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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 SPAIN

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Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

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# RESTREINT UE



COUNCIL OF  
THE EUROPEAN UNION

Brussels, 8 November 2005 (21.11)  
(OR. en)

14010/05

RESTREINT UE

CRIMORG 125

**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 SPAIN**

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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 among 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. Spain is the fifteenth Member State to be evaluated during the third round of evaluations.
- 1.5. The questionnaires 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: Ms Elke ABEE (Germany), Mr Preben Juel HANSEN (Denmark) and Mr Pascal COURTIN (France). Two observers, Mr Francisco MATIAS (EUROPOL) and Mr Michael CARLIN (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 Spanish 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 of the external exchange of information (4) and then deals more specifically with Europol (5). In the last chapter, the experts make a global technical evaluation and then propose some recommendations to enhance cooperation and effectiveness in the exchange of information within Spain and with other Member States and Europol.

## 2. GENERAL INFORMATION AND STRUCTURES <sup>1</sup>

### 2.1. LEGAL BASIS

Both in dealing with organised crime and more generally in investigating any kind of crime, exchange of information is governed in Spain by:

- (1) the provisions on judicial cooperation in criminal matters under the Treaty on European Union (Title VI);
- (2) the European Convention on Mutual Assistance in Criminal Matters (Strasbourg, 20 April 1959), ratified by Spain on 14 July 1982, and the Additional Protocol to it (17 March 1978);
- (3) the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union, ratified by Spain on 15 October 2003;
- (4) the Convention implementing the Schengen Agreement of 14 June 1985 (Schengen Convention), which specifically includes exchange of information between Member States within police cooperation;
- (5) Convention drawn up on the basis of Article K3 of the TEU, on mutual assistance and cooperation between customs administrations (Naples II);
- (6) Convention relating to the use of Information Technology for customs purposes (SIA).

Spanish legislation also makes provision for protection of personal data, as required by international rules endorsed by Spain:

- the Council of Europe Convention of 28 January 1981;
- Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995;

This it does by means of the following:

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<sup>1</sup> This part of the report is based largely on the answers to the questionnaire.

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- Framework Law No 15/99 of 13 December 1999 on protection of personal data (along with Royal Decree No 1332/94), Articles 21, 33 and 34 of which regulate international transfer of data, allowing data to be passed between domestic or foreign public authorities where the bodies concerned are responsible for matters of the same kind; an Order of 30 June 1995 from the Police Directorate-General, stipulating that data compiled for police purposes may not be shared between different police units unless a legitimate interest in doing so can be established within their spheres of responsibility;
- Instructions No 1/00 of 1 December 2000 from the Data Protection Agency (the Spanish personal data authority), deeming the other 14 existing Member States to be safe recipients.

Police cooperation with other European Union Member States by way of Europol follows the procedures laid down in the Europol Convention and implementing provisions adopted under it. Bilateral or multilateral exchange of information with other EU Member States would fall outside the scope of Europol and thus not come within the national unit's sphere of responsibility.

The provisions applicable are:

- the Europol Convention;
- Framework Law No 2/86 on security forces;
- Royal Decree No 1599/04 adjusting the basic organisational structure of the Ministry of the Interior.

Such information is also exchanged via Sirene and Interpol national central bureaux, within their respective spheres of responsibility.

The Sirene bureau deals with exchange of information between Member States under the Schengen Agreement, such exchange being governed by the Schengen Convention, as referred to above, the Sirene Manual and the Handbook on Cross-Border Police Cooperation.

Bilateral or multilateral exchange of information with other EU Member States and with non-member countries is channelled via those countries' liaison officers in Spain or via Spain's home affairs attachés in those countries, under the international cooperation powers enjoyed by the relevant national departments' central units.

Work is currently at a very advanced stage on a plan to bring the three international police cooperation units or bureaux (Europol, Interpol and Sirene) under a single management.

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## 2.2. STRUCTURES

As the sole channel for contact between Europol and the departments concerned, the Europol national unit (ENU) always communicates with Europol via its liaison officers, and never with other Member States directly.

Under the procedural rules laid down in the Europol Convention, when a department concerned approaches the ENU for information, the ENU will, after checking that the request is lawful and properly drawn up, pass the request on to its liaison officers at Europol headquarters, who will in turn pass it on to the addressee country's liaison officers. These will then pass it on to the departments concerned and, once the relevant steps have been taken, the same route will be followed in reverse, all the way back to the police unit seeking the information.

The Criminal Investigation Division (CGPJ) is in charge of centralising and coordinating exchange of information via the various channels established, viz. Europol, Interpol and Sirene (Schengen).

Europol provides an important channel for information-sharing and contact between Member States, as well as being the sole point to which information is supplied.

In addition, Spanish home affairs attachés in other countries and foreign liaison officers in Spain act as channels for bilateral and multilateral information-sharing and police cooperation.

Such bilateral interchange also takes the form of personal contacts with counterparts in other countries' security forces and participation in teams specially set up for specific investigations.

Foreign liaison officers in Spain are accredited and coordinated by way of the Criminal Investigation Division's Coordination and Technical Support Section, which also includes the Spanish International Communications Centre (CENCI), an office for sharing international information operating around the clock. It has to be pointed out that Guardia Civil also has a Criminal Analysis Department (DAC) with functions in intelligence requirements and analysis.

The Central Criminal Intelligence Unit (described later) is responsible for processing all information gleaned by the National Police Force throughout the country and for subsequent analysis of such information.

Elsewhere, home affairs attachés stationed abroad are supervised by the International Cooperation and Coordination Unit (UCCI). The Guardia Civil also has personnel posted abroad; they are monitored by the International Cooperation Secretariat of the GC, once the Secretariat of State for Security has authorised their secondment.

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There are channels for which the type of information to be supplied or worked with is laid down by law, such as the Sirene bureau (alerts, surveillance and cross-border hot pursuit). Spain uses its Sirene bureau to pass on Spanish units' requests to other Schengen Member States, whether under provisions in Title IV of the Schengen Convention or for police cooperation under Title III.

In the case of *international letters rogatory*, they are channelled via Interpol, in accordance with Article 53 of the Schengen Convention.

In urgent cases, use is made of either the four *joint police stations* operated with Portugal (Tuy-Valença do Minho, Caya-Elvas, Vilar Formoso-Fuentes de Oñoro and Vila Real de Santo António-Ayamonte) or the *police and customs cooperation centres* operated with France (Canfranc/Somport-Urdos, Le Perthuis-La Junquera, Melles/Pont du Roi-Les and Biriadou-Irún).

The Interpol national central bureau has two police and judicial cooperation sections (letters rogatory and extradition).

The customs authorities have established their own information-sharing arrangements.

Spain is a member of the World Customs Organisation and forms part of its Regional Intelligence Liaison Office (RILO) structure, coming under the Western Europe Office, which involves a network of intelligence liaison officers.

National contact points receive all worldwide information requests and pass them on to the relevant body, which replies to them and follows them up.

Information is also requested from what may be far-flung countries with which no agreement or direct relationship has been established.

To smooth the way for such worldwide relations, there is an encrypted, secure Internet platform, whose facilities include a Customs Enforcement Network (CEN) database.

Use may be made of all the above information channels or only some of them, depending on circumstances and timing. It is up to the investigator to choose which means to use. If an investigation leads to steps being taken in another country, use will be made of the Spanish home affairs attaché stationed in the area.



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The new structure (a management unit embracing Europol, Interpol and Sirene) will facilitate the channelling and coordination of information, cut out duplication and help make best use of human resources.

Framework Law No 2/86 of 13 March 1986 lays down the basic legislation governing the security forces; it distinguishes between nationwide security forces (the National Police Force and the Civil Guard) and regional or local ones.

That law lays down the duties of nationwide security forces and apportions responsibility, in general terms, on both a territorial and a crime-related basis. It requires those duties to be performed by the National Police Force in provincial capitals and in such other sizeable urban areas as the government may specify. They are to be performed by the Civil Guard in the remainder of the country and in territorial waters.

The legislation defines the National Police Force as an armed civilian institution, coming under the Ministry of the Interior, and the Civil Guard as an armed military institution, coming under the Ministry of the Interior in performing its duties pursuant to that law and under the Ministry of Defence in carrying out such military tasks as that ministry or the government may assign it. The Basque and Catalan regional police act as all-round forces within their autonomous regions and have taken on criminal investigation responsibilities. The Europol national unit (ENU) exchanges information with them, receives it from them and passes it to them, just as it also does with the Customs Surveillance Subdirectorate (DAVA) with regard to that customs unit's particular duties in the Europol sphere.

## 3. INTERNAL ORGANISATION OF THE EXCHANGE OF INFORMATION

### 3.1. STRUCTURES

On the part of the National Police Force:

Access to the databases is established according to the professional needs of each officer. All officers have access to the information relevant to their specific work. Furthermore, each police officer has a personal non-transferable access code, through which control is carried out on the databases visited and the information required by each officer.

