the Slovenian economy. In this respect, of the 17 officers comprising this service, 4 are in charge of suspicious transactions and 2 are more specialised in analytical work. According to the officer in charge of the Slovenian FIU, referral cases are constantly increasing, while the private sector does not seem very cooperative despite the legal constraints in place³. In spite of this observation, the desire to exchange information in both directions between the private sector and this unit appears to produce good results. This is particularly true for the Customs Administration which passes on all the movement of cash known to it.

¹ Edited text, Official Gazette of Slovenia No 79/2001 published on 10 October 2001; entry into force 25 October 2001.

² Convention of Council of Europe of 8/11/1990 on laundering, search, seizure and confiscation of the proceeds from crime.

³ Around 800 lawyers and 20 banks are registered on the territory.

6.2.18 As for relations with the police services, the FIU may have access to police databases only in cases of suspicious transactions. Conversely, the police departments may ask the FIU for information if the criminal investigation departments suspect a person and/or legal entity. Numerous meetings are regularly organised with all the economic operators, but also fairly regularly with the customs and police services. In this connection it should be pointed out that the Slovenian FIU has concluded written agreements with the Ministry of the Interior, the General Prosecutor's Office, the other law enforcement agencies and State Security. Finally, with regard to access to databases, the experts say that the FIU has access on request to the customs, tax authorities and Social Security databases. As regards management, the experts were sensitive to this department's approach of always seeking to refer information to those partners under a legal obligation to inform it, so as to notify them of the use of the information communicated and the results obtained. This participatory approach to information management is probably a form of management to be encouraged among the different operators in charge of serious crime, in order to motivate staff to supply information to their partners and thus feel they are contributing to the results obtained at a higher level.

6.3 EXTERNAL EXCHANGE OF INFORMATION

6.3.1 Throughout the evaluation, the team of experts and observers noted a lasting concern and interest in maintaining and developing high standards in working methods with external partners in the fight against serious crime. This situation, which naturally arises from all the chapters negotiated in the context of accession to the European Union being taken into account, is also linked to the special position of Slovenia. Furthest to the north in the Western Balkans, this region of Europe also reflects geo-political factors which remain unstable in the southern half of this part of the European continent. As a transit point on the "Balkans route" for a range of trafficking, Slovenia seems, according to those responsible, for the most part to be confronted with criminality involving imports and transit.

6.3.2 To succeed in its fight in this strategic area, Slovenia has established several levels of cooperation. Firstly, under the Minister of Interior, there is a European Affairs Office. This office, which was responsible for all of Chapter 24 in the EU accession negotiations, now covers all international and European affairs. It is the office in charge of all coordination of proceedings for Council working parties, and for coordination in this area of all preparations for strategic documents.

6.3.3 Below this structure is the International Police Cooperation Section. This Section forges the necessary internal links between the Directorate General of Police, the Minister the Interior and also, where necessary, other ministerial departments. It is also this office which channels all information and requests for cooperation from Interpol, Europol, the SECI and other international organisations or bodies. The system appears to be well organised, especially since all bilateral cooperation via liaison officers in post in Slovenia or abroad also goes through this section of the Criminal Police Directorate. As a sign of the extent of this international cooperation, the agreements of principle established between Slovenia and its various partners should be highlighted. Amongst the most significant of these are:

- readmission agreements with 22 countries;
- cooperation agreements in the fight against crime, terrorism and drugs trafficking with 21 countries;
- cross-border cooperation agreements with three countries, with two other such agreements currently being concluded.

All these agreements contain clauses which refer to the protection of personal data as regards its use and export.

6.3.4 To promote better international cooperation, the Slovenian authorities have internally developed an IT system called "SPIS 4". This system, which is under development by the International Police Section, brings together the Interpol I24/7 system, the SECI secure line and the BDL network. In the near future the system will also include a secure line for exchanges with the customs service, the SIRENE system and the national part of the Europol Information System¹. This SPIS 4 application enables users to store information about incoming and outgoing documents from different communication channels.

