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"EXCHANGE OF INFORMATION AND INTELLIGENCE
BETWEEN EUROPOL AND THE MEMBER STATES AND
BETWEEN THE MEMBER STATES RESPECTIVELY"
REPORT ON THE CZECH REPUBLIC**

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REPORT ON THE CZECH REPUBLIC

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1. INTRODUCTION

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.

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.

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 among the Member States respectively".

Following discussion at the MDG meeting on 9 January 2003, a list showing the order of Member States to be visited was agreed. The Czech Republic is the 19th Member State to be evaluated during the third round of evaluations.

The questionnaires and the objectives of this evaluation are set out in 11679/3/02 REV 3 CRIMORG 71.

The experts in charge of this evaluation which took place between 22 and 24 November 2005 were: Ms Eva BOUDOVA (Slovak Republic), Mr Antonio COLACICCO (Italy) and Mr Bernd SCHULZ-ECKHARDT (Germany). Two observers, Mr Michael MERKER (Commission) and Mr Erik LANGHOFF (Europol), were also present, together with the General Secretariat of the Council.

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 Czech authorities' answers to the questionnaire.

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The report first deals with general information and structure (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 the Czech Republic and with other Member States and Europol.

2. GENERAL INFORMATION AND STRUCTURES¹

2.1. LEGAL BASIS

2.1.1. Acts and decrees

The general framework applicable to the police of the Czech Republic for exchange of information and cooperation with foreign law-enforcement agencies is as follows:

- Act No 283/1991 Coll. on the Police of the Czech Republic.

This Act stipulates, for example, conditions for transfer of personal data abroad (Article 42k) or conditions for data processing (Article 42 g and following). Article 42k stipulates that:

(1) The police can transfer personal data to other bodies or persons if

a) a special law provides for this,

b) it is in benefit of the person to whom the personal data are related and this person gave consent to the transfer or it can be reasonably assumed that his/her consent would be given, or

c) transfer of data is necessary for eliminating grave imminent danger to safety of persons or to public order.

(2) The police will transfer personal data under paragraph 1 on the basis of a written request, which must include the purpose for which the data are to be transferred. In the case of paragraph 1 letter c), personal data can be transferred without written request.

(6) Personal data can be transferred abroad to Interpol or, in the conditions set out in paragraph 1 letters a) to c), to international police organisations or to foreign law-enforcement bodies even without request.

¹ This part of the report is based partly on the answers to the questionnaire and partly on the documentation provided by the Czech authorities.

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The respective articles of the Act on the Police of the Czech Republic regarding data protection were inserted into the Act in connection with preparation of the Treaty on Cooperation between the Czech Republic and Europol (signed 5 March 2002).

As for the abovementioned provision in Article 42k, the Czech authorities are of the opinion that it is a satisfactory basis for exchange of information. The condition stipulated in paragraph 1c) will almost always be met in particular cases.

- Act No 101/2000 Coll., on protection of personal data

This act generally regulates data protection in the Czech Republic. The respective articles of the Act on the Police of the Czech Republic are *lex specialis* to this act.

2.1.2. Bilateral agreements

The framework set up by the Police Act is, however, supplemented by bilateral, multilateral, governmental or departmental treaties or agreements, as the police of the Czech Republic may, in fulfilling its tasks, also proceed according to bilateral or multilateral conventions (agreements) approved by the Parliament of the Czech Republic, ratified and announced in the Collection of international treaties. The Czech Republic has concluded a number of bilateral, governmental or departmental agreements with other countries, which govern police cooperation mainly in the area of the fight against serious forms of criminality and which include provisions on exchange of information.

2.1.2.1. With Member States

The following agreements have been concluded with Member States:

Austria (Agreement)

The Agreement between the Government of the Czechoslovak Socialist Republic and the Government of the Austrian Republic on cooperation in preventing and detecting judiciously criminal offences and in assuring security in road transport, signed 21 June 1988

Austria (Agreement)

On police cooperation and on the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters dated 20 April 1959

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Cyprus (Departmental Agreement)

On cooperation between the Ministry of the Interior of the Czech and Slovak Federal Republic and the Ministry of the Interior of the Republic of Cyprus, signed 7 December 1992

France (Agreement)

On cooperation in matters of police, public order and public administration, signed 2 April 1997

Germany (Agreement)

On cooperation between police authorities acting as security at state borders in border regions, signed 19 September 2000 (No 91/2000 Coll.)

Germany (Agreement)

On additions to the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959, signed 2 February 2000 (No 68/2002 Coll.)

Germany (Agreement)

Agreement between the Government of the Czech and Slovak Federal Republic and the Government of the Federal Republic of Germany on cooperation in combating organised crime, signed 13 September 1991

Hungary (Agreement)

On cooperation in combating terrorism, illicit trafficking in narcotic drugs and psychotropic substances and organised crime, signed 16 February 1996

Italy (Agreement)

On cooperation in combating terrorism, organised crime and illicit trafficking in narcotic and psychotropic substances, signed 22 March 1999 (No 37/2000 Coll.)

Latvia (Agreement)

On cooperation in combating terrorism, illicit trafficking in narcotic drugs and psychotropic substances and organised crime, signed 14 November 2000 (No 44/2001 Coll.)

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Lithuania (Departmental Agreement)

On cooperation between the Ministry of the Interior of the Czech Republic and the Ministry of the Interior of the Lithuanian Republic, signed 29 March 1996

Poland (Departmental Agreement)

On cooperation between the Federal Ministry of the Interior of the Czech and Slovak Federal Republic and the Ministry of the Interior of the Republic of Poland, signed 5 September 1991

Slovak Republic (Agreement)

On cooperation in combating criminality, in securing public order and in securing state borders, signed 27 January 2004 (No 26/2005 Coll.)

Slovenia (Agreement)

On cooperation in suppressing illicit trafficking in narcotic drugs and psychotropic substances and organised crime and in combating terrorism, signed 22 May 1998

United Kingdom (Memorandum of Understanding)

Between the Government of the Czech and Slovak Federal Republic and the Government of the United Kingdom of Great Britain and Northern Ireland concerning cooperation in matters of terrorism, drug trafficking, organised crime and general policing and enforcement matters, signed 23 July 1990

The following agreements are currently in the ratification process:

Poland (Agreement)

On cooperation in combating criminality, in securing public order and in securing state borders.

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2.1.2.2. With non-EU Member States

The Czech Republic has concluded bilateral agreements on police cooperation with the following countries:

Bulgaria (signed 17.3.1999), Chile (signed 23.9.1996), Croatia (signed 30.11.1999), Kazakhstan (signed 9.4.1998), Kyrgyzstan (signed 8.4.1998), Moldova (signed 7.8.2003), Romania (signed 13.11.2001), Russia (signed 21.4.1997), Switzerland (signed 31.05.2005), Tunisia (signed 10.5.1999), Turkey (signed 17. 1.1997), Ukraine (signed 30.6.1997) and Uzbekistan (signed 17.6.1998).

2.2 STRUCTURES

The Czech law-enforcement agencies with competences for Europol-mandated areas are the police and customs.

2.2.1 Czech police

The police of the Czech Republic has been established as an armed security force¹ which fulfils tasks in the area of public order and security and other tasks to the extent and in the manner defined by legal regulations.

Its tasks are *inter alia*:

- protecting the security of persons and property
- cooperating in securing public order and, when it is disrupted, adopting measures for its reestablishment
- conducting the fight against terrorism
- detecting crimes and ascertaining offenders
- investigating crimes, etc.

The structure of the police is centralised. The police is constituted by the Police Presidium of the Czech Republic, which governs its activities, specialised units with authority over the whole territory of the Czech Republic (which also have regional sub-branches/expositors) and units with territorially limited authority².

¹ Act No 283/1991 Coll., on the Police of the Czech Republic.

² Seven regions + capital Prague.