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The National Police Force has access, restricted and limited as well, to other databases of other official organisations.

As regards the information included in databases of private companies, the National Law Enforcement Agencies have no access to it, and the information included in these databases can only be obtained with a court order.

The National Police Force has the following databases:

PERPOL (It includes the following information, always relating to persons of interest to the police). This database automatically feeds the BDSN (National Marked Targets Database), in relation to the data on marked targets:

- Criminal record
- Police warrants for arrest
- Judicial warrants
- Missing persons, persons wanted, etc.

OBJECTS (All objects of police interest that are able to be individually identified). This database automatically feeds the BDSN (National Marked Targets Database), in relation to the data on marked targets:

- Stolen vehicles
- Jewels
- Stolen weapons
- Forged banknotes
- Stolen documents.

DOCUMENTATION (administrative management applications):

- National Identity Card (It contains particulars of all Spanish citizens over 14 years old).
- Passport and travel documents
- ADEXTTRA. Data on foreigners who have applied for documents in Spain, visas, or persons who are subject to deportation proceedings, have been turned back at the border or returned to their country of origin.

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- SAID or Automatic System for Fingerprint Identification (FINGERPRINTS OF SPANISH NATIONALS AND FOREIGN NATIONALS) <sup>1</sup>
- A.D.N. HUMANITAS (DNA of unidentified human remains)
- A.D.N. VERITAS (DNA FROM CRIME CASES)
- ACUSTICA FORENSE (Forensic acoustics)
- DULCINEA (WORKS OF ART AND CULTURAL GOODS)
- INSTRUMENTS USED FOR INVESTIGATION:
  1. POLICE REPORTS. SIDENPOL
  2. GATI (Information Analysis and Processing Group). Instrument used by the Criminal Intelligence Central Unit in order to coordinate investigations by the National Police Force throughout national territory and to carry out operational and strategic analyses. It has the following applications. From this database the information is incorporated into the SRI:
    - INVESTIGA. It contains all the data and indicators relating to people and objects of all the active investigations of the National Police Force.
    - ARCHIVA. Identity of persons who have been investigated
    - FACTS. It contains an analysis of crime cases.

The databases used by the Guardia Civil are as follows:

- ADNIC. In this database, the DNA data on suspects and victims collected at the scene of the crime are recorded.
- Fénix. Contains DNA data on missing persons and their relatives.
- Artefactos explosivos (Explosive devices). Database that includes data on deactivated explosive devices relating to criminal activities.
- Armas (Weapons). Register of legally documented arms in Spain. It is a Guardia Civil database.

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<sup>1</sup> The SAID database is shared by the Guardia Civil and the National Police Force (CNP).

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- Gevox. Contains data on voices of suspects and illicit activities. It is an experimental database and it is still under construction.
- Embarcaciones (Boats). Contains data relating to boats that are subject to inspection or control by the Fiscal or Maritime Service.
- Intpol. Contains data on persons with a criminal record, crimes committed and serious administrative offences. It includes data on stolen/lost vehicles, arms, documents and objects, as well as data on missing persons and unidentified human remains. The data on persons include a photograph and a physical description. This database automatically feeds the BDSN (National Marked Targets Database), in relation to the data on marked targets.
- Operj. It contains data on criminal investigations and added analytical information. From this database the data are automatically incorporated into the SRI, shared by the National Police Force and the Customs Service.

The databases used by the Deputy Directorate of Customs Surveillance are as follows:

## DATABASES OF THE INLAND REVENUE BOARD

- BDC. Consolidated database that includes all information with fiscal content (income tax returns, corporation, financial and commercial relations, investments, bank accounts) on all the natural and legal persons included in the taxpayers census.
- BUDA. Unified Customs Database: contains all the information on customs and special taxes (DUAS, summary statements, currency movements, etc.). It includes all the investigation files on Customs Surveillance and the registers of natural and legal persons involved in customs fraud, boats and suspect vehicles.

The customs surveillance officers, as a part of the AEAT, have access to all the databases, with the authorisation level assigned to them according to their work and their responsibility level.

A judicial authorisation is required to obtain information with tax content from the AEAT databases.

## EXTERNAL DATABASES USED BY THE DAVA (Deputy Directorate of Customs Surveillance)

- Databases of the Road Traffic Directorate-General
- National Insurance databases
- RCS 2000 (database of the CCLEC on pleasure boats circulating in the Caribbean area)
- Access to SIS
- SIA/CIS. Customs Information System of the European Union.

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- AFIS (Information System against Fraud): the applications of this system are: MARINFO, SISTEMA DE ALERTA PREVIA (early warning system), CIGINFO, VIGILANCIA MARÍTIMA (maritime surveillance).
- CEN. Database of the World Customs Organisation on drugs, tobacco and alcohol seizures, fraud or tax evasion.

A number of databases are shared by Law Enforcement Agencies; this is the case with SAID (FINGERPRINTS identification automatic system), IBIS (REGISTER FOR COMMON BALISTIC ELEMENTS) and also DNA databases.

There are also common databases with restricted access, the main use of which is for investigations; this is the case with the aliens register and National Identification Document.

## 3.2. CHOICE OF COMMUNICATION CHANNEL

International communication channels can generally be said to be chosen in accordance with the following criteria:

Europol: at the stage of investigation or police information-gathering proper, i.e. intelligence, prior to any judicial action. The Europol national unit must be consulted in any investigation showing signs of organised crime links with any other European Union country.

Interpol: as both a judicial and a police cooperation and assistance body. As pointed out earlier, while not excluding other areas, cooperation focuses on handling and carrying out letters rogatory, extradition procedures and international arrest warrants.

Sirene/Schengen: for consultation of SIS facilities and additional information from the Sirene network, under the terms of the Schengen Convention.

Liaison officers: as an alternative or in addition to the above channels. They should be used in bilateral cases involving non-Europol countries.

By means of presentations and training schemes, the ENU explains Europol's international cooperation powers and responsibilities to relevant (investigative) police units.

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As noted earlier, it is those units which decide on the channel to be used for exchanging information in each specific investigation. If the ENU receives any request not coming within its sphere of responsibility, however, the request is forwarded to the party that should provide it with the appropriate answer. Ownership of information is the criterion usually applied. If data come from information obtained by Spanish home affairs attachés, cooperation will be channelled via them; if information is sought by Interpol, the data source will be traced back, without thereby precluding consultation of other parties who may be of relevance or able to supply further information.

The Europol liaison officers' role is to pass on and receive information, in the normal course of Europol's work, as well as channelling information-sharing into analysis work files (AWFs) in which Spain is involved; in this capacity they take part in analysis groups, providing AWF input and feedback.

Spain does distinguish between bilateral and multilateral cases. There is no set selection criterion; the choice of channel hinges on investigative requirements, any pressing needs or other specific circumstances.

Liaison officers and attachés, where available, tend to be used for bilateral contacts; for multilateral contacts, use tends to be made of Europol and Interpol, each within its own sphere of responsibility.

Information-sharing channels are available to all nationwide security forces conducting investigations. All such channels are mutually compatible and there is no legal or practical obstacle to their use together or one after another, as indicated in the preceding section.

The customs authorities use their own particular channels, although they can make use of nationwide security forces' channels.

As regards protection against intruders, for home affairs attachés at Spanish embassies, the technology generally used, in almost all cases, is the Police Directorate-General's internal e-mail, bypassing any private-sector servers; depending on the classification level (sensitive character) of information, use may be made of a better-protected, encrypted internal network ("oficial.dgp").

The Sirene bureau uses SIS-Sirene secure channels.

The ENU communicates with Europol headquarters securely by encrypted e-mail. The Europol Information System is due to be installed shortly, once it has undergone testing.

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## 4. EXTERNAL EXCHANGE OF INFORMATION

### 4.1. DATA EXCHANGE PROCESS

EUROPOL national unit: Quantitatively speaking, according to available figures, Spain ranks fourth in the EU for information-sharing requests received from Member States. For information requests made by the Spanish national unit to other Member States, at the instigation of our departments concerned, Spain also ranks fourth. By number of cases initiated, however, Spain comes ninth out of all Member States. Qualitatively speaking, Spain greatly appreciates the standard of information received from three countries: Finland, Germany and the United Kingdom.

For information requests received by the Europol national unit, the main requesting countries are the United Kingdom, Germany, Portugal, France and Finland. Over the last two years, however, Europol has become the leading requester of information from Spain.

Requests made by Spain are very evenly distributed across most Member States; if anything, Europol, the United Kingdom, the Netherlands and Germany show a slight lead.

The ENU has not met with any information-sharing obstacles which could not in the end be overcome, by supplying further details or by clarifying some points in the request.

The Sirene bureau reports that information flows between Member States via the SIS generally work well.