6.3.5 The benefits of this system lie in the fact that all employees of the International Police Cooperation Section have a single common window, making it possible to centralise all international requests on their way in or out. Moreover this system, centralised in an integrated application, makes it possible to avoid any duplication in the processing of information. All the authorised police forces doing international work have access to all police databases through this application. .

¹ No precise timetable for this was given to experts during the evaluation.

6.3.6 As has been observed in many other Member States, the volume of messages exchanged with Interpol and Europol has always been overwhelmingly in favour of Interpol. For about 1000 referrals from Europol in 2004, there were about 12 000 referrals for Interpol, i.e. double the figure for 2000. For Slovenia, this situation is essentially explained by various factors:

- many neighbouring countries are not Europol partners;
- the added value provided by the establishment of the I24/7 system by Interpol;
- the fact that all information from Interpol may be used in the framework of the Council of Europe Convention on mutual assistance in criminal matters.

6.3.7 Exerts would nonetheless like to highlight a new Slovenian plan to make the flow of information for use by the police even more efficient. The Slovenian authorities are planning access to the Interpol I24/7 databases via the national FIO database Schengen SIS II system. In other words, from the FIO database, police officers will be able to have access to the Interpol database and thus to make the necessary cross-checks from. Of course, any project which plans to make the operational information forwarded by Interpol available online within national databases can only be encouraged and even recommended to other Member States.

6.3.8 International cooperation inevitably involves liaison officers in post in other countries. They are distributed as follows:

- Europol: 1 LO and an additional one should shortly join Europol
- SECI Bucharest: 1 LO
- Interpol: It is planned that one will be seconded.
- Frontex: 1 LO currently being recruited
- Croatia: 1 LO currently being recruited.
- Serbia and Montenegro: 1 LO currently being recruited.

As regards LOs from other countries in post in Slovenia, the following countries are represented:

- Austria
- Germany
- France
- Italy
- UK.

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It is interesting to note that the role of these LOs in post in Slovenia has more to do with training, visits and studies on the organisation of the police than with any operational role. According to our interlocutors this is essentially because a large proportion of crime is transit crime, which is not really based in the country itself.

It may be useful to highlight the distribution of messages exchanged as part of cooperation with other EU Member States, and with countries outside the EU: 66% and 34% respectively.

6.3.9 Finally, it should be recalled that Slovenia is a member of the SECI Centre. The Southeast European Cooperative Initiative was launched as an idea at a Euro-Atlantic cooperation meeting in Vienna in May 1995. According to its founding principles, customs and police forces from the member countries of the SECI should work closely together, particularly on operational cooperation projects. This kind of operation works under the guidance and counsel of recommendations and directives of the World Customs Organisation and Interpol. Experts noted on several occasions that cooperation with the SECI was of a weak, indeed unsatisfactory, nature, in the view of the departments interviewed. The regional police in Ljubljana seem not to cooperate with the SECI, and at central level all operational cooperation appears to be through Interpol and/or LOs in post in the South-eastern Balkans, through whom most information is exchanged. It is also unsatisfactory given that, as was stressed by customs officers, significant difficulties prevent the exchange of information between the EU Member States and the SECI. The agreements between the SECI and the Member States do not in fact allow the exchange of personal data. Our interlocutors did admit that they saw some slight added value in the SECI's contribution to international investigations. Since an amendment to the new agreement linking the SECI with the acceding States is currently under discussion under the aegis of the Council, it should be recommended that particular attention be paid to the relations between the acceding States and the SECI as regards the rules on the exchange of personal data.

6.4 EUROPOL

6.4.1 As with all the new Member States, cooperation between Slovenia and Europol is very recent since Slovenia only became a full member of Europol on 1 September 2004. In reality Slovenian activities with Europol began well before that, more precisely in 2001. In October 2001 an agreement was signed between Europol and Slovenia, which was ratified in 2002. In February 2002 the Europol National Unit was created within the International Police Cooperation Section. Moreover, between November 2002 and November 2003 several twinning projects in the field of international cooperation were established with the participation of Europol and with Spain as a partner in the twinning projects. Experts were pleased to note that the Europol Convention and all its Protocols had been ratified by May 2004. Experts were also pleased to note that Slovenian ENU is functioning according to Europol standards. Experts would highlight this very positive aspect of cooperation with Europol and stress the need for all Member States to ratify all the Protocols as quickly as possible, in order to make possible more balanced cooperation between the Member States and Europol, particularly with a view to the establishment of joint investigation teams with Europol participation.¹