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The Police President, who is superior to all police officers, heads the Police Presidium. The Police President is designated and recalled by the Minister for the Interior subject to the consent of the Government of the Czech Republic. The Police President is responsible to the Minister for the Interior as regards police activities.

Regional level units, exceptionally district level units, and mainly units with nation-wide authority¹ have competences covering crimes within Europol-mandated areas.

2.2.2.1. International Police Cooperation Division

Within the Police Presidium an International Police Cooperation Division has been established. The structure of the division, which is the central point for all forms of international cooperation within the police of the Czech Republic and into which the Czech Europol National Unit is incorporated, is as follows:

- Interpol National Central Bureau (NCB)
- Europol National Unit (ENU)
- Sirene National Office
- International Relations Department
- Organisational section.

2.2.2. Customs

The Directorate-General for Customs is another law-enforcement authority dealing with areas of crime that come within Europol's remit. The directorate comes under the Ministry of Finance and is not a part of Czech police structures.

¹ Especially Illegal Proceeds and Tax Crime Combating Unit, Corruption and Financial Crime Combating Unit, Organised Crime Unit and National Drug Headquarters.

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2.2.3. Intelligence Activity Committee (IAC)

This committee is a standing working committee of the National Security Council and falls within the responsibilities of the Government of the Czech Republic. The Chairman of the IAC is the Prime Minister. The Executive Vice-Chairman is the Minister for the Interior, who is in charge of IAC activities unless otherwise decided by the Chairman. Members are directors of all intelligence services, the Minister for the Interior and representatives from the Ministry of Defence and the Ministry of Foreign Affairs; the Police President can be invited for a meeting.

The main task of the IAC is to coordinate activities of the intelligence services of the Czech Republic and to plan measures to secure intelligence activities, as well as cooperation between governmental bodies that acquire, collect and evaluate information necessary for safeguarding the security of the Czech Republic. The committee also deals with strategic analysis concerning all of its members and prepares strategic and conceptual materials. It does not engage independently in intelligence activities.

2.2.4. Common Intelligence Group (CIG)

The Common Intelligence Group has been established as a stable working body of the Intelligence Activity Committee¹. Its purpose is to ensure exchange of intelligence, as well as coordination between intelligence services, police, Ministry of the Interior and Ministry of Foreign Affairs. It gathers representatives from all intelligence services of the Czech Republic, from the police (Bureau of Criminal Police and Investigations Service, Organised Crime Unit) Ministry of the Interior and Ministry of Foreign Affairs. The Chairman of the CIG is from the Office of the Government of the Czech Republic.

With the consent of the Chairman of the Group it is also possible to invite to its meetings representatives of non-member bodies. Only persons holding appropriate security clearance can attend meetings of the Group. According to the statute, its Chairman convenes meetings of the CIG regularly once a month (in practice the Group meets every three weeks). The focus of the meetings follows from the concrete requirements of its members or from requirements of the college of directors of the intelligence services.

¹ Based upon the IAC resolution of 10 March 2005, No 121, on Standardisation and the Statute of the CIG, and formalised on 6 June 2005 by resolution No 54 of the National Security Council on the Statute of the CIG.

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The CIG can, in the event in of an imminent international crisis or of an already existing extraordinary security situation, create *ad hoc* working teams for information support.

As for working methods of the Group, information is exchanged in oral as well as in written form. Information about criminal intelligence and concrete criminal cases is also exchanged, especially between the police and the Security Intelligence Service (internal security service).

3. INTERNAL ORGANISATION OF THE EXCHANGE OF INFORMATION

3.1 LEGAL FRAMEWORK

There is no central point for the collection and dissemination of information within the Czech law-enforcement community; however, the various partners know each other and cooperate in concrete cases.

Cooperation between customs and the police is regulated by an Agreement between the Ministry of Finance and the Ministry of the Interior on mutual assistance and cooperation of 24 October 1994. A number of implementing protocols to the Agreement exist:

Art. 3 of Protocol No 1 of 1997 states that "according to operational means the police and customs shall establish joint working teams and conduct joint meetings".

Appendix No 2 to this Protocol says that within the police of the Czech Republic the unit designated to cooperate with the designated unit of the Ministry of Finance in matters relating to drug criminality is the National Drug Headquarters. Within the Ministry of Finance (Directorate-General for Customs) the designated unit is the search department. In practice the joint teams are established on an *ad hoc* basis – when such a need stems from a case – and their duration varies according to the case law.

Appendix No 3 to the Protocol deals with the joint analytical working place of the police and customs – the National Focal Point (NFP). The NFP was established within the National Drug Headquarters on 1 March 2003.

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Its tasks are, in particular: collecting and analysing statistics for the national monitoring centre for coordination of drug policy attached to the Office of the Government, EMCDDA and other world or European systems; supporting coordination of activities of both parties (customs and police) in criminal proceedings in cases related to narcotic and psychotropic substances and precursors; contributing to a common approach by both parties to the fight against abuse of narcotic and psychotropic substances and precursors on an international scale; analysing and exchanging information necessary for fulfilling the tasks of both parties.

The "Implementing Protocol on the procedures of mutual exploitation of certain information systems operated by the customs and the police of the Czech Republic"¹ from 09. September 2005 contains provisions dealing with

- a) the mutual access to customs or police databases based on a written request
- b) the mutual access via telephone request upon stating a password or
- c) the mutual direct access to databases through a central server of the customs or the police.

The tasks of the centre are carried out by police officers from the National Drug Headquarters and customs officers from the Search Department of the Directorate-General for Customs in continuous performance.

Appendix No 4 to the Protocol sets up conditions for providing information from the databases of the Ministry of the Interior, police and customs to the other party.

¹ Information regarding this Protocol was provided following the evaluation visit. The Protocol regulates access to the police databases on: missing motor vehicles, missing or wanted persons, people of interest to the police, firearms holders and permits, stolen art objects, foreigners, etc and to the customs databases on binding tariff information, custom fee debtors etc. At the moment, for technical reasons only the customs have a direct access to police databases.

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4. EXTERNAL EXCHANGE OF INFORMATION

4.1. DATA EXCHANGE PROCESS

The Czech Republic uses the ENU and the liaison officers at Europol for the exchange of information with Europol.

For exchange of information with other Member States and third states and Interpol, direct bilateral contacts and liaison officers are used in addition to the liaison officers at Europol.

Further channels for exchange of information are:

- The BdL channel (Bureau de Liaison) – it has been used since 2004 when the Czech Republic was connected to this channel. The unit for detection of organised crime has access to this channel.
- IS TOMAS of the PWGT (Police Working Group on Terrorism) – to which the Czech Republic was connected in June 2002. It is again the unit for detection of organised crime that has access to this system and serves as a contact point for communication through this channel for the entire police force.

4.2. CHOICE OF COMMUNICATION CHANNEL

The main selection criteria for the choice of channel for communication are:

- the purpose of the information exchange; meaning area of crime and/or place from which information is requested or where it is sent,
- speed, quality and complexity as regards information requested,
- previous experiences of case officers.

Sometimes several channels are used together to ensure answers are as comprehensive as possible.

The national liaison officer at Europol is used for both the exchange of information on general matters and on AWFs.

In general, distinctions between bilateral and multilateral cases are made rarely. Local agencies deal more often with bilateral cases, in which they mostly prefer direct contacts with foreign colleagues.

Units with nation-wide authority sometimes also prefer direct contacts in bilateral cases; in multilateral cases they choose Europol or Interpol.

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Because of the short existence of the Czech ENU, a great amount of criminal investigation correspondence is still channelled via Interpol. Czech law-enforcement authorities communicate with colleagues in other Member States especially via e-mail and direct personal appointments held in Czech or foreign territory. Especially in specific cases the preference has been and still is given to direct communication with neighbours. This feature is very strong within local law-enforcement agencies, which often need to be in contact with colleagues from neighbouring countries in order to exchange information regarding on-going criminal investigations. Communication with liaison officers is also regarded as very useful.

Czech officials assess the exchange of information with Europol via the liaison office as considerably faster than using Interpol channels. All Czech information channels are compatible and protected by firewalls, etc.