For information exchange between the Sirene bureau and its counterparts in other Member States, the main countries are France, Italy and Portugal (in requests received). Spain itself most often requests information from France, followed by Italy, Germany, Belgium and Portugal. The first two countries usually reply quickly and in full, while Germany takes longest to reply and does so least fully.

There has at times been some delay in replying to requests for police cooperation; this might be due to decentralisation of police databases in different places.

The problem will be resolved very soon, when Sirene, Interpol and the Europol national unit are integrated into a single office or management unit, coming under the Criminal Investigation Division, as planned.

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The joint police stations are run with France and Portugal and Spain carries out occasional joint operations with other Member States, without Europol involvement.

The reason for this is that the protocol amending the present Europol Convention, so as to make provision for Europol to participate in joint investigation teams, has not yet been ratified by the Spanish Parliament. These proceedings are at a very advanced stage and may be completed in mid-2005.

## 4.1.1. INFORMATION OWNERSHIP

Spain is sometimes unable to reply to a request for information, because of the need for judicial authorisation of access to the data sought (e.g. mobile phone ownership). In such cases, the requesting party is informed of the need to supply the appropriate *international letters rogatory* or asked to send details of the case, including relevant criminal records, so that suitable judicial steps can be taken in Spain.

The national unit quickly gives an *initial reply*, supplying the information obtainable from centralised police records: the national alerts database (BDSN), a unified database for nationwide security forces, showing criminal records, vehicles and aliens, as well as other records. This is possible since the national unit can directly access the databases and deals with the documents in English without the necessity of prior translation, which helps to speed up all request procedures. Use may also be made of other public records to which the national unit has access (the business register).

That initial reply usually draws on input from the Central Criminal Intelligence Unit (UCIC), which shows the result of checking the information supplied by the ENU against the police investigation database. The Central Criminal Intelligence Unit coordinates, assesses operational aspects of, and establishes strategies and objectives for, police investigations carried out by the National Police Force in Spain.

Further material is then supplied in a *second reply*, including information obtained from other police forces and from enquiries carried out by staff at the Europol national unit, based in the Madrid region.



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Some replies require more elaborate steps, which may involve consulting other institutions or departments concerned, thus possibly giving rise to some delay.

For Sirene, replies to requests received from other countries are generally supplied very quickly, especially if the information sought is available from databases consultable by the bureau. In other cases, information has to be obtained from local units, thus causing some delay.

## 5. EXCHANGE OF INFORMATION BETWEEN MEMBER STATES AND EUROPOL

### 5.1. DEFINITION OF INFORMATION AND INTELLIGENCE

Under the breakdown of nationwide security forces' substantive and territorial responsibilities, as laid down in Framework Law No 2/86 on security forces, the National Police Force is responsible for international cooperation and assistance for police in other countries. The Guardia Civil also exercises functions of international law enforcement cooperation under its own legal provisions. That is the reason why the GC is participating in a large number of cooperation activities with different countries.

The Europol national unit (ENU) therefore structurally forms part of the National Police Force. Under Royal Decree No 1599/04 adjusting the basic organisational structure of the Ministry of the Interior, moreover, cooperation with Europol, engaged in via the ENU, is assigned to the Criminal Investigation Division (CGPJ).

The ENU permanently incorporates two Civil Guard officers. In addition, it includes three liaison officers from the Catalan regional police (also covering Interpol and Sirene), one from the Basque regional police (also covering Interpol) and one from the Customs Surveillance Subdirectorate (DAVA).

The Spanish National Unit also includes members of the National Police, Guardia Civil and Customs officers; whereas the Spanish Liaison Bureau at Europol is represented only by National Police and Guardia Civil members, bearing in mind that the Guardia Civil is also tasked with customs functions.

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For communications with the various departments concerned, the national unit has direct encrypted e-mail connections with the Civil Guard, with the Basque and Catalan regional police forces, with the Customs Surveillance Subdirectorate and with the National Anti-Terrorist Coordination Centre (CNCA), which draws on information from nationwide security forces and from the National Intelligence Centre (state security service).

Spain's Interpol bureau and Europol national unit come under the same direct hierarchical authority, their offices are located in the same building and outside information reaches them via a one-stop focal point: the Spanish International Communications Centre (CENCI).

The necessary steps are currently being taken for the Sirene bureau to be brought under the same direct authority, thus placing the three international police cooperation offices under one management.

Although the Europol national unit comes within one of the National Police Force's central units, the Criminal Investigation Division, it has in place the necessary links to handle relations with all bodies involved in the area covered by Europol's remit, both inside the Police Directorate-General (the Information, the Forensic Science and the Aliens and Documentation Divisions) and at the Civil Guard and the Customs Surveillance Subdirectorate. In matters of money laundering occasional links could arise between SEPBLAC and ENU.

The ENU requests data or information directly from the Central Criminal Intelligence Unit (UCIC), which, as noted, is responsible for processing, managing and coordinating data gleaned from the National Police Force's work throughout the country and for compiling the organised crime situation report.

If the request concerns specialist units, such as the Drugs and Organised Crime Unit (UDYCO) or the Specialist and Violent Crime Unit (UDEV), the ENU may request data directly, while notifying the Coordination and Technical Support Section (JCAT), for its information. If the request affects specialised units of the Guardia Civil, the ENU should request the data from the Criminal Analysis Department (DAC) of the Criminal Police Technical Unit.

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Spain has given specific instructions, within the National Police Force, for operational units to supply all information required from them, via the national unit, both for other Member States and for the central organisation.

Steps taken to encourage information-sharing via Europol begin as soon as the Spanish authorities express an interest in taking part in a particular initiative, whether an operational project or an analysis work file. In doing so, the unit or department involved commits itself to following the initiative through, by supplying data and attending meetings held on it.

In July 2004, moreover, the Operations Subdirectorates-General issued a circular requiring that the ENU be informed whenever members have reason to believe that they are dealing with unlawful activities which might affect other Member States.

Spanish liaison officers at Europol keep in regular touch with their counterparts from other Member States. Such contact is stepped up as required by the practical needs and special nature of particular information-sharing, e.g. for surveillance operations, for controlled deliveries or where highly sensitive information is involved.

The liaison officers most frequently and readily contacted are those from the United Kingdom, the Netherlands, Denmark, Finland and Germany, who in turn most readily and regularly approach the Spanish liaison officers.

The national unit has taken a great interest in making operational units aware of Europol as a police cooperation body. Training seminars organised by the Europol national unit, along with the Sirene bureau, at which various local and national units are informed about both offices' operation, also serve to encourage use of Sirene and the ENU.

It has therefore, in coordination with the training department, arranged some decentralised training schemes, ending in December 2004, with visits to all provincial police headquarters and central units, as well as some major local police stations, to give talks disseminating information about Europol's role, work and duties and about the areas covered by its remit and the opportunities and added value available from it for the various security forces' local branches and operational units.

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The Central Criminal Intelligence Unit (UCIC) is at present drawing up instructions, for local units, to step up information-sharing by way of Europol. The GC has made a great effort in training its members in the use of the international cooperation instruments, with the support of the ENU. In particular, sufficient material on this matter has been included in all the training and specialisation courses, and a round of seminars has been held in all the regions of Spain, aimed at intermediate-level police officers, which have been attended by more than 4000 members.

## 5.2. NATIONAL EUROPOL UNIT

There is no legal definition of *intelligence* or *information*, which are taken to have the same meaning. In their interpretation of the terms *information* and *intelligence*, the relevant authorities and police units follow the approach taken by Europol in its analytical guidelines. More precisely, the Europol National Unit interprets these two terms following the same Europol approach.

In accordance with Law No 9/68 of 5 April 1968 on official secrets, as implemented by Decree No 242/69 of 20 February 1969 and a Cabinet Order of 28 November 1986, the State Secretariat for Security issued its Instructions of 14 October 1988 on classified material.

Under those Instructions, the following classification levels and criteria apply:

- (a) SECRET (*SECRETO*);
  - (1) encryption keys and material;
  - (2) the structure, organisation, facilities and specific operating procedures of the intelligence services, as well as their sources and any information or data which may reveal them;
- (b) HIGHLY CONFIDENTIAL (*RESERVADO*):
  - (1) special staff assignments;
  - (2) security plans for public institutions or organisations, for centres or agencies run by the armed forces or nationwide security forces and for armaments production plants;
  - (3) protection plans for individuals to be protected;
  - (4) lists of units' staff, facilities and equipment;

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- (c) CONFIDENTIAL (*CONFIDENCIAL*): documents not classified as secret or highly confidential which, in the view of the issuing unit's head, warrant greater than normal protection (generally speaking, all operational policing matters or matters covered by Framework Law No 5/99 on protection of personal data, as referred to above).
- (d) All documents required for the planning, preparation or implementation of documents referred to in the preceding subsections, as a whole, are to be treated as secret, highly confidential or confidential, as appropriate.
- (e) Classification extends to matters treated as classified under international treaties or agreements validly entered into by Spain and international organisations or allied powers affording the same level of protection as the Spanish classification system.