6.4.2 It should be recognised that during all the meetings organised, both nationally and regionally, all interlocutors not only showed great interest in the role of Europol but also always showed that they had a very good knowledge of the role and activities of the European Police Office. A small brochure was distributed to all police forces to make the institution of Europol better known. However, experts were not able to measure the extent of distribution and the impact of products and reports distributed by Europol. The positive views encountered are in essence due to the role of the ENU, whose chief activities come under four main headings:

- the organisation of seminars and training for police, customs and prosecution services;
- the preparation of information brochures on Europol's role;
- meetings of heads of Europol National Units;
- seminars on analysis files (AWF).

¹ The priority of the ratification of the three protocols amending the Europol Convention was mentioned as a top priority to be achieved without delay during the Article 36 Committee meeting on 2-3 February 2006.

6.4.3 As described in previous chapters, since the customs service does not have police investigative powers it is not represented in the ENU and there are no LOs from the Slovenian customs service at Europol. However, in the framework of the project on the exchange of databases between the customs service and the police, the ENU might for example be allowed to distribute information on behalf of the customs service.

It is certain that even a partial decompartmentalisation of the exchanges of information between services, by the sharing of information coming from Europol, could promote better synergies, not only inside Slovenian territory but also between the European partners themselves. Customs is in the process of receiving investigative power with regard to financially oriented investigations, for example cigarette smuggling. The moment they have received these powers it becomes even more important, that cooperation between police and customs needs to be further structured.

6.4.4 With regard to the AWF Smoke, information regarding cigarette seizures is passed on by Customs to the ENU to be forwarded to the AWF at Europol.

There is a legal obligation for the Financial Intelligence Unit (FIU), which is located in the Ministry of Finance, to notify the police stations in suspicious cases. Data for the AWF SUSTRANS is passed on to the ENU to be forwarded to Europol.

6.4.5 All the services which had received information and/or analyses from Europol were quite positive. For example, members of the police in Ljubljana would like Europol to do one-off analyses for certain Slovenian services, and would even like Europol teams to be able to come to reinforce national teams on the operational front. The Ljubljana police are very concerned about the future changeover to the European single currency, and proposed that specialist teams from Europol could come and support the relevant Slovenian anti-counterfeiting forces. This manner of involvement would probably be a concrete and effective way to allow Europol to show its genuine added value, and also to enable actors on the ground to obtain a better knowledge of the resources and opportunities offered by the European Police Office.

6.4.6 The significant expectations of the Slovenian authorities as regards the Europol Information System should also be mentioned. As indicated earlier in this report, the new IT configuration to be put in place will totally integrate the entry of data into the system through the national FIO database. However, while members of the Slovenian police have found a technical solution, they have not yet decided what type of information from national databases can be sent to Europol. According to information supplied by Slovenian Authorities after the expert visit, expert team was informed that The Slovenian police have already found a technical solution for sending data to the EIS and also defined what those data will be. The information will be entered by the Europol National Unit. One part of data entered in the EIS will consist of requests and information transferred by individual operative services via the International Police Cooperation Section for verification or transfer abroad, while the other part of data will be entered based on the assessment by crime investigation analysts of the Criminal Police Directorate of the General Police Directorate, who daily examine the module of operative information (soft information) in the central police database. In the later phase, also data from the module of criminal offences (hard information) will be sent to the IS, if this will not be previously done based on direct communication between operative units and the Europol National Unit.

6.4.7 Experts would point out that the International Police Cooperation Section of the Directorate General of the National Police is not in the same building as the other departments of the Criminal Police Directorate. This has apparently not been a significant constraint in terms of effectiveness, although experts believe that housing the International Section with for example the Computer Crime and Crime Analysis Section would probably be desirable in due course.