4.3. CZECH LIAISON OFFICER NETWORK

4.3.1. Liaison officers stationed abroad

Czech liaison officers are stationed in the Russian Federation, Ukraine, Slovakia and Europol; Intelligence liaison officers are stationed in Brussels (also for the Netherlands and Luxembourg), Poland and Austria.

4.3.2. Foreign liaison officers

There are liaison officers from the following countries in the Czech Republic:

Germany, Switzerland, USA, Romania, Italy, Slovakia and Austria. There are also officials, working within many other embassies, who are deeply involved in security topics (the security attaché from the Netherlands, etc.). Some foreign officers are not based in the Czech Republic, but come to the Czech Republic on a regular basis or according to needs (United Kingdom).

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5. EXCHANGE OF INFORMATION BETWEEN MEMBER STATES AND EUROPOL

5.1. DATA EXCHANGE PROCESS

It is not possible for the Czech Republic to provide statistics on information exchange with other Member States as it is not compulsory for the law-enforcement authorities to maintain them.

5.1.1. Information exchange between Interpol and the Czech Republic¹:

<i>YEAR</i>	<i>Received from Interpol</i>	<i>Sent to Interpol</i>
2001	55 027	37 212
2002	56 728	39 856
2003	56 591	39 592
2004	61 214	42 035

5.1.2. Information exchange between Europol and the Czech Republic²:

<i>YEAR</i>	<i>Received from Europol</i>	<i>Sent to Europol</i>
2001	18	15
2002	381	300
2003	1 297	1 132
2004	2 242	1 899

5.1.3. Procedures and experiences

Czech authorities assess the most useful and effective exchanges of information as being by direct personal contacts and liaison officers. In general, different units have different experiences with various states. Willingness to share information with other states is crucial. The quality of cooperation also depends on whether there is a bilateral agreement between the Czech Republic and the relevant country. Very good experiences are mainly in cooperation with Germany, which is based on such an agreement. Overall the Czech Republic noted an improved quality of information flow since entering the EU.

¹ Source: databases of the International Police Cooperation Division.

² Source: databases of the International Police Cooperation Division.

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For units with regional authority the most frequent partners are from neighbouring states. As for units with nation-wide authority, their partners change from case to case, but nevertheless the most common partners of the Czech police are their counterparts from neighbouring countries. The situation is, however, developing constantly. "Transit" countries, through which transports and deliveries are transferred, are also very important.

5.2. DATA PROTECTION

The Czech authorities state that there are no significant problems in information exchange caused by data-protection legislation. The safety of information provided to Europol is ensured by handling codes and of course by technical means to protect information channels. Handling codes protect the information source and the security of information. In addition, handling codes enable to impose access rights, and ensure that legal conditions within each Member State are respected. Such restrictions and permissions are used in daily practice in many activities when exchanging data.

The Czech Republic has encountered problems caused by differing legislation in other states. However, Czech authorities are of the opinion that some of the differences are generally given and caused by different socio-economic or legal environments, etc. They suppose that the solutions to these problems exist and they participate in their implementation (e.g. this evaluation process).

5.3. CLASSIFICATION OF DATA

Under the Czech Information Security Act there are four classification levels: restricted, confidential, secret, top secret¹. The Czech ENU has a secured working zone for handling data up to the level confidential. All members of the ENU hold security clearances for the level confidential; the head of the ENU for the level secret. Confidential information is currently transferred only personally.

¹ Act No 148/1998 Coll., on protection of confidential facts. Following the evaluation visit, Czech authorities reported that this act was replaced by the act 412/2005 as of 01.01.2006.

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5.4. INSTITUTIONALISED COOPERATION WITH OTHER MEMBER STATES

Several coordination centres have been established in border regions to facilitate contact with neighbouring partners. Very functional cooperation takes place with Germany based on an agreement on cooperation between police authorities and border protection authorities acting in the border zone¹. On the basis of this agreement a group for communication with the German police was established on 1 September 2002 (in the framework of Western Bohemia Police Administration – Plzeň). The group ensures a consultancy service and concurrence for the Czech police during mutual cooperation with Germany.

There is also a contact point of this group for communication with the German police, which is situated in Furth im Wald (Germany). Thanks to direct access to police databases, this contact point deals with inquiries regarding information on vehicle holders, documents, personal residences, personal identities, owners of telecommunication facilities and other in a very short time.

There is also a group for communication with the German and the Polish police, which has been established by the Northern bohemian police administration. This group fulfils tasks in the area of coordination, planning and analysis.

A sub-branch of this group has been operating since 1 January 2003 in Liberec with German (Saxony) and Polish police mainly for the regions of Liberec, Jablonec nad Nisou and Česká Lípa. Europol is not involved in the communication processes of the abovementioned groups since the character of information exchange does not come within the mandate of Europol.

Frequent contacts exist also between the Czech criminal police and investigation service and the State bureau of criminal investigation of the German state of Saxony.

Due to the non existence of a language barrier between the Slovak and the Czech Republic, there are frequent direct contacts on all levels between police authorities of both states.

¹ Signed on 19 September 2002 in Berlin; entered into force on 1 August 2002; No 91/2002 Coll.

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5.5. EUROPOL NATIONAL UNIT

The Czech ENU is a part of the International Police Cooperation Division of the Police Presidium of the Czech Republic. Its predecessor – the Europol group – started functioning within the Police Presidium from 9 September 2002. The Europol group fulfilled tasks stemming from the Convention on cooperation between the Czech Republic and Europol. When the Europol Convention entered into force for the Czech Republic (1 September 2004), the Europol group transformed into the ENU.

The ENU is the national contact point between Europol and national law enforcement authorities and is structured as follows:

- Head of Unit
- Coordination and Strategic Analysis Group
- Operational Activities Group
- Criminal Intelligence Group.

As for technical means, there is direct encrypted PC connection to Europol – 24/7 – via the liaison bureau, which enables information to be sent at any time. In addition, there is a non-stop mobile-phone service available so that all national law-enforcement authorities can contact the ENU whenever they need.

The bulk of information is exchanged during working hours.

Communication is by e-mail or courier; between liaison officers it is channelled via the Info-Ex system.

The ENU has access to national police databases to fulfil its daily tasks and is empowered to obtain, compile, process and pass on information. Without a special regulation in place the ENU requests information directly from competent national units if needed.

The ENU does not employ civil servants and there are no liaison officers deployed to the ENU. However, there is an agreement with customs headquarters on the permanent deployment of one liaison officer to the ENU. This should be carried out within a few months.

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As far as ongoing investigations are concerned, the ENU requires the appropriate use of handling codes. Information must be secured against misuse, which could jeopardise the investigation.

The timing of the provision of information to Europol varies according to the type of investigation; mainly it is forwarded while the investigation is ongoing. Information is exchanged as quickly as possible in order to enable crime to be tackled efficiently; it must be as comprehensive as possible before being passed on to Europol.

5.6. AWARENESS OF EUROPOL'S ROLE AND MANDATE

Awareness programmes in the form of seminars, courses and workshops are organised with Europol staff as speakers. The ENU organises seminars on its own initiative or it reacts to requests from different national authorities. It also disseminates information materials and maintains an intranet web site as a source of information.

5.7. PARTICIPATION IN AWF

Several police units (with nation-wide authority) and customs authorities currently participate in 13 AWFs. All of them are regarded as useful and participation in them originated from an identified current need to combat some particular types of crime. Input is provided only to AWFs, which are of interest for the Czech authorities, which stated previous negative experience with a lack of input obtained from national authorities participating in AWFs. However, they are endeavouring to avoid such situations in future by raising awareness about the aim of and duties connected with AWFs.

Exchange of information and communication regarding AWFs is always channelled via the liaison office and the ENU. Czech law-enforcement representatives participate in expert and target group meetings regularly held at Europol in order to exchange up-to-date information in this field.