There are not, as a rule, any special conditions to be fulfilled before information can be passed on to Europol, save where any legal or confidentiality restrictions prevent information from being supplied or require it to be supplied at a particular time or subject to specific handling rules. Nevertheless, for all information provided by the national unit, any stipulations made by the information's owner are strictly observed.

Information may be supplied at any time: before, during or after an investigation, depending on whether an operational project, an analysis work file or a question outside Europol's remit is involved. The same applies to information input into analysis work files in which Spain is involved, although in this case it is more usual for information to be supplied after an investigation has been completed. For incidental questions or questions outside its remit, too, Europol is allowed to have the information requested.

The exceptions to the requirement for the ENU to supply information concern cases in which essential national security interests would be harmed, or current investigations or specific state security intelligence activities jeopardised.

However, it is unusual for information requested to be withheld on those grounds and, as has been seen, only data held on ongoing investigations might be subject to some restrictions, although in practice the departments concerned will allow the requested information to be supplied or select part of it for supply to requesting units in the first place.

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## 5.3. USE OF INFORMATION AND EUROPOL ANALYSIS CAPABILITY AND PERCEPTION OF EUROPOL VALUE

Europol decides to open an analysis work file (AWF) after experts from various Member States have first met to assess the impact of criminal activities in their own countries.

When deciding to take part in a particular AWF, a Member State may be presumed to be showing the importance to it of a type of crime by which it is affected. In joining an AWF, moreover, it tacitly agrees to go on supplying information of relevance to that AWF, irrespective of any tangible benefit to any of the participating Member States.

Spain is involved in all AWFs considered by its experts, after attending preliminary meetings and looking at AWF-opening orders, to be of interest to their own units. As regards information input into AWFs in which Spain has no particular interest, there is no difficulty in responding to any specific information requests to the ENU from an analysis group.

## 6. EVALUATION BY THE EXPERT TEAM

### 6.1. Introduction

The evaluation of Spain took place from 18 to 20 May 2005 and the experts wish to emphasise the excellent preparations made by the authorities, both in the conduct of the evaluation and in the opportunity provided to have efficient meetings with all of the services, thus allowing a very broad oversight of the whole international cooperation issue in terms of exchanges of information between enforcement services.

Spain, a country of a little over 40 million inhabitants, has a total of 1 918 kilometres of land borders shared with Andorra (64 km), France (623 km) and Portugal (1 214 km). The closeness of the extreme northwest of Morocco means that the cities of Ceuta et Melilla are practically considered as immediate borders with the country. In addition, Spain has a coastline of 4 964 km. With the huge territorial spread, Spain also has a great variety of law enforcement agencies including in particular two major police services (National Police and Civil Guard) and also three completely independent police forces: Ertzaintza- the Basque police - Mossos d'Esquadra- the Catalan police - and Policia

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Foral, the autonomous Navarre Police. All of these forces taken together represent a workforce of some 190 950 of whom 53 750 are attached only to the local police or what is more commonly called the municipal police.

In general, the experts noted that the internal organisation of the police services is highly developed with a very large number of databases available. As in many other Member States, a certain number of structures are either being reorganised or still being set up in order to develop interdepartmental coordination at internal level a little further. In terms of international relations, Spain appears to give precedence to bilateral contacts in everyday field work. However, the authorities made no secret of their concern to harmonise internal use of cooperation channels and, for example, to give some priority to the use of the EUROPOL channel, which is clearly still under-used in the light of the services currently offered. It should be noted in this connection that all the players met expressed a desire to use the EUROPOL tool more fully in the future. One of the practical demonstrations of that desire was a circular from the judicial police directorate urging all National Police services to use EUROPOL, whenever necessary, to fight organised crime. It is worth pointing out that that circular draws particular attention to the quality of the information transmitted to EUROPOL by the national services and to EUROPOL's potential operational role. The descriptions below give details of all the aspects referred to above.

## 6.2. Internal organisation of exchange of information.

### 6.2.1. DEVELOPMENT OF POWERS SHARED BETWEEN THE SPANISH NATIONAL POLICE FORCE AND THE GUARDIA CIVIL

It is Statutory Law 2/86, of 13 March that establishes the legal framework for the Law Enforcement Agencies (FFCCS: Fuerzas y Cuerpos de Seguridad), distinguishing the National Law Enforcement Agencies (FFCCSE: Fuerzas y Cuerpos de Seguridad del Estado), the National Police Force and the Guardia Civil Force, from other regional and local law enforcement agencies.

In the case of the Basque and Catalan Autonomous Regional Police, the law refers to their comprehensive police nature, always within their territorial framework, even allowing them to take on judicial police powers.

The powers shared by the National Police Force and the Guardia Civil, are the following:

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- In the first place, the provisions of the Statutory Law on the Law Enforcement Agencies, 2/86, in Article 11, regarding the general functions of the National Law Enforcement Agencies, among others:
  - To investigate crimes in order to identify and arrest the suspects, to secure the instruments, effects and evidence of crime, by putting them in the custody of the competent judge or court, and to produce the relevant technical and expert reports.
  - To collect, receive and analyse data of interest for public order and safety, and to study, plan and execute methods and techniques for the prevention of crime.

The aforementioned functions will be carried out according to the following territorial distribution of powers:

- The National Police Force carries out these tasks in the provincial capital cities and in the municipalities and urban settlements that the Government determines.
- The Guardia Civil will carry out these tasks in the rest of the national territory and its territorial waters.

Article 12 details the specific functions of both Law Enforcement Agencies:

The National Police Force will carry out:

- Issuing of national identity cards and passports.
- Control of entry and departure of Spanish and foreign nationals into and from national territory.
- Those powers provided for in the legislation governing aliens, asylum and refugees, extradition, expulsion, emigration and immigration matters.
- Surveillance and inspection of fulfilment of the rules on gambling matters.
- Investigation and prosecution of drug-related crimes.
- Cooperation with and assistance to Police Forces in other countries, in accordance with the provisions of International Treaties or Agreements on Laws, under the overall direction of the Ministry of the Interior.
- Control of private security, surveillance and investigation entities and services, of their staff, means and actions.
- Other powers conferred on them by current legislation.



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The Guardia Civil will carry out:

- The powers deriving from the current legislation on weapons and explosives.
- State fiscal protection and actions to prevent and prosecute smuggling.
- Surveillance of traffic, transit and transport on inter-city public roads.
- Guarding land communication routes, the coast, borders, ports, airports and centres and premises requiring protection.
- Enforcement of the provisions on the conservation of nature and the environment and of water resources, as well as hunting, forests and other nature-related resources.
- Inter-city transport of prisoners and detainees.
- Other powers conferred on them by current legislation.

2. National Law Enforcement Agencies are required to cooperate with each other in performing their respective tasks.

3. National Police and Guardia Civil stations will both act as offices for the reception and processing of documents addressed to the authorities of both Agencies.

- Several bodies have been developed for coordination:

At national political level, the State Secretariat for Security governs the National Law Enforcement Agencies. At provincial and regional level there is also a common Control Authority (the Deputy Government Delegate and the Government Delegate, respectively).

- The recently established CEMU (Executive Board of the Unified Command) brings together senior political representatives of the National Police Force and the Guardia Civil in order to reinforce coordinated management of tasks in the National Law Enforcement Agencies. The CEMU's functions are to produce, implement and monitor the programmes, procedures and integrated action services of the National Police Force and the Guardia Civil. The CEMU also ensures the coordination of both Agencies in the development of their functions on international police cooperation, public order, information and investigation, criminal police, infrastructures and material.

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The experts noted that the Coordination Board of the Secretariat of State for Security acts mainly as a coordinator of projects and of the programme that can also be used for major events (Americas Cup or Olympic Games, for example). This unit of some 120 staff ensures high-level coordination and is therefore not just an intermediate structure competing with major police directorates. In practice, it is the chef de cabinet in that Secretariat who takes decisions after consulting operational police directors.

Furthermore, under the control of the State Secretariat, there are coordination offices for specific matters in relation to drug trafficking, money laundering and related crimes. According to the Spanish authorities, these offences account for 70% of all criminal cases. Specifically, there are two boards with coordination functions:

- The Analysis and Research Board, whose functions are the management of the SRI, the investigations recording system, in which data on the above-mentioned matters (drug trafficking, money laundering and related crimes) are entered by the National Law Enforcement Agencies and the Deputy Directorate of Customs Surveillance. There are plans to include data from the autonomous regional police forces, so that the system will detect possible similarities between investigations, and the task of the board is to be extended to the production of strategic reports on trends in the matters they deal with.
- The Concerted Action Board is in charge of resolving possible matches between data from the Law Enforcement Agencies, and deciding to continue the investigations, as well as taking definitive charge of coordinating them.

There are plans to extend data included in the SRI to those relating to all organised criminal groups, regardless of which criminal activity they are involved in.