6.4.8 Finally the evaluation has revealed that the ENU does not have its own translation capacity. ENU officers have to make use of 10 translators at the Ministry of the Interior, who are not under the same roof. The system functions, but experts would like to draw the attention of the Slovenian authorities to the fact that the development of ENU activities and the consequent increase in requests for information in future, with the accompanying volume of requests for translations, will in the long run not be compatible with the arrangements currently in place.

7. GENERAL CONCLUSIONS AND RECOMMENDATIONS OF THE EXPERT TEAM

Experts consider the various law enforcement authorities to be rather well organised overall, and to have a great awareness of European issues. It was particularly significant to discover throughout the evaluation exercise that a great variety of actors on the ground had an excellent awareness of Europol's functions and role. The fact that Slovenia has a unified police force is certainly an advantage, given the size of the country, in confronting the new problems arising from serious crime as a result of the opening of its borders and its strategic position on the "Balkan route". Cooperation with Europol seems to be on a sound basis, and the working methods of the Slovenian FIU with its partners seem to produce excellent results both in terms of prevention and also the fight against money-laundering.

On the other hand, this evaluation has revealed that the police and customs services are relatively compartmentalised because of the constitutional and legal division of powers between them. While this is partly compensated for by a Memorandum of Understanding and by practices on the ground which are quite flexible, granting some investigative powers to the customs service, particularly in the area of financial investigations, could probably produce greater added value in inter-service synergies.

Similarly, the reinforcement of certain groups of analysts would enable Slovenia to make further improvements to its strategies for combating certain rapid developments in international crime.

7.1 FOR SLOVENIA

7.1.1 Develop a concept of Intelligence Led Policing, in order to be able to carry out pro-active enforcement measures on the basis of analysis products. Enhance the Intelligence Analysis capacity within the Police. (See 6.2.8, and 6.2.10)

7.1.2 Ensure that real synergy exists between police at the borders, the central level and the regional level in information processing. (See 6.2.7)

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7.1.3 Encourage an amendment to the national legislation to allow some investigative powers to be granted to the customs service for certain economic crimes. (See 6.2.15)

7.1.4 Consider seconding officers from Customs, within the Europol National Unit or at least within the EU and International Police Cooperation Section or even to the Slovenian desk at Europol. (See 6.4.3)

7.1.5 Finalise the INTRANET project between the customs service and the police, to allow there to be a reciprocal standardised exchange of information on the basis of a reciprocity agreement. (See 6.2.15)

7.1.6 Consider putting the International Police Cooperation Section closer to or in the same premises with the other departments of the criminal police directorate. (See 6.4.7)

7.1.7 Re-assess possible participation to dedicated AWFs, due to the geographical position of Slovenia in connection to the so-called Balkan-Route. (See 6.1.2 and 6.4.3)

7.1.8 Provide ENU with sufficient translation capacity. (See 4.1.7 and 6.4.8)

7.2 FOR EUROPOL

7.2.1 Provide dedicated assistance to Slovenia with the perspective of the introduction of the Euro currency in order to prevent major counterfeiting. (See 6.4.5)

7.2.2 Assist in the development of the intelligence led policing in Slovenia. (See 6.4.8)

7.3 FOR THE OTHER MEMBER STATES

7.3.1 For those Member States which have not yet done so, ratify all the additional Protocols to the Europol Convention. (See 6.4.1)

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7.3.2 Wherever possible, consider the idea of allowing police officers on the ground to have online access to the information provided by Europol, via the national databases accessible to them.
(See 6.3.5)

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POLICE DATABASES

The police administer collections of personal data (hereinafter referred to as records) that is collected, processed, stored, forwarded and used by police officers in the course of performance of their duties.

With regard to the exercising of police powers, the police keep and maintain the following records:

1. Record of reported persons and criminal offences;
2. Record of minor offences and offenders;
3. Record of wanted persons;
4. Record of identifications;
5. Record of detected criminal offences;
6. Record of operational information;
7. Record of persons against whom police powers referred to in Article 49 of the Act were used;
8. Record of photographed and fingerprinted persons;
9. Record of DNA examinations;
10. Record of incidents;
11. Record of detained persons;
12. Record of security vetted persons;
13. Record of complaints, and
14. Record of the use of restraints.