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5.8. PERCEPTION OF EUROPOL'S VALUE

The Czech Republic has a very positive experience with AWFs, since the exchange of up-to-date information helps to lead the investigation to a successful conclusion. In this field AWFs play a crucial role and cannot be substituted. Also the production of strategic analyses, such as situation reports, risk assessments, early-warning messages, analysis of criminal organisations, etc., is much appreciated. Czech authorities think that the transformation of the Organised Crime Report into the Organised Crime Threat Assessment will be of great benefit in the very near future. Their law-enforcement authorities appreciate the high quality of all documents mentioned, for example picture enclosures and detailed modus operandi descriptions.

Europol also constitutes a very important source of knowledge in the training sphere, and above all in analytical activities.

6. EVALUATION MADE BY THE EXPERT TEAM

6.1. INTRODUCTION

The Czech Republic is a landlocked country, covering an area of 78 866km². The country shares a border of 1 881 km with 4 Member States¹. The state capital is Prague with approximately 1,2 million citizens of an estimated total population of 10,5 million. With approximately 45 000 police officers, the ratio is one officer per 233 inhabitants. Administratively, the country is divided into 13 regions plus the capital Prague; this differs from the general organisation of the police and judiciary who have maintained the former regional structures (in that they are divided into eight regions, that being seven regions plus Prague). However, some police units with nation-wide competence have a further regional layer, namely six or seven regional branches (expositors).

¹ Germany to the North-West (810 km), Poland to the North-East (762 km), Austria to the South (466 km) and Slovakia to the South-East (265 km).

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6.2. ORGANISATION OF THE EVALUATION

The evaluation team met with officials of the Ministry of the Interior, the Supreme Prosecutor's Office, the Czech Police Service and the Directorate-General for Customs. A visit to the Brno Police also provided information regarding the work of a regional branch of the Organised Crime Unit and of the district police and their cooperation with central authorities.

While focussing on international information and criminal intelligence exchange with Europol and other Member States, the team also took note of national exchange between various institutions and departments involved in the fight against serious, international or organised crime in the Czech Republic.

Through presentations and discussions on related topics the evaluation team received an overview of Czech law-enforcement structures and organisations with a specific emphasis on national and international information and criminal intelligence exchange.

6.3. GENERAL COMMENTS

The Czech Republic continues to enhance the organisational framework for efficient policing and has established specialised units and agencies in the fight against serious, international and organised crime, corruption, economic crime and money laundering.

As part of the Czech law enforcement reform, the former independent Bureau of Investigation has been integrated into what is referred to as the criminal police and investigation service. Officials claimed that, due to differing working styles, this was not an easy process but that the merger had had no negative effects on ongoing work. Meanwhile, there would be a working routine within the new structure.

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The most recent part of the reform is the project to establish a new "Analytical and Coordinating Centre for Strategic Information (SCPI)". This project aims to improve the information flow, especially regarding analytical products for strategic management purposes, liaison and coordination and case analysis by, inter alia, introducing a new and comprehensive data management concept.¹

6.4. ORGANISATION OF LAW-ENFORCEMENT STRUCTURES

Czech law-enforcement structures involved in the fight against serious and organised crime comprise the police and the customs department; the Czech Financial Analysis Unit is an administrative, not a law-enforcement, unit.

6.4.1. Police

In the Czech Republic there is only one police established as an armed security force under the responsibility of the Minister for the Interior.

The Police President who is appointed by the Minister heads the police. He has four deputies responsible for:

- Penal proceedings (Non uniformed police)²
- Uniformed police (including Alien and Border Police)
- Economy
- Other issues (including coordination and conception management and the international police cooperation division).

¹ Following the evaluation visit, Czech authorities reported that "as of the 1st December 2005 a completely new department within the Bureau of criminal police and investigation has been created. It is staffed with selected IT and analytical work specialists whose task is to finalize the project as to the technical details of integration of information systems, selection of software and hardware and many other technical and organizational details that such a complicated and costly project requires."

² Criminal Police and Investigation Service including Organised Crime Unit, Unit Combating Corruption and Financial Crime, Illegal Proceeds and Tax Crime Unit and National Drug Headquarters.

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The organisational structure involves three levels of supervision:

- Police Presidium
- 8 regional headquarters (7 + 1 for the capital, Prague)
- 80 district headquarters.

Regional and district headquarters copy the structure of the Police Presidium, however, there are also units with nation-wide competences that maintain six¹ regional branches supervised by their respective headquarters.²

6.4.1.1. International Police Cooperation Division

The division was established in 1999 with general responsibility for all international relations of the Czech police, to serve as the central point for international police cooperation and to coordinate international activities of the Czech police.³

The total staff of the division is more than 110 officers, divided into five sections/units:

- Interpol National Central Bureau (NCB)
- Europol National Unit (ENU)
- National Office SIRENE
- International Relations Branch
- Organisational Section.

6.4.1.2. Unit Combating Corruption and Financial Crimes

Established in March 2003 as a specialised central unit with seven regional branches. It is mandated to detect and investigate economic and financial crime, corruption and some other forms of crime⁴ under direct supervision of a prosecutor from the High Prosecutor's Office, which is then supervised by a prosecutor of the Department of Serious Economic Crime of the Supreme Public Prosecutor's Office. The unit serves as the single point of contact for the Czech police to OLAF and has a total staff of approximately 300 officers, although expertise from the precursor organisation was largely carried over by specialist recruitment retention.

¹ These differ from the administrative, judicial and general police regional organisation.

² e.g. the Unit Combating Corruption and Financial Crimes and the Organised Crime Unit.

³ Including those of Czech liaison officers stationed abroad and officers participating in international peacekeeping operations.

⁴ Genocide, trafficking in human organs, sabotage, treason, etc.

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6.4.1.3. Illegal Proceeds and Tax Crime Unit

Another unit with nation-wide competence, set up in 2004 to fight against most serious tax crimes, financing of terrorism and the legalisation of illegal proceeds of crime. The unit has six territorial branches and with a staff of approximately 300 officers it carries out inter alia investigations of tax crimes and legalisation of illegal proceeds of crime. Besides investigating crimes falling within its own competence, it conducts complex financial inquiries for the units with nationwide competence to help them with the tracking and seizure of illegal proceeds of crime.

6.4.1.4. Organised Crime Unit

In existence since 1989 as a central unit with six regional branches and nationwide competence. It is tasked with investigating specific criminal acts and structures (e.g. trafficking in human beings/illegal immigration, currency counterfeiting, and terrorism/extremism). The unit has established national (prosecutor's office/customs/intelligence service) and international contacts for information exchange and cooperation.

6.4.1.5. National Drug Headquarters (NDH)

The NDH created in 2001 is the central unit combating serious organised drug production and trafficking. It is responsible for international operational and methodological cooperation in the area of drugs and precursors. The unit has six regional branches and a staff of approximately 200 officers. It closely cooperates with the customs. Its representatives take part in different international working groups and organisations and serve as a contact point for foreign police agencies in their respective field.

6.4.2. Customs

The Czech Customs Service consists of three levels with the headquarters in Prague, eight regional directorates and 54 local offices and employs a total staff of approximately 7 000. The organisation includes mobile border and airport units as well as an investigation department. The latter functions as executive branch in areas of:

- customs and tax fraud
- proliferation
- illegal arms trade
- violation of intellectual property / trademark rights
- illegal trafficking / smuggling of VAT-goods (e.g.: oil, cigarettes) or agricultural commodities.

RESTREINT UE

Investigations into organised crime are only carried out in the initial stage under supervision of the state prosecutor's office and then immediately forwarded to the police for further investigation.

6.4.3. Financial Analytical Unit (FIU)

Established as an administrative unit in July 1996 within the Ministry of Finance, the department operates under direct supervision of the Deputy Minister of Finance. Its exclusive point of contact for information exchange with Czech law-enforcement bodies is the Illegal Proceeds and Tax Crime Unit (see 6.4.1.3.).