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The system put in place by the Spanish authorities, which is in the same building as the national anti-drug coordination centre, has the advantage of bringing together information both from the Guardia Civil and from the National Police and the DAVA (Customs Surveillance Subdirectorate). Nevertheless, the experts consider that the current practice of limiting information introduced by the Law Enforcement Agencies and the Deputy Directorate of Customs Surveillance (DAVA) <sup>1</sup> -drugs, money-laundering and associated crime- is no longer in line with the profile of international crime. That being so, the Spanish plan to include in the SRI all information relating to major crime (serious and organised crime) is to be earnestly encouraged so that it can be put in place without delay. The evaluation team had already been informed about the conversations between the Law Enforcement Officers and the Secretariat of State on extending the information introduced into the system to include other offences related to organised crime; for this reason it is proposed that the SRI will shortly be widened to include the speciality of Organised Crime.

Similarly, the plan to integrate the autonomous police into the SRI system must also be encouraged. At the moment, despite the shared databases at national level, the autonomous police do not participate in the national databases on investigations in progress. The prospect of involving them in the SRI system should prevent duplication of work and the risk of the national police and the autonomous police not being aware of cases being dealt with by the other one. Instruction No 5 of the Secretariat of State, of 21 March 2005, provides the working rules of the SRI for the Law Enforcement Agencies, and has provided for the participation of the autonomous regional police forces <sup>2</sup>.

Setting a timetable will enhance the development of a flagging system. Pending that, a similar system for the autonomous police, enabling them to be aware that a file has been opened and/or that enquiries are in progress would promote greater efficiency of all forces throughout the territory.

At local level, the Local Boards of Security periodically meet and act as a coordination body in their territory. As regards criminal police matters, there is also a coordination mechanism: The Criminal Police Commissions.

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<sup>1</sup> The SRI is not a database to which all the stakeholders have direct access, but a system that detects matches between data and coordinates investigations.

<sup>2</sup> Instruction No 5 of the Secretariat of State 21 March 2005.

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Although the Law Enforcement Agencies Act regulates matters that are within the competence of the National Police Force, the Guardia Civil and the Deputy Directorate of Customs Surveillance, sometimes certain units can investigate common issues: drugs trafficking, which is investigated and prosecuted by the National Police Force, whereas the Guardia Civil and the Customs Surveillance Service are in charge of actions for preventing and prosecuting smuggling.

As regards organised crime in general, the National Police Force and the Guardia Civil have powers regarding any criminal act occurring in national territory. If the investigation leads to the jurisdiction of another agency, the law provides that the other agency must be informed of their action.

In this sense, shared powers of the National Police Force and the Guardia Civil, as stated above, include drug trafficking, money laundering and related crimes, as well as those related to organised crime groups that initiate their activities in their territorial jurisdiction but continue it in the jurisdiction of the other agency. In these cases, besides communicating this action to the other agency, the aforementioned coordination bodies come into operation.

Action at border posts: The National Police Force carries out checks on documents and persons, and the Guardia Civil carries out checks on goods.

## 6.2.2. SPECIAL POWERS OF THE GUARDIA CIVIL AND THE CUSTOMS SERVICE IN CRIMINAL MATTERS

### 6.2.2.1. GUARDIA CIVIL

The Guardia Civil, according to the provisions of Statutory Law 2/86, has the legal status of the Fiscal Security of the State. As such it has the following functions:

- In customs premises: to perform functions relating to the operations of merchandise dispatch (export, import and transit), under the control of the Customs Authority. Likewise, it is part of the Customs Risk Analysis Offices.

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- Outside customs premises: to prosecute smuggling offences relating to special taxes (tobacco products, hydrocarbons and alcohol). According to the amount that has been evaded, the sanctions can be administrative or criminal. If the action is criminal, the Guardia Civil acts as criminal police.

## 6.2.2.2. CUSTOMS

The Customs Service, named the Deputy Directorate of Customs Surveillance (DAVA), is integrated into the Customs and Special Taxes Department of the Government Agency for Tax Administration and has powers of Fiscal and Customs Security, basically outside the customs premises.

Royal Decree 319/1982 determines both the structure and the powers of the Deputy Directorate of Customs Surveillance. As regards powers, it establishes the following:

- Detection, prosecution and prevention of smuggling offences in national territory, territorial waters and air space.
- Inspection, investigation and control tasks assigned to it by the Customs Inspection Services.
- Participation in investigations, surveillance and control regarding special taxes.
- Cooperation in exchange control with competent bodies.

In the same way, Law 66/1997 of 30 December on Fiscal, Administrative and Social Order Measures provides as follows in Article 56.13: "Without prejudice to the powers exercised by it to date, the Customs Surveillance Service will carry out the functions assigned to it in the field of prosecution, investigation and detection of tax fraud and the black economy".

As a consequence, the powers can be specified as follows:

- Prevention of smuggling and related crimes.

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As stated in Royal Decree 319/1982 and in Framework Law 12/95, of 12 December, on the Prevention of Smuggling, the first additional provision of which stipulates that:

- The authorities, officers and agencies in charge of prosecution and detection of smuggling will continue to carry out their functions, with the rights and powers of investigation, prosecution and prevention of such acts which they have enjoyed since they were created.
- In matters of investigation, prosecution and prevention of smuggling offences, the Customs Surveillance Service will act in coordination with the National Law Enforcement Agencies and, for all legal purposes, will be defined as their collaborator.
- In the prevention of fiscal crime (within its jurisdiction)

Law 66/1997 confers powers on the Customs Surveillance Service in the prosecution, investigation and detection of fiscal fraud and the black economy. The Customs and the Law Enforcement Agencies usually act jointly, particularly and almost exclusively in the field of drug trafficking. In these cases, coordination is carried out by the Concerted Action Board of the State Secretariat for Security. The Deputy Directorate of Customs Surveillance uses the SRI, like the national law enforcement agencies, incorporating data on investigations into drug trafficking.

6.2.2.3. The experts noted that the 1686 staff of DAVA are able to collect fiscal and financial data on all individuals resident and undertakings established in Spain, depending on the level of access assigned to each officer according to his/her activity.

It is interesting to note that all the information stored in BDI can be forwarded to other law enforcement agencies without the authorisation of the judicial authorities.

Because of the possible links between financial flows and individuals, DAVA thus seems to have a fairly effective tool that can be used in the fight against money-laundering. In 2004, of the 23 423 cases investigated, 10 155 were dealt with by the regional fiscal services, 1 748 by the Guardia Civil and 276 by the National Police. The exchange of information with other enforcement services takes place via the State Secretariat for Security, which can ask the National Police or the

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Guardia Civil to convene the necessary coordination meetings. This situation is essential because DAVA has no direct access to either National Police or Guardia Civil databases. Requests for access to the SRI database have to be made via the State Secretariat for Security to the SRI manager. The manager is the only person who can make the link between the two existing databases. This situation is a little bit different for the autonomous police, who must first contact the State Secretariat for Security in order to request information from DAVA. If the response is positive, DAVA then has to send the information to be provided back through the same channel. This situation is the consequence of limited deployment of the autonomous police, its powers being restricted to its territory only <sup>1</sup>.

6.2.2.4. There is no doubt that a more flexible system for consulting existing databases, as between the police services and the DAVA service in charge of financial and fiscal investigations, would be beneficial <sup>2</sup>. At the very least, an exchange of liaison officers in each of the agencies concerned would facilitate day-to-day cooperation and would increase mutual trust between the various law enforcement agencies. DAVA has an investigation file (BDI) which enables it to link individuals with financial revenue and is very useful, for instance, in the fight against money-laundering. The experts noted that there is a DAVA liaison officer in the national police but not in the other law enforcement agencies. To give a better sense of the importance of those files, the evaluation team points out that 23 423 cases were dealt with by DAVA in 2004 and that potential fraud was estimated by those the experts spoke to at some EUR 3 000 million per year.

6.2.2.5. SEPBLAC is Spain's financial intelligence unit. It acts as an administrative unit with no power to carry out operational investigations. For that reason, SEPBLAC has no direct access to any files from the various law enforcement agencies. On the other hand, it does include representatives of the National Police and the Guardia Civil. DAVA, for its part, has a correspondent in charge of transmitting information obtained directly from SEPBLAC, purely as a

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<sup>1</sup> Nevertheless, Spanish legislation has already established the purely police coordination mechanisms that are implemented by the use of common bodies or through the Security Boards and the Local Security Boards.

<sup>2</sup> Such a system would have to respect the existing laws and competences of every Law Enforcement Agency and prevent any access by them to information which did not come under their respective jurisdiction.