All the records contain the following personal data:

- name and surname;
- birth data (day, month, year, place);
- permanent and/or temporary address;
- citizenship.

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In addition to common personal data, individual records contain also the following data:

1. Record of reported persons and criminal offences: any nickname or false name, sex, personal description, ethnicity of the reported person, his or her family and financial circumstances, education level, occupation and employment, personal data on victims and data on the criminal offence (type, place, time, method, motive, description of objects involved in the criminal offence, damage, and other circumstances);
2. Record of minor offences and offenders: occupation and employment of the offender, for a responsible person in a legal entity the position the person has in the company structure, personal data on victims and data on the minor offence (type, place, time, method, motive, victims and damage);
3. Record of wanted persons: any nickname or false name, his or her family and financial circumstances, education level, occupation and employment;
4. Record of identifications: reason, place, time and means of transport of a person whose identity was being established and other circumstances of that process;
5. Record of detected criminal offences: any nickname or false name, sex, ethnicity of the suspect, municipality of birth, personal data on victims and data on the criminal offence (type, place, time, method, motive, description of objects involved in the criminal offence, damage and other circumstances);
6. Record of operational information: type, place, time, method, means, motive, persons involved, damage, circumstances;
7. Record of persons against whom the police powers referred to in Article 49 of the Act were used: any nickname or false name, his or her family and financial circumstances, education level, occupation and employment, the number of the written approval of the Director-General of the Police or the person that he/she authorised, and data on the manner, extent and duration of the measures;

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8. Record of photographed and fingerprinted persons: any nickname or false name, his or her family and financial circumstances, education level, occupation and employment, fingerprints and palm prints, three-pose photograph and place, time and reason for fingerprinting or photographing;
9. Record of DNA examinations: genotype;
10. Record of incidents: data on the incident (type, place, time, persons involved, damage and other circumstances);
11. Record of detained persons: data on the detention (time, place, reason for detention);
12. Record of security vetted persons: education level, occupation, employment, previous convictions of the vetted person and the reasons for the security vetting, findings of the vetting;
13. Record of complaints: data on the police officer against whom a complaint was filed, the complainant's data, data on the police measure, conduct or procedure that is the subject of complaint;
14. Record of the use of restraints: data on the police officer who used restraint, identification data on the person against whom restraint was used, data on the incident in which the restraint was used, assessment of the use of the restraint, revision of the assessment.

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In accordance with Article 59 of the Civil Service Act (Official Gazette of the Republic of Slovenia No 52/02), Articles 7, 10 and 12 of the Customs Service Act (Official Gazette of the Republic of Slovenia No 56/99) and Articles 5, 6 and 8 of the Police Act (Official Gazette of the Republic of Slovenia No 49/98), the Director General of the Customs Administration of the Republic of Slovenia and the Director General of the Police have concluded the following

AGREEMENT ON MUTUAL COOPERATION

In support of their readiness to extend cooperation between the Customs Administration and the Police, in view of the successful cooperation in the past and in the interests of both services, so that through joint endeavour and coordinated action they may work to ensure effective performance of customs and border controls, effective prevention, detection and investigation of criminal offences and infringements within their respective spheres of responsibility and a higher level of security within the country and among their respective employees.

Article 1 Areas of cooperation

The Customs Administration and the Police shall cooperate on all common matters, in particular concerning the detection and investigation of criminal offences and infringements in the areas of fraud, document forgery, illicit trafficking in firearms, explosives, instruments of mass destruction, dual-use goods, dangerous waste and smuggled goods, trafficking in unlawful drugs and precursors, corruption and illegal border crossings.

Article 2 Levels of cooperation

The General Customs Office and the General Police Directorate shall cooperate at national level and shall deal with and coordinate tasks within the area of activity of both bodies.

Mutual cooperation at regional level shall take place directly between customs offices and police directorates, and at local level between customs branches and police stations.