Although it seemed to the experts that, viewed individually, the organisation and competences of Czech law-enforcement bodies were well-structured and balanced, it was their opinion that the overall structure was not cohesive because effective interconnections were lacking. The reform of the police so far has in the main addressed the merger of the criminal police and investigators, and has not been fully completed. In the view of the experts it did not function as smoothly as outlined by some officials. The reform has not addressed the imbalance apparent in the different regional structures of public administrations.

In the field of combating money laundering and financial crime, the evaluation team found that the existing mixed competences and involvement of several units lead to ineffective exchange of information and criminal intelligence, not only between the various units but also with Europol, a situation which could impact on other Member States.

6.5. DATABASES

6.5.1. Police databases

Within the Police Presidium the System Control and Informatics Division (SCID) has been established as a central administrator for police databases maintained at national level. This division administrates central databases of 33 police information systems. To 18 of them it is possible to grant a graded direct access¹ to every police officer with the use of an assigned password through a single information system. (IS Request to Information Systems) This system enables the user to get information with a single request for a person or an object from all directly accessible databases (or alternatively only from databases specified by the user).

¹ Officers of the International Police Cooperation Division enjoy the most extensive access rights.

RESTREINT UE

Those databases directly accessible to authorised users contain information about:

- wanted and missing persons,
- persons under prosecution or criminal proceedings,
- operative police investigations,
- criminal background,
- unwanted foreigners,
- foreigners with residence permits,
- police checks on individuals and vehicles,
- serious breach of internal order and other monitored events,
- persons whose fingerprints were inserted into the AFIS system
- restrictions and prohibitions imposed to persons by court judgements
- holders of firearms, registered firearms, firearms permits and other connected documents
- stolen or lost vehicles, firearms, objects of significant cultural value
- traffic accidents.

In addition, there are more than 50 databases individually run by central, regional and local units, not linked, coordinated and accessible by a central authority. Information requests regarding these isolated databases have to be submitted to the respective holding unit. That procedure also applies to the International Police Cooperation Division, which would send requests mainly by post and in standard cases wait up to four weeks for answers.

The evaluators were told that historical reasons had led to the development of the current fragmented system and that there would be no comprehensive overview of all existing databases.

Information received about three of these isolated databases should illustrate the type of information contained and related procedures.

6.5.1.1. Database of the Unit for Organised Crime (PEGAS)

At its headquarters in Prague the Czech Organised Crime Unit maintains its own database, containing personal related data (information and criminal intelligence) from various sources, including from informants. The regional branches of the unit do not have online access to the central database. They have to enter their data (strategic and operational, information and criminal intelligence) into the PEGAS database using a stand-alone computer and then physically transport discs via courier to the headquarters, where this information is entered into the central database.

RESTREINT UE

If the new regional data create a hit on existing entries, related units are informed by telephone. No other unit has direct access to PEGAS.

To make the database available online also to the regional branches, cryptographical equipment has already been procured and submitted to the National Security Office.¹ Following requisite approval by the Office, it is envisaged that system trials could be launched during the first quarter of 2006.

6.5.1.2. Database of the National Drugs Headquarters

This unit maintains another isolated database for internal use only containing also resource material other than from own cases. Third-party inquiries, including those from the International Police Cooperation Division and the Organised Crime Unit, will be dealt with upon request only, with the National Drugs Headquarters maintaining full control over the information flow.

6.5.1.3. System for the coordination of operational work (BLOKACE)

The system contains information on individuals suspected of committing an intentional crime, police informers and other sensitive data related to ongoing measures. It is accessible only for a limited number of users within the criminal investigation police with a certificate allowing access to restricted information.

6.5.2. Administration databases

Some databases containing data for standard police operations are held by the public administration (e.g.: register of citizens, identification cards, driving licenses, vehicle registrations). Some officials stated that police access to these databases was on occasion beset by administrative problems (e.g. requirement to explain the reason for the inquiry, not accessible 24 hours/day). Practitioners also reported legal problems in obtaining, for example, pictures from those registers when their inquiry was taking place within the initial "detection" phase of an investigation.²

¹ Being the central administration authority for the protection of classified information and for the security clearance of nationals under Act No 148/1998 Coll.

² Following the evaluation visit, Czech authorities stated that data in the administrative databases are accessible to police officers to the specified extend when using the information system IS Request to Information Systems together with the data from police databases.

RESTREINT UE

6.5.3. Customs database

Customs maintains its own databases containing data from different national and international sources. The police currently can check in the customs database only via telephone or upon a written request¹.

6.5.4. New developments.

The Czech authorities presented the project "Analytical and Coordinating Centre for Strategic Information" (see 6.3), which, if fully implemented, will change the current situation.

During the ongoing first of three intended project phases an integration team has started to identify and map internal and external sources of information. These sources should eventually be integrated into "knowledge bases" within a new system.

Phase two would implement a system of "analytical knowledge bases" based on district and regional analytic points and a central comprehensive "knowledge base".

The last phase aims at establishing a full electronic document workflow.

One of the principles outlined was that databases of specialised units should by and large remain unchanged, but combined and linked under this new superstructure.

Officials expect the new unit eventually to enable prompt and comprehensive answers to requests from one single point in a uniform format. The timeline for completion of the first phase would be the end of 2006; no possible date for full implementation is as yet projected owing to the lack of commitment to the huge technical and financial investments required.

The experts were amazed to learn that the Czech authorities had no comprehensive overview of existing databases, especially concerning criminal intelligence, and also about the lack of access for central authorities to the majority of existing databases. They commended the presentation of the projected new centre which, if fully implemented, would be an important step forward. It shows that the Czech authorities are aware of existing problems caused by the current fragmented system of databases and inefficient information exchange.

¹ Following the evaluation visit, Czech authorities stated that direct access for the police in case of the databases specified in the Implementing Protocol (see 3.1.) will be realised in the near future. In the meantime access is ensured by an interface system, allowing for the police to send requests and receive answers electronically.

RESTREINT UE

In the view of the evaluation team, the presented project addresses the deficiencies identified and should eventually lead to more timely and comprehensive exchange of information and criminal intelligence within the Czech Republic and internationally. However, they were surprised that key members of the International Police Cooperation Division – also in attendance – were unaware of the project until presentation to the team.

6.6. INTERNAL EXCHANGE OF INFORMATION

6.6.1. Evaluation system

At present, the standard 4 x 4 system for evaluating information and criminal intelligence is applied only by some units, mainly when their individual databases support use of the system¹. The project presented for the new Analytical and Coordinating Centre for Strategic Information (see 6.3 and 6.5.4.) would permit wider implementation of this evaluation system and also foresees the introduction of standard forms, harmonised with the intelligence services of the Czech Republic. However, decisions about the kind of information that would have to be evaluated and by whom have not yet been taken.

6.6.2. Information exchange/information flow

In the majority of presentations given to the experts, Czech law-enforcement representatives described their form of information exchange as primarily reactive and based on a case-by-case policy. The flow of information would be supported by the information systems that should be used to enter relevant information. While some authorities assessed the regulations in place to be sufficient to govern the information exchange, others described the forwarding of information to the national units as not being compulsory but based on goodwill on the part of officers around the country.

Given the number of systems and databases in place that need to be fed and the cumbersome and time-consuming processes (see 6.5.1.1.), the evaluation team is concerned as to whether all available information and criminal intelligence is properly forwarded to the appropriate recipients.

¹ The PEGAS system of the Organised Crime Unit is such an example.

RESTREINT UE

6.6.3. Intelligence exchange

The exchange of criminal intelligence in the Czech Republic, as it has been presented, is to a large extent based on personal contacts and relationships rather than following a concept or implemented mechanism. According to officials, there is no common definition of criminal intelligence shared by all law-enforcement bodies, no criminal intelligence records nor a unified system for criminal intelligence exchange. Even within units the exchange is hampered by a lack of means for secure communication. Amongst units informal contacts have been established to facilitate the exchange of operational intelligence. Some units also maintain close contacts and exchange criminal intelligence with civilian and military intelligence services but not following a concept. Few examples of structured regular meetings that would not just be incident-related have been described. Unfortunately, meetings with representatives from the IAC or CIG, which obviously hold those meetings, could not be brought about.