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legal obligation. SEPBLAC has no right to supply any information outside itself, be it for administrative, police-related or judicial purposes. The experts noted that the number of cases of suspect transactions has been increasing constantly, particularly since 2002. Of the 3017 suspect transactions recorded in 2004, only 516 were regarded as requiring no further action and all the rest were passed on either to the competent tax services or to the specialist police services. These results are apparently attributable to two main factors. The first relates to staffing. SEPBLAC has 6 Guardia Civil officers and 19 national police officers who are in constant contact with their forces' analysis units. The second is the training these officers have; they are all trained analysts capable of making excellent use of the information they receive. Thus it would seem that the very small number of cases dismissed is the result of both the quality of the information transmitted to SEPBLAC and the data processing and analytical competencies achieved, which is subject to constant quality controls.

That supervision function could undoubtedly be one to be developed in other Member States, not only in order to enable analysts to remain in contact with the investigators for as long as possible but also to enable them to carry out work and produce analyses more suited to the requirements of investigators in charge of the fight against serious crime.

## 6.3. External exchange of information

6.3.1. Regardless of the powers the law confers on the National Police Force in the field of international cooperation, National Law Enforcement Agencies share the following features: international missions, twinnings, participation in national bodies (Schengen-Sirene, SEPBLAC, State Secretariat), provision of experts at international police organisations and international fora, assignment of liaison officers or institutional representatives abroad, and presence in joint police and customs centres. There are also representatives of different law enforcement authorities in Europol, in the Europol National Unit and in the INTERPOL National Bureau in Madrid.

At present, the officers of the autonomous regional police forces and of the Deputy Directorate of Customs Surveillance (one officer from Ertzaintza, three officers from the Catalan police and one officer from the Customs Surveillance Service) are in charge of channelling the information to their respective offices, from the Europol National Unit and the Interpol National Bureau. In the same way, the SIRENE Office has representatives, for the same purpose of information exchange, from the Guardia Civil and the Basque and Catalan autonomous regional police forces.



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6.3.2. At present, international cooperation in which Spain is involved needs to be analysed in the light of a number of specific factors. The first is the multiplicity of national databases. The Spanish agencies have set up a substantial number of databases in order to facilitate crime investigation. Some of these databases were state-of-the-art products like, for instance, Investiga, Archiva and Fact in the police. Others were shown during the visit to DAVA and SEPBLAC. It also became clear that the police and the Guardia Civil in particular had developed databases which contained the same kind of information, for instance DNA register, voice recognition, ID cards etc.

6.3.3. The second element is the position of the autonomous police forces which at present do not share many common files (exception for BDSN and SIS files) and, for example, cannot feed into the national SRI database. During the evaluation the Spanish authorities confirmed that at the moment there was no plan to allow even partial integration of the content of certain autonomous police databases into the SRI database. At present, the autonomous police are regulated by the Law Enforcement Agencies Act, the Autonomy Statute and the protocols of action signed with the National Law Enforcement Agencies, exclusively limited to legally established competences.

Amongst other items, the Law provides for the channels of coordination with the National Law Enforcement Agencies.

In the event of bilateral relations between an autonomous police force and law enforcement authorities situated outside Spanish territory, this could, for instance, take the form of an obligation to communicate a copy of the exchanges a posteriori to the central authorities.

It is clear that there is no possibility of having all this information in one single database, but care should be taken to ensure that databases which contain the same kind of information should at least be developed so that the applications are compatible and searchable with a tool like SRI <sup>1</sup>. The optimum situation would be to bring developers from the different agencies together in order to develop even more unique and sophisticated databases <sup>2</sup>.

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<sup>1</sup> Spanish representatives underline that, concerning SRI, only the system administrator has the matched up data.

<sup>2</sup> A way to be developed as this is planned for DNA databases, which are shortly to be used jointly.

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6.3.4. Steps should be taken to merge databases which contain the same kind of information or a tool like the SRI should be implemented as soon as possible in order to ensure that these duplicate databases are searched online simultaneously. Databases should be managed and developed nationally, or if that is impossible, software developers from the different agencies should be brought together in order to enhance the development of the products, and in order to ensure that there is online access to databases.

6.3.5. At present the Spanish authorities do not have an integrated international cooperation platform. Indeed the SIRENE office is not currently in the same unit as the INTERPOL office and the National EUROPOL Unit. However, the Spanish authorities will shortly set up an International Police Cooperation Unit whose function will be to centralise the three institutional police cooperation channels <sup>1</sup>. That advance is for the purpose of better management of operational information but could nevertheless extend to increased representation of other security forces. The Guardia Civil and the autonomous police forces will be represented only by liaison officers. However, the Guardia Civil could enjoy a more balanced position in this new centralised structure, due to the existing 1986 framework law, while the status of the autonomous police is based on its specific legal basis and regional nature.

6.3.6. The creation of this central service responsible for channelling operational information of an international nature will also probably be accompanied by greater control over the choice of cooperation channel. Spanish practice, defended in the name of efficiency, leaves the investigator considerable autonomy in choosing the channel deemed most appropriate to the investigation <sup>2</sup>.

In addition to that, the creation of the central service would be very helpful when joint investigations will be more developed. Spain is encouraged to use joint operations in which information about ongoing investigations is used. A good example of this satisfying cooperation is the "Ballena Blanca" operation, in which the magnitude of the investigation of money laundering has led to a great number of requests through the international bodies (EUROPOL and INTERPOL).

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<sup>1</sup> This Unit has been operating since last June, and gathers together the Europol National Unit, Interpol and Sirene.

<sup>2</sup> Although this does not exempt from observance of the rule (Circular of the Operational General Deputy Directorate on the use of Europol), nor from use of the established channels for certain jurisdictional areas, such as the case of INTERPOL for extraditions, or SIRENE for cross-border surveillance.

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It might be advisable in this connection to suggest that manuals of best practice be put in place to prevent potential malfunctioning arising out of the use of several cooperation channels in the same investigation <sup>1</sup>. The central service could also be given the resources to be a vector of advice and guidance in particular topics and also for better management of information at central level.

6.3.7. The management of liaison officers does not, however, seem to be part of this plan since they come under another police directorate. The reason invoked is that cooperation via the LO is fundamentally bilateral cooperation which seems to be the dominant practice in international police cooperation. The experts were given to understand that the management of liaison officers posted outside Spain is a matter for the International Cooperation and Coordination Unit (UCCI). In their international cooperation missions they are instructed to make direct contact with the operational services and are obliged to report on the nature of their exchanges to the Unit for International Coordination of Information (CENSI). While this system seems efficient from the point of view of operational ability to react, it would appear that it could be improved. Bearing in mind that Spain has liaison officers in 38 countries across the world and that BCN INTERPOL remains the preferred channel for bilateral relations in international investigations, increased synergy between that channel, through which international information flows, and the information passing through the future integrated platform would undoubtedly provide significant added value. It has to be underlined that even the role of Liaison Officers is not limited to cooperation in criminal matters. They are also representatives of the Spanish Ministry of the Interior in the countries to which they are posted and they coordinate police cooperation amongst the different General Departments: Aliens and Documents, Intelligence, Public Order, Forensic Science Police, and not only the Criminal Police and other bodies (Guardia Civil and autonomous regional police).

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<sup>1</sup> Such as on preparing instructions for the services, devising a police cooperation manual for investigators, training and informing operational services when setting up this new department, etc.

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Finally, in exchanges between police forces in the various EU Member States, the transmission of information and/or intelligence is very frequently hampered by the need to obtain prior judicial authorisation for every delivery. The rules for international transfer of information have to follow the strict rules laid down in the national framework law<sup>1</sup>, the application of which, particularly Articles 33 and 34, is governed by a national circular issued in December 2000<sup>2</sup>. More specifically, the evaluation revealed that a request for even simple information such as the name of the holder of telephone numbers required prior judicial authorisation before it could be transmitted to another Member State.<sup>3</sup>

## 6.4. EUROPOL

6.4.1. More generally, the experts noted good knowledge and use of the EUROPOL tool. The evaluation did not allow an assessment of the impact of this knowledge at operational level in units throughout the territory but a number of factors indicate that Spain is a dynamic and active partner in its relations with EUROPOL. Amongst the senior police officers and top managers in Spanish agencies the knowledge of Europol activities and products seems to be positively recognised and the exchange of information promoted as a policy principle, mainly through the great efforts of awareness programmes developed by the ENU (around 5 000 officers participated in last years programme). This understanding seems to reach lower levels amongst operational middle-ranking investigation officers, including a complete understanding of the AWFs regime and framework capacities. One manifestation is the decision by the authorities to make all those involved in police cooperation more aware by sending out a national circular to promote the use of EUROPOL<sup>4</sup>.

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<sup>1</sup> Framework Law No 15/1999.

<sup>2</sup> Instruction No 22726 1/2000 of 1 December 2000 issued by the Data Protection Agency on the rules governing international data movements.

<sup>3</sup> It should be considered an important matter to promote better police cooperation to facilitate the handing over of mobile telephone holders names without letters rogatory when necessary.

<sup>4</sup> This circular is reproduced in Annex A.