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Article 3

Forms of cooperation

The Customs Administration and the Police shall cooperate in particular through:

- joint meetings;
- designation of liaison officers at national and regional level;
- communication and exchange of information and data;
- joint liaison officers abroad;
- provision of technical and other assistance;
- joint planning and coordination of operational work, including the organisation of joint actions and other forms of cooperation for the conduct of border and customs controls at border crossing points;
- joint training initiatives;
- other forms of cooperation where the services so agree.

Article 4

Joint meetings

The Director General of the Customs Administration and the Director General of the Police shall hold at least one working meeting per year at national level.

Working meetings between customs offices and police directorates shall be held at least once a year or when required.

Article 5

Liaison officers

Liaison officers shall be designated at national and regional level. The services shall exchange lists of liaison officers and shall inform each other of any changes thereto.

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Article 6

Communication and exchange of information and data

The Customs Administration and the Police shall, in accordance with the regulations, exchange information and data of importance for the greater effectiveness of operational work in individual areas of activity, including:

- information concerning suspected criminal offences and infringements, means or methods by which criminal offences and infringements are frequently committed, and in particular goods and vehicles used as instrumentalities of crime;
- information concerning the expected density of traffic at border crossing points.
- other information which comes to their attention in the course of their work and which they consider may be of use to the other organisation.

The exchange of information or data shall take place as a general rule through liaison officers, during operational cooperation and also directly between the services.

Article 7

Joint liaison officers

Where both parties agree, a liaison officer from one of the services who is posted abroad may perform duties for both services from abroad. The services shall conclude a special agreement in such cases.

Article 8

Technical and other assistance

Either service may at the request of the other service provide specific technical facilities or equipment. The services shall conclude a special agreement in such cases.

The services may ask each other for assistance in the performance of their tasks.

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Article 9

Planning and coordination of operational work

With a view to planning and coordinating operational work, the services may agree to hold joint meetings on the manner and form of cooperation. Joint operational groups may also be established and joint security actions may be planned and conducted.

With a view to carrying out effective controls on consignments, the services shall inform each other thereof in a timely manner. The Customs Administration shall provide the Police with the necessary assistance and cooperation in connection with the implementation.

The public shall be informed about joint work by agreement between the Director General of the Customs Administration and the Director General of the Police or between persons duly authorised by them.

Article 10

Training

The Customs Administration and the Police shall cooperate in the area of training by organising and co-financing joint training and exchanging proposals for training content, instructors and materials.

Article 11

Entry into force

This agreement shall enter into force on the date of its signature by both parties.

The annex to this agreement contains the list of liaison officers referred to in Article 5.

The Customs Administration shall forward the signed agreement to the customs offices and the Police shall forward it to the police directorates.

Number: 207/1-02/0910-030

Date: 20.02.2003

FRANC KOŠIR

Director General of the Customs Administration
of the Republic of Slovenia

MARKO POGOREVC

Director General of the Police

PROGRAMME OF VISITS

Tuesday 24 January 2006

Ministry of the Interior

- 10.00-11.00 Opening session, Welcome and brief presentation of the organisational structures and flow of information in the Ministry of the Interior and the Police.
- 11.15-13.00 Presentation of the Criminal Police Directorate. Representatives of Sections: General Crime Section, Economic Crime Section, Organised Crime Section, Special Task Section, Computer Crime and Crime Analysis Section
- 13.00-15.00 Lunch
- 15.00-18.00 Presentation and visit of the International Police Cooperation Section. Mr Boris Rehar, Head of the International Police Cooperation Section, Mr Damjan Potparič, Head of the Europol National Unit, other representatives of the Section
- 19.30- Dinner

Wednesday 25 January 2006

Office for the Prevention of Money Laundering, Ministry of Finance

- 09.00-11.00 Office for the Prevention of Money Laundering. Representatives of the Office for the Prevention of Money Laundering: Ms Vida Šeme Hočevar, Assistant Director, Mr Damjan Režek, Assistant Director, Ms Beti Privšek, Senior Advisor, Ms Vesna Gyorkos, Advisor.