Criminal intelligence obtained through the use of informants is presumably available in different units since informants are handled at all levels. It may be assumed that there is no central overview or common guidelines.¹

The presentation at the regional branch of the Organised Crime Unit showed that criminal intelligence obtained through the use of informants is electronically documented for the PEGAS database, applying the 4x4 evaluation system and then forwarded for subsequent storage and analysis at headquarters. Nonetheless, at its own discretion the regional unit would have the authority to react immediately upon receipt of such criminal intelligence.

The evaluators concluded that, owing to the lack of secure communications in those cases, prior consultation with headquarters and cross-checking with data available at central level would be difficult and consequently lead to unsatisfactory results.

¹ Following the evaluation visit, Czech authorities provided the following information: "There are common guidelines for handling the informants in the form of a binding internal regulation of the Police President no. 165/2001 which is being improved at the moment to include a central overview of informants among other for its use in international police cooperation. There are also internal regulations of the Polcie President dealing with operative work in general no. 131/201 and internal regulation of the Ministry of the Interior no. 83/2001."

RESTREINT UE

It has been stated that both information and criminal intelligence exchange in the Czech Republic from local to regional level is executed on a personal basis with established main cooperation partners, (e.g. National Drug Headquarters, Illegal Proceeds and Tax Crime Unit and other units). Local units are not authorised to handle cases which fall under the responsibility of regional or central units with nation-wide authority and try to identify and prevent possible overlap through the use of the database BLOKACE.

The evaluation team had the impression that on the surface this system of information and criminal intelligence exchange seems to work most of the time. The experts believe that such incident-related cooperation and exchange cannot offer the basis for the requisite long-term strategic planning and intelligence-led policing.

6.6.4. Communication system

In addition to traditional communication means such as telephone and fax, the Czech police has an intranet in place linking all levels and units of the police. Due to a lack of a safe network or means for encryption, the intranet is used only to exchange open information. Sensitive data have to be exchanged physically via couriers or in personal meetings. Nevertheless, Czech officials estimate that means of encryption should be in place at the ENU and working sometime during the year 2006.

Practitioners reported that in urgent cases this is circumvented by using internal telephone lines.

6.6.5. Analysis

Criminal intelligence analysis by the Czech police is currently focussing on operational analysis. Central units analyse the information and criminal intelligence available to them for own purposes and share products on a case-by-case basis. There was few reference on analysis conducted at regional or local level.

At present, analysis is not coordinated but an overall concept with a broader perspective is envisaged by the project presented on an "Analytical and Coordinating Centre for Strategic Information". This concept, if fully implemented, would include strategic and operational analysis capacity in the regions and supporting and coordinating functions at headquarters, where in addition strategic analysis with a broader, nation-wide perspective would be carried out.

RESTREINT UE

Training for analysts is provided internally by the Unit Combating Corruption and Financial Crimes and in the future should also be provided by the Analytical and Coordinating Centre for Strategic Information and certain police schools. Due to budget restrictions participation in training at Europol is rather limited.

6.6.6. Inter and intra-institutional cooperation

Despite the fact that there is only one police force in the Czech Republic, the experts sensed considerable tensions and reservations between different departments of the police during their visit.

As a vivid example, specialised criminal investigation units and uniformed units working within their respective competences on related issues seemed to avoid direct communication and cooperation in this field.

The representative of a specialised unit explained that he would expect the uniformed unit to determine if there were indications that would put the specialised unit in charge and then to report and hand over cases; however, the specialised unit would not forward strategic information to the uniformed unit nor engage in joint planning or even joint investigations.

It would also be expected that all units follow obligations to enter their case information into national information systems for further use, but there was no example of systematic analysis or automated cross-checking of these entries. All units seemed to rely totally on the BLOKACE system to detect and avoid conflicts and overlap regarding investigations.

Officials mentioned regular meetings taking place at central management level to define strategies, but were unable to provide detailed information.

Regarding cooperation between police and customs, the customs representative referred to mainly methodological assistance provided by customs officers when it came to deciphering codes or customs tariffs. There were also joint working teams of customs and the National Drugs Headquarters regarding the production of drugs and international drugs trafficking.

RESTREINT UE

Based on an existing agreement, ad hoc teams dealing with all sorts of illegal international trade or consignments could be set up for short and long-term purposes. Teams would then have to be established according to a predefined structure with appointed leaders.

Regarding this form of inter-institutional cooperation, the expert team remained uncertain as to police capacity and willingness to undertake such measures involving their counterpart to an appropriate extent.

Overall, the experts noted a measure of reluctance to cooperate amongst units or services or to coordinate activities. Every unit seemed concerned only about its own area, failing to take into account the overall situation. On several occasions authorities claimed there would be no cooperation problems, given existing personal contacts.

The evaluation team is of the opinion that a more open attitude and willingness to cooperate and coordinate law-enforcement activities and increased awareness of modern policing are crucial for the Czech law enforcement.

6.7. EXTERNAL EXCHANGE OF INFORMATION

6.7.1. Information flow

The Czech Republic has not centralised its law-enforcement competences for international communication and cooperation. A number of units and services are involved with no central overview.

Individual units do not keep track or maintain statistics of their international communications, with the result that the overall volume and content of external exchange are impossible to assess.

Information from abroad received at the International Police Cooperation Division is forwarded to the appropriate recipient of the Czech law-enforcement bodies for further handling. Communication from Czech authorities destined for international partners would have to be forwarded via intranet or other means to the division for further handling and processing.

According to internal regulations all information processed to Europol has to include handling codes. The assignment of these codes is controlled by the ENU, and in cases of missing or questionable codes the dispatching unit is contacted for amendments or clarification.

RESTREINT UE

All Czech contributions to AWF are channelled through the ENU and examples of internally developed standardised forms for international communication (requests, information or AWF contributions) are made available for all police officers via the intranet website of the International Police Cooperation Division.

6.7.2. Communication channel

Czech law-enforcement bodies have several channels for external exchange of information and criminal intelligence at their disposal, including Interpol, Europol, SIRENE, liaison officers and bilateral contacts.

A regulation relating to the relevant section of the Police Act governs the international exchange of information for the police. Although authorising the use of all channels available, the Act and the current regulation mention only Interpol explicitly. Accordingly, a new set of regulations intended to clarify the situation is in preparation. One regulation will cover the overall legal framework, not related to the choice of communication channels, and additional regulations will address each channel. The drafts are circulated for further comments by authorities concerned and are expected to be ready for implementation early in 2006.

At the International Police Cooperation Division all channels are available and the decision about which channel is used is taken by the case or duty officer; in uncertain or new cases the decision is taken by the head of division¹. This decision is based on previous channels used, own experience and an assessment of each case, taking into account which countries need to be involved and whether the topic would be related to Europol's mandate.

Through the presentations received from operational units, the experts formed the impression that for these units in general, personal and bilateral contacts with law-enforcement authorities abroad or liaison officers are the preferred channel for international information and criminal intelligence exchange, followed by Interpol, rogatory commissions or judicial channels and Europol.

¹ Currently only the SIRENE and Interpol units are providing staff for the rotating duty function; officers of the ENU will be included soon.

RESTREINT UE

Some Czech officials assessed Europol as competing with Interpol regarding information exchange; others did not even consider Europol as an option at all or expressed their opinion that direct contact with other investigators or liaison officers would be much faster and more efficient than using either Interpol or Europol channels.

This attitude is also reflected in the fact that the National Drug Headquarters, apart from using bilateral personal contacts, claims a considerable increase in 2005 in the volume of information exchanged through liaison officers. They also host meetings twice per year with all liaison officers at their headquarters, but would not invite or include a representative from the International Police Cooperation Division.