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This circular is interesting in several respects and contains several useful and interesting indications. In the first instance it reminds law enforcement agencies of the usefulness of resorting to EUROPOL when investigations are liable to have cross-border implications. It then makes services aware of the need to take greater account of requests from the law enforcement agencies in other Member States with particular attention to the deadlines for replies to queries transmitted through the Spanish services. It is also worth highlighting the special attention paid in the annex to this circular to the methods to be followed at practical level by law enforcement agencies<sup>1</sup>. The drafters of this note also pay specific attention to the need to send EUROPOL not just archive information but also live information which may also relate to investigations in progress.

The fact that to date so few countries have so clearly urged their police forces to use the EUROPOL tool systematically, giving them so many general and specific instructions, leads the experts to recommend that Member States which have not done so take such an initiative now, not just by providing a general impetus to make good use of EUROPOL, but also by indicating that the EUROPOL channel must, in the long term, become the preferred channel for exchange of information and intelligence sharing linked with organised crime.

6.4.2. With regard to the IS project, the Spanish authorities are endeavouring to be ready by the time limit set by the EUROPOL Management Board. Services in Spain are making preparations at technical level and information will be sent to EUROPOL in Spanish, given that EUROPOL is responsible for having the information received translated into English.

6.4.3. More generally, EUROPOL products and services seem to circulate without restriction in the services concerned. This policy is accompanied by a policy on developing knowledge of the English language in the services most closely concerned. Information forwarded by EUROPOL which is considered most important and/or strategic is translated by the National EUROPOL Unit before distribution. Any other information that needs to be distributed to the services concerned is translated by the Translation Centre of the National Police Force.

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<sup>1</sup> For detailed knowledge of the contents please refer to the abovementioned circular.

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6.4.4. According to the ENU official met, Spain is currently participating in 15 of the existing AWFs. Information transmitted by Member States to EUROPOL is mainly archive information with only a remote bearing on investigations in progress. The commitment to exchange data with Europol seems to yield a stable albeit not a large flow of information and consequently the contributions to these operational projects vary and differ, focusing mainly on particular AWFs and on support or new suggested AWFs in the field of cigarettes smuggling.

It was stressed that the transmission of passive information to Europol also generated added value because it could always be used again at Europol at a later stage. The case could be changed from passive to active and be used as well for ongoing investigations. Nevertheless, several examples in which EUROPOL had used live information for the development of projects were also reported during expert visits. Some examples of this are the "Ballena Blanca" and "Folklore" operations.

6.4.5. It is worth highlighting the policy followed by the various law enforcement agencies regarding their relations with other foreign countries. Despite the circular urging the various law enforcement agencies to use the EUROPOL channel whenever necessary, the experts noted that none of the Spanish law enforcement agencies have adopted clear rules or clear procedures on the information channels to be used in different cases. The National Police is instructed to use the Europol channel for information on serious crime, but the investigator in charge of the individual case chooses the most appropriate information channel on a case-by-case basis. The Customs authorities clearly prefer to use traditional bilateral contacts for the exchange of information, and seem reluctant to use the services of Europol. The Civil Guard uses a centralised system; the investigator in charge of the case in question is supposed to contact a specialised central unit which decides on which information channel is the most appropriate in the individual case.

6.4.6. It is not within the remit of the evaluation team to indicate the best choices to be made in this area of action. However, it is a prerogative of the experts to encourage the Spanish authorities to define clearer and more closely harmonised rules regarding the choice of channels to be used for the transmission of information in order to ensure the best possible match between the method used and the results obtained.

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6.4.7. The position of the ENU is nevertheless rather out of balance in relation to the law enforcement authorities due to the fact that they have unequal access to their national databases.

6.4.8. To this end, apart from the existence of several liaison contact officers from almost all national law enforcement agencies at the ENU, access to the main databases of the State Secretariat for Security and the National Police Force contributes to a fast and reliable capacity for responding to any request for operational information exchange from another MS through Europol channels (INFOEX system). In this sense, the lack of access by the ENU to the Guardia Civil databases is seen as a negative factor in this pivotal role.

The Guardia Civil has liaison officers who have no access to National Police files. In a word, there is no direct access to National Police databases and vice versa. That failure to share and provide access to data appears to stem from a desire to prevent any enforcement agency from taking precedence over another. The argument put is that the ENU works on a fair basis between the various enforcement agencies without giving precedence to any one of them. The experts' view is somewhat different: that lack of systematic sharing between Law Enforcement Agencies may cause lack of synergy. Officials explained to experts that the present situation is the result of a will to prevent any enforcement agency taking precedence over another, but also a desire to avoid obstructing the work of any of them, within the competences legally established for each agency.

On the other hand, the ENU disseminates the information relevant to the competent police unit. It also extends the information by using the databases and carrying out related operational proceedings within the territory of Madrid province. Furthermore, the ENU promotes the coordination of experts through meetings, so that there is a national position on certain issues.

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None of the agencies has access to the others' databases, except the shared ones. The ENU is in charge of managing access to the databases if they are available. Despite this reality, the Europol National Unit should have access to the information available in all the databases of the Law Enforcement Agencies. This obstacle could be overcome if, in the ENU, the liaison officers appointed to the different agencies (Customs, Autonomous Regional Police and Guardia Civil) had direct access to their respective databases <sup>1</sup>.

6.4.9. The ENU cabinet has a good level of organisation and full understanding of the main Europol operational and strategic activities, clearly establishing procedural regulations for the smooth flow of information-exchange from and to Europol and the Spanish agencies.

6.4.10. The Guardia Civil commitments do not seem to reach the same level as those of the national police. Consequently their evaluation of the products delivered by Europol has a lower level of recognition concerning Europol's operational activities. Efforts therefore need to be made in this area, perhaps by insisting on the usefulness of having a circular similar to that of 1 July 2004, on the use of Europol also apply to the Civil Guard services in charge of European and international affairs.

6.4.11. The EUROPOL issue is a little more complex in DAVA. DAVA is the operational branch of the Customs Directorate and has specific judicial powers, particularly for all cases relating to illicit trafficking in goods. Among other things, it has files from the BDC (consolidated database) that includes all information with tax content (income tax returns, corporation, financial and commercial relations, investments, bank accounts) on all the natural and legal persons included in the taxpayers census and BUDA (customs unified database), which contains all information on customs and special taxes (DUAS, summary statements, currency movements, etc.).

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<sup>1</sup> The Guardia Civil plans to give a direct access to its databases within the Europol National Unit, so that the Police International Cooperation Unit, into which the ENU is integrated, will have the most complete police information of all the National Law Enforcement Agencies.



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It includes all the investigation files on customs surveillance and the registers of natural and legal persons involved in customs fraud, boats and suspect vehicles.

6.4.12. It became clear during the visit that the department has difficulties in identifying the difference in the work being done in the 1st and 3rd pillars of the European framework. The customs preferred to work with OLAF instead of Europol despite these two bodies having different responsibilities. DAVA senior officials acknowledged that few requests for information had transited through Spain's ENU and that in most cases information transmitted was not operational information.

It also became clear during the visit that there was a lack of knowledge about Europol's way of working via AWFs, and there was also a lack of use of the ELO network for rapid information exchange. There was no policy in place to ensure the right choice of channel for international information exchange. It was made clear by the officer in charge that DAVA was not used to working with EUROPOL. Confidence could be improved if DAVA tried to use the Europol Liaison Network more frequently in international information exchange.

Nevertheless, the management of DAVA expressed strong willingness to improve their cooperation with Europol if it was seen to be insufficient. The DAVA management expressed a desire to have the Customs Directorate represented at EUROPOL in view of its powers and its role in the fight against money-laundering. The experts can only recommend that Spain enter into discussions internally to promote such an appointment with a view to fostering better international police cooperation involving DAVA and in view of its cooperation with the Law Enforcement Agencies, as provided for by the Spanish legislation on smuggling.

In addition, the experts would point to the need to organise a seminar to enhance the knowledge of Europol's products and services, including the ELO network, amongst DAVA officers. It should also include familiarisation with the differing responsibilities between OLAF and EUROPOL within the European context.

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Finally, it is also recommended that DAVA fully implement the indications contained in the circular of 1 July 2004 concerning the use of resources and services provided by Europol in operational matters, including a better use of liaison officers at Europol headquarters <sup>1</sup>.

## 7. GENERAL CONCLUSIONS AND RECOMMENDATIONS OF THE EXPERT TEAM

The evaluation of Spain allowed the team to get a comprehensive understanding of the situation in the police forces in Spain, particularly concerning the field of international cooperation mechanisms in place.

Spain has longstanding and wide-ranging experience in the fight against serious international crime. To fight these phenomena, it has a considerable array of law enforcement agencies that are not always easy to coordinate at internal level. That is partially the case between the police forces and DAVA, the operational investigative branch of the Customs Directorate. It also applies to the various autonomous police forces in existence which are not linked to the main national databases. That situation can obviously be prejudicial at national level but it may also handicap the effectiveness of international cooperation. In the operational field, there is evidence of the success in joint operations between the law enforcement agencies and the DAVA (Customs Surveillance Deputy Directorate). Although there is a policy of coordination between these bodies, a formula should be found to integrate the Customs Surveillance Deputy Directorate into the Europol channel in a more participative way.