Ministry of the Interior

- 11.00-13.00 Presentation of data bases. Representatives of the Information and Telecommunications Office, Europol National Unit and Computer Crime and Crime Analysis Section
- 13.00-14.30 Lunch

Customs Administration, Ministry of Finance. Ljubljana Airport

- 14.30-19.00 Customs: Presentation of the Customs system, information exchange, cooperation with other agencies. Demonstration and practical work of the mobile unit. Mr Mirko Bačac, Head of the Investigation Division, General Customs Directorate, Customs Administration of the Republic of Slovenia. Other representatives of the Customs Administration of the Republic of Slovenia

Thursday 26 January 2006

Police Directorate

- 09.00-11.00 Regional level – Regional presentation of the Police Directorate Ljubljana. Mr Drago Menegalija, Head of the Criminal Police Section, Police Directorate Ljubljana. Other representatives of the Police Directorate Ljubljana
- 11.00-11.30 Police Cooperation Centre in Vrata Megvarje. Mr Robert Urek, a representative of the Police Cooperation Centre in Vrata Megvarje
- 11.30-13.30 Round Table for questions and clarifications. Representatives of all evaluated areas – according to the requests of the evaluation team
- 13.30-15.00 Lunch
- 16.00 Transfer to Ljubljana Airport

LIST OF PERSONS MET

Ministry of the Interior

EXPERT	FIELD
Damjan Potparič	Head of the Europol National Unit – HEAD OF THE EVALUATION VISIT
Andrej Grošelj	Permanent Representation in Brussels
Rastislav Kanižar	Director of the Criminal Police Directorate
Lilijana Šipeč	Head of the Office for European Affairs and International Cooperation
Andrej Rupnik	Head of the International Relations Section, Police
Tatjana Mušič	General Crime Section
Aljoša Pohar	Economic Crime Section
Tomo Hasovič	Head of the Organised Crime Section
Robert Črepinko	Head of the Special Task Section
Igor Veršnik	Computer Crime and Crime Analysis Section
Jure Kebe	Head of the Computer Crime and Crime Analysis Section
Boris Rehar	Head of the International Police Cooperation Section
Hinko Privšek	Interpol Division
Savin Svet	Telecommunication and Administration Division
Dušan Kerin	Sirene Division
Inge Lenarčič	Information and Telecommunication Office
Robert Urek	Police Cooperation Centre in Vrata Megvarje
Miha Granda	Translator
Miroslav Žaberl	Office for European Affairs and International Cooperation
Mateja Krivec	Office for European Affairs and International Cooperation

Office for the Prevention of Money Laundering, Ministry of Finance

EXPERT	FIELD
Vida Šeme Hočevar	Assistant Director
Leo Pongračič	Senior Advisor
Beti Privšek	Senior Advisor
Vesna Gyorkos	Advisor

Customs Administration, Ministry of Finance

EXPERT	FIELD
Mirko Bačac	Head of Investigation Division
Darko Oblak	Investigation Division
Rajko Kobal	Investigation Division

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Police Directorate Ljubljana

EXPERT	FIELD
Drago Menegalija	Head of the Criminal Police Section (CPS)
Stojan Belšak	Head of the Organised Crime Division CPS
Uroš Bohinc	Head of the Operative Analytics Division CPS
Vinko Trebše	Head of the Operation and Communication Centre

Ministry of Justice

EXPERT	FIELD
Nastja Franko	Supreme State Prosecutor
Mateja Krivec	Directorate for International Relations and International Legal Assistance

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LIST OF ABBREVIATIONS/GLOSSARY OF TERMS

ACRONYM ABBREVIATION TERM	SLOVENE	ENGLISH TRANSLATION OR EXPLANATION
BDL		Bureau du Liaison
CICS		Computer Information Central System
ENU		Europol National Unit
FIO		Centralised Main Police Application
FIU		Financial Intelligence Unit
MOU		Memorandum of Understanding
OCR		Organised Crime Report
OCTA		Organised Crime Threat Assessment
PWGT		Police Working Group on Terrorism
SECI		Southeast European Cooperative Initiative