A different picture was drawn when talking to the district police in Brno, where a case study was presented. Europol was used for the first time by this unit and was praised for its cooperation, which contributed to a considerable degree to the successful outcome of their investigation.

Czech customs are communicating directly with OLAF in Brussels, the Customs Regional Intelligence Liaison Office in Cologne and other customs agencies on the basis of bi- and multilateral agreements via their national coordination unit. Information exchange with Europol or customs contribution to AWF takes place through the ENU.

The Czech Financial Analytical Unit is exchanging information with other FIUs and international organisations based on MOU or multilateral agreements.

6.7.3. Coordination of international communication

The International Police Cooperation Division maintains an internal protocol system for the entire division. All incoming documents are registered, the data checked in the system for matches, new data inserted and documents electronically stored¹. The head of the division takes the decision which unit of the division will deal with a new case. The protocol system currently holds more than 130 000 entries.

¹ Documents incoming as hardcopy are scanned and converted to an electronic form.

RESTREINT UE

The system is used by all sections of the division and also includes some information exchanged by/through liaison officers or through established bilateral contact points, thus helping to identify possible overlap and related information processed through any of the available channels. However, the protocol system is not linked to the existing databases, thereby preventing an automated crosscheck of data.

The organisational development of the division includes the establishment of a joint communication centre for its international work, but the overall office situation requires some restructuring before it can be made fully operational and serve all units.

A further development will be a shared access to Interpol databases, which according to a statement of the head of the International Police Cooperation Division should as a pilot project be distributed to 10 departments as soon as the technical requirements are fulfilled. Following this pilot project a general access for most of the police units is intended.

As far as international bilateral communication between operational and specialised units is concerned, there is no reporting to the division and therefore this part of international information exchange is not documented in the protocol system.

There is, however, a provision in the bilateral agreements regulating the direct information exchanges in the border area, which has to be listed and reported to the central authorities. This communication will then be documented in the protocol system.

The evaluators took positive note of the organisational set-up of the International Police Cooperation Division as an integrated platform for international cooperation¹. They expect that the restructuring of office facilities and an operational joint communication centre will further enhance the flow of information between the different units of the division.

Regarding the number, independence and autonomy of authorities involved in international communication bypassing the International Police Cooperation Division, the experts assess that the missing documentation and cross-check with the protocol system of the division might lead to duplication of international exchanges and create overlap and duplication in the Czech Republic and other Member States.

¹ In full compliance with the recommendations of the High-Level Group's Action Plan on Organised Crime of 1997, OJ 97/C 251, pp. 001-016.

RESTREINT UE

6.7.4. Europol National Unit (ENU)

The Czech ENU is part of the International Police Cooperation Division, comprising four sections:

- coordination and strategic analysis section
- operational cooperation section
- criminal intelligence section
- liaison officers group.

The total staff of 19 officers has direct access to all centrally managed databases but needs to forward requests via 'phone or mail to the specialised units holding individual databases in order to gain a comprehensive overview of all data existing on a specific topic or individual. The experts' findings showed that in a single case the established procedures took more than two months before Czech authorities could answer an international request. A direct access to all databases would allow the ENU to answer in a more timely manner. The ENU serves as a support to the Bureau of criminal police and investigations for its compiling of Czech contributions to Europol's OCTA.

Wherever Member States are involved, the ENU also serves as the central coordination point for controlled deliveries.

Though having a strategic analysis section, this capacity is according to own statements still to be developed.

At present there are no customs officers seconded to the ENU but an agreement has been concluded and an officer is expected to start soon. Initially this officer will be in post for two days per week, but it is envisaged that this will ultimately become a full-time post. Technical preparations to enable full access to the customs databases are ongoing.

6.7.5. Czech National Desk at Europol

The desk is physically located within Europol and uses the infrastructure made available to it by Europol. The desk is recognised as part of the ENU but the officers, due to technical and financial restrictions, do not as yet have direct access to the databases available at the ENU. Even if these restrictions are overcome and access were to be realised, this would not include access to the protocol system of the International Police Cooperation Division.

RESTREINT UE

6.7.6. Information related to AWFs

All Czech law-enforcement authorities currently participate through the ENU in 13 AWFs. Investigating units are obliged to provide information from ongoing cases in a timely fashion to AWFs but this contribution is dependent on goodwill. According to representatives from the ENU, from their perspective this system works well, yet the ENU continues to raise awareness of the added value a timely provision of information will bring.

The experts realised that the fact that several units contribute to the same AWF would result in enhanced coordination requirements when it comes to participation in experts' meetings, distribution of information and synchronising of contributions to avoid overlap and duplication. The ENU distributes information received from Europol to all those participating units but representatives were not aware of the level of coordination between those units.

They also reported that where the International Police Cooperation Division received information that needed to be processed via e.g. Interpol, but which could also be relevant for a Europol AWF, the ENU would not take the decision to forward the information to Europol without permission of all Czech units participating in that particular AWF.

The experts consider that this procedure might result in valuable information not being forwarded to AWFs in a timely manner or not at all.

6.7.7. Europol Information System (EIS)

For the last six months the Czech police have been running a project to design an application for the automated upload of information to the EIS but the lack of a unified and central database is a bar to this objective. Eventually a combination of manual¹ and automated² uploads will have to be implemented. If the project presented is fully implemented (see 6.5.4.), this might allow for a fully automated system.

¹ Information from individual databases.

² Information from nationwide coordinated databases.

RESTREINT UE

The ENU will have direct access to the EIS. Police officers from units holding separate databases will have the opportunity to come to the ENU and input their data to the EIS themselves or process the data via intranet to the ENU for further handling and processing. The application is expected to be ready for implementation at the beginning of 2006.

6.7.8. Awareness

The Czech awareness programme run by the ENU is far from being comprehensive. Owing to limited resources, for the time being it covers mainly the Organised Crime Unit and regular meetings with directors and deputies of central units. Regional and local units should eventually also be included but there are no concrete plans in this regard.

International police cooperation is covered in police training courses in the Czech Republic¹. In some of these courses presentations are given by members of the Europol National Unit by invitation.

Europol's products are mostly distributed to specialised units which then become responsible for onward distribution. Some information is made available using intranet websites but there is no central overview available products and information.

The evaluation team realised that there was limited knowledge about the role and tasks of Europol and about Europol's products in all decentralised units. Even at the central level, only some units and officials seemed to be well-informed. The added value of Europol was clearly not yet well-perceived and the team is convinced that a more structural impetus would contribute to enhancing the awareness of the role and tasks of Europol and the benefit Europol offers for own and other Member States' investigations and operations.

6.7.9. Assessment of Europol's value

Information received from those officials who had contacts with Europol led to the conclusion that Europol's analytical support as well as the analytical material on European level is highly appreciated and valued.

¹ e.g.: 3-month courses for new members of the criminal police and investigation service or 6 to 9-week specialisation courses for members of units with nation-wide competence.

RESTREINT UE

The few concrete examples where the Europol channel was used for information and criminal intelligence exchange were positive and showed a timely and comprehensive response, offering added value for own operations and investigations. However, even considering that some of the negative examples given were not based on concrete and own experiences but rather on hearsay, the overall picture appeared very diverse and led to the experts' conclusion that there is room for further improvements through enhanced awareness programmes.

7. GENERAL CONCLUSIONS AND RECOMMENDATIONS OF THE EXPERT TEAM

The expert team realised that the Czech Republic has a very complex law-enforcement structure resulting in the need for a sophisticated information and criminal intelligence exchange system and that the Czech authorities were engaged in a constant development of law-enforcement organisation and the infrastructure made available for it.

They also considered that there seemed to be room for advancing the acceptance of the need for inter and intra-institutional cooperation within Czech law enforcement. Regarding cooperation with and through Europol, this is still the exception rather than common practice, despite the fact that Czech law-enforcement authorities participate in 13 AWFs.

In the light of the findings outlined in this report the experts found it appropriate to make the following recommendations:

7.1. FOR THE CZECH REPUBLIC

7.1.1. Fully implement the project presented concerning the Analytical and Coordination Centre for Strategic Information as a priority and involve and inform law-enforcement agencies and units concerned. (See 6.3., 6.5.4. and 6.6.5.)

7.1.2. Establish a comprehensive national criminal intelligence and information model including:

- formal rules and procedures for the notification and sharing of information, criminal intelligence and analytical products locally, nationally and internationally;
- an automated crosschecking mechanism for information and criminal intelligence stored in relevant databases;
- the establishment of a centralised registration system. (See 6.6.1, 6.6.2, 6.6.3, 6.6.6, 6.7.1 and 6.7.2.)

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7.1.3. Ensure that the organisation structures of public administration, police and judiciary allow for efficient communication, cooperation and data exchange and sharing. (See 6.4.1.)

7.1.4. Optimise the use of the International Police Cooperation Division for international communication. In cases of direct exchange of information and criminal intelligence ensure the division is properly informed of such communication. Enable direct access for its officers and the Czech liaison officer at Europol to all relevant law-enforcement databases and information systems (for example criminal intelligence databases). As an immediate improvement to include International Police Cooperation Division representatives in meetings for international information exchange wherever possible and appropriate. (See 6.5.1, 6.5.1.1, 6.5.1.2, 6.5.1.3, 6.5.3, 6.5.4, 6.6.6, 6.7.1, 6.7.2, 6.7.3, 6.7.4 and 6.7.5.)

7.1.5. Instruct law-enforcement authorities at all levels to enhance the systematic use of Europol;

- raise awareness regarding the role and tasks of Europol, taking due account of the requirements of all law-enforcement units concerned, specifically by making use of existing knowledge of Europol gained as a result of EU training projects;
- continue to increase the information flow to and via Europol; when exchanging information via other channels take due consideration of Europol's projects and AWFs;
- improve coordination of the Czech contribution to AWFs;
- actively disseminate Europol products more widely. (See 6.7.1, 6.7.2, 6.7.6, 6.7.8 and 6.7.9.)

7.1.6. Develop cooperation within the police and between police and customs to become more proactive, with periodical meetings for strategic and tactical information exchange and joint planning of operations. (See 6.6.6 and 6.7.2.)

7.1.7. Clarify both nationally and internationally the roles and competences of different law-enforcement units in the fight against financial crime and money laundering and inform relevant partners. (See 6.4.1.2, 6.4.1.3 and 6.4.1.4.)

7.1.8. Implement a system for swift and secure electronic communication between all law-enforcement services and implement the application for contribution to the EIS without delay. (See 6.5.1.1, 6.6.3, 6.6.4, 6.7.5. and 6.7.7.)

RESTREINT UE

7.2. FOR EUROPOL

7.2.1. Consider developing an overview of Europol products available to Member States and disseminating or publishing it for interested recipients, e.g. by publishing it on Europol's website. (See 6.7.8.)

7.3. FOR OTHER MEMBER STATES

7.3.1. Consider the implementation of a common protocol or logging system for all international communications. (See 6.7.3.)

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PROGRAMME OF VISITS

22 November 2005

Ministry of the Interior Building, Nad Štolou 3, Prague 7, 170 34 , room 107

9.00 –12.00

Invitation of Evaluation Team members, presentations of invited departments/sections

9.00 - 9.30 **Invitation of Evaluation Team members, Security Policy Department**

9.30 - 10.00 *presentation* - **International Police Cooperation Division**

10.00 - 10.30 *presentation* - **Unit for systematic management and informatics**

10.30-10.45 coffee break

10.45 - 11.15 *presentation* - **Unit combating Corruption and Financial Crimes**

11.15 - 11.45 *presentation* - **Illegal Proceeds and Tax Crime Combating Unit**

11.45- 12.15 *presentation* - **Financial Analytical Unit**

lunch 12.00- 13.30

13.30- 16.15

13.30 - 14.00 *presentation* - **Organised Crime Unit**

14.00 - 14.30 *presentation* - **National Drug Headquarters**

14.30 – 14.45 coffee break

14.45 - 15.15 *presentation* - **Supreme Prosecutor's Office**

15.15 - 15.45 *presentation* - **Directorate-General of Customs**

15.45 - 16.15 *presentation* - **Bureau of Criminal Police and Investigation Service**

19.30 dinner

23 November 2005

BRNO

10.00 –12.30

Visit to Organised Crime Unit - Brno regional branch

12.00 –13.30 lunch

14.00- 16.00

Visit to a special Police Department – Police Town Headquarters Brno

24 November 2005

Police Presidium building, Strojnická 27, Prague 7,

9.00 – 12.00, 14.00- 16.15

Visit to the International Police Cooperation Division

– Europol National Unit

– Interpol National Unit

– Sirene National Office

12.00 –13.30 lunch

RESTREINT UE

ANNEX B

LIST OF PERSONS MET

Section/department	Participants	E-mail
OBP/Security Policy Department	Karel Bačkovský Lucie Hasnedlová Vendulka Hubáčková Benedikt Vangeli	bajo@mvr.cz lucas@mvr.cz hupr@mvr.cz vangeli@mvr.cz
NSZ/ Highest Prosecutors Office	Přemysl Polák	polak@nsz.brn.justice.cz
OMPS/International Police Cooperation Division (IPCD)	Miroslav Hajný Maria Rollová Čestmír Souček Michael Weiss Michal Muravský Alena Šimáčková Libor Trojan Milan Vonášek Ivona Blahová	europol@mvr.cz
ÚSKPV/OKAI/Bureau of Criminal Police and Investigation Service	Igor Troch	
OSŘI/Unit for systematic management and informatics	Renata Tkadlecová Eva Hurytová Karel Hartl	
ÚOOZ/ Organised Crime Unit - central level	Evžen Vesecký	reduooz@mvr.cz
ÚOOZ/Organised Crime Unit - Brno regional branch	Blanka Kosinová Vesecký Blanka Kosinová Jiří Čupera Roman Čech	
NPC/ National Drug Headquarters	Aleš Borovička	npdc@mvr.cz
FAÚ/ Financial Analytical Unit	Jaromír Neužil Jiří Tvrdý	Jaromir.Neuzil@mfcz.cz Jiri.Tvrdy@mfcz.cz
GŘC/ Directorate General of Customs	Marek Martinovský Tomáš Jirásek	m.martinovsky@cs.mfcz.cz

RESTREINT UE

Section/department	Participants	E-mail
MŘ Brno/PTH Police Town Headquarters (PTH) Brno	Martin Bednář Jan Tollar Radko Bébar Pavel Kříž Josef Bečvář Petr Andráši	
FIPO/Illegal Proceeds and Tax Crime Combating Unit	Pavel Zelenák Hana Kudelková	fipoint@mvr.cz -//-
ÚOKFK/Unit Combating Corruption and Financial Crimes	Tomáš VESELKA Zbyněk VANÍČEK	okhphare@mvr.cz
SZB/Permanent representation of the Czech Republic /Brussels	Jan Vyčítal	Jan_Vycital@mzv.cz

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LIST OF ABBREVIATIONS/GLOSSARY OF TERMS

ACRONYM ABBREVIATION TERM	ENGLISH TRANSLATION OR EXPLANATION
AWF	Europol's Analytical Work Files
BdL	Bureau de Liaison
BLOKACE	System for the coordination of operational work
CIG	Common Intelligence Group
EIS	Europol Information System
EMCDDA	European Monitoring Centre for Drugs and Drug Addiction
ENU	Europol National Unit
FIU	Financial Analytical Unit
IAC	Intelligence Activity Committee
MOU	Memorandum of Understanding
NCB	Interpol National Central Bureau
NDH	National Drug Headquarters
NFP	National Focal Point
PEGAS	Database of the Unit for Organised Crime
PWGT	Police Working Group on Terrorism
SCID	System Control and Informatics Division
SCPI	Analytical and Coordinating Centre for Strategic Information