It is interesting to note that the Spanish authorities are aware of these difficulties and have undertaken major reforms, focusing more particularly on a coordination effort at central level in order to increase the effectiveness of investigations while preventing duplication of work. The Analysis and Research Board and the Concerted Action Board are instruments which should allow greater efficiency in the future.

Spain is also pointing the way by distributing a circular urging and encouraging all players to make better and more systematic use of the EUROPOL tool.

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<sup>1</sup> For detailed knowledge of the contents please refer to the abovementioned circular in Annex A.

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However, these positive actions are still hampered by a degree of partitioning between some of the enforcement agencies and often by a lack of technical access links to certain databases amongst them and the ENU which it would be better to share more fully. With that in mind, the evaluation team would make the following recommendations:

## 7.1. FOR SPAIN

7.1.1. Put a project in place to associate the autonomous police with the SRI system according to a timetable to be defined. The data to be introduced in the SRI, including those relating to organised crime, should be extended as soon as possible, by speeding up the implementation of the system within the national law enforcement agencies, the regional autonomous police forces and the Customs Surveillance Deputy Directorate. (See 6.2.1 and 6.3.2)

7.1.2. Speed up as much as possible the participation of the various law enforcement agencies in the national coordination system, by encouraging the inclusion of the autonomous regional police agencies' data on drug trafficking, money laundering and related crimes in the SRI and SENDA as soon as possible. (See 6.3.4)

7.1.3. Promote reciprocal access under certain conditions to relevant databases between DAVA and the other law enforcement agencies - particularly the Civil Guard and the National Police. (See 6.2.2.4)

7.1.4. Audit existing databases in order to prevent duplication in the collation of information at national level and, wherever possible, develop mutually compatible software to allow reciprocal consultation on line in the long term. (See 6.3.2 and 6.3.4)

7.1.5. Rapidly put in place a joint international cooperation unit bringing together INTERPOL, EUROPOL and SIRENE on a common platform. (See 6.3.7)

7.1.6. The Europol National Unit should have access to the information available in all the databases of the law enforcement agencies. This obstacle could be overcome if, in the ENU, the liaison officers appointed to the different agencies (Customs, Autonomous Regional Police and Guardia Civil) had direct access to their own databases. (See 6.4.7)

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7.1.7. Define at national level a best practice manual to normalise as far as possible the use of international cooperation channels. The purpose should be to avoid duplication between bilateral liaison officers and multilateral channels. (See 6.3.6 and 6.4.1)

7.1.8. Encourage all Law Enforcement Agencies to use the resources and services of Europol more intensively as stated in the circular of 1 July 2004, reproduced in Annex A. (See 6.4.10)

## 7.2. FOR EUROPOL

7.2.1. Organise targeted seminars to provide Member States with a better knowledge of EUROPOL services and products, insisting if necessary on the different but complementary roles of OLAF and EUROPOL. (See 6.4.3 and 6.4.12)

7.2.2. Encourage joint operations in which information about ongoing investigations is used. A good example of this satisfying cooperation is the "Ballena Blanca" operation, in which the magnitude of the money-laundering investigation has led to a large number of requests through the international bodies (EUROPOL and INTERPOL). (See 6.3.6)

7.2.3. Establish centralised training courses assisted by the ENU and SIRENE for all law enforcement agencies, including the autonomous regional police agencies and to the Customs Surveillance Deputy Directorate. In these training programmes, examples of best practice should be used to demonstrate the effectiveness of Europol. (See 6.4.12)

## 7.3. FOR THE OTHER MEMBER STATES

7.3.1. Draw up written internal specific instructions to advise law enforcement authorities on how to make better use of resources and services provided by Europol. (See 6.4.1)

7.3.2. Encourage the setting up of supervisory functions to help analysts remain in contact with investigators to enable them to carry out analyses more suited to the requirements of investigators in charge of fighting serious crime. (See 6.2.2.5)

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ANNEX A

## INSTRUCTION BY OF THE OPERATIONAL MATTERS DIVISION, OF 1 JULY 2004, ON THE USE OF THE RESOURCES AND SERVICES PROVIDED BY EUROPOL

Europol was created in order to improve the efficiency of the Operational Units in combating serious organised crime at European Union level.

Although its resources are not adequately used by all our Services, the opposite is the case with other Member States, which often send our National Unit information and cooperation requests that usually impact on the work of our Operational Units.

In an attempt to change this unbalanced situation, and in order to increase the use and resulting benefits for our Operational Units of the broad range of resources and services that Europol can offer (as detailed in the enclosed ANNEX B), the following instructions are given:

- 1.- In every investigation where there is evidence of an organised criminal structure at European Union level, an information request will be sent to the Europol National Unit, by e-mail or fax. Assuming the cross-border nature of the organised crime, it must be understood that an investigation of this type that does not use all the possible information sources, and, where appropriate, does not receive all the cooperation that Europol can provide, must be considered not to have been adequately carried out.
- 2.- The offence being investigated will be indicated and the European Union Member States presumed to be affected by the criminal activities under investigation will also be mentioned. The request may even be made to all 25 EU Member States, and to third countries and organisations with which Europol has concluded a cooperation agreement in this respect.
- 3.- Moreover, regarding the commitment undertaken by our country to provide information in response to requests from abroad, both in relation to information exchange and to support for the analysis files in which Spain participates, we will speedily deal with requests sent by the Europol National Unit coming from the different Member States or from the organisation, taking into account that one of the main requirements for improving information quality is to reply promptly.

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4.- Any questions relating to the fulfilment of this instruction will be answered by the Europol National Unit:

Tel.: 91.582.29.78 / 87 / 82 / 79

Fax: 91.582.29.80

E-mail: [uneuropol@dgp.mir.es](mailto:uneuropol@dgp.mir.es)

This is communicated for information, dissemination and fulfilment.

Madrid, 1 July 2004

The Operational Deputy Director

Signed: Miguel Ángel FERNÁNDEZ-CHICO DIAZ

## EUROPOL's PRODUCTS AND SERVICES

There is a wide range of products and services that Europol can provide, although from the operational point of view the simplest idea to retain is that concerning our own national approach: that is, the same approach we usually take when initiating, developing and carrying out our everyday operational activities.

Without claiming to be exhaustive, it could be said that a request made to the EU Member States, which usually ends up in the respective Investigation Units, as would also happen in our case, results in all the databases, police and external ones, being consulted, in order to provide the necessary added value to the information requested.

The databases consulted can refer to historical information, relating to criminal records, vehicles, status and documents regarding foreigners, registers of trading companies, real estate, telephones, and, in general, any other information about natural and legal persons that can be found in any public or private database.

However, it is not only historical information that is worth providing; the great value of the information provided lies in the consultation of data on investigations. Thus, the requested countries can provide information about data held by their Intelligence Units, subject only to the limitations they impose, which are laid down in the Europol Convention, so as not to jeopardise investigations in progress.

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Likewise, the Europol Information System is about to come on stream, and will be the appropriate tool in the future for obtaining data on investigations which the States themselves have included in this system. In this way we will be able to obtain, quickly and securely, as we are currently doing at national level, information on existing operational activities in the other European Union countries and also, through the cooperation agreements established by Europol, with other third countries and organisations outside the European Union.

We should also highlight other operational services that Europol can provide, such as the usual controlled deliveries requests, surveillance of targets transferred to different countries, profiles of couriers travelling to various European airports and, in general, any operation that requires simultaneous and concerted action by two or more Member States.

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ANNEX B

## PROGRAMME OF VISITS

### Wednesday 18 May

- 09.30-11.30 Secretariat of State for Security, Coordination Bureau,  
*Exposition on matters regarding drug trafficking, money laundering and related crimes.*
- 12.00-13.00 Research and Development Bureau (*Investigations Recording System*)  
SEPBLAC  
Monetary Crime Squad
- 13.30-15.30 Lunch
- 16.00-17.00 International Coordination and Cooperation Unit
- 17.00-18.00 SIRENE (Supplementary Information Request at the National Entry)

### Thursday 19 May

- Morning: Round table conference (Chaired by the Head of Criminal Police, with representatives of:  
EUROPOL's National Unit, INTERPOL, Heads of CGPJ Units (Criminal Police), Representatives of Anti-drug and Anti-corruption Prosecution Offices, BIDM (Monetary Crime Squad), Intelligence General Department, Immigration and Documents General Department, Guardia Civil representatives, Customs representatives
- 13.30-15.30 Lunch
- 16.00-17.00 EUROPOL's National Unit
- 17.00-18.00 Criminal Intelligence Central Unit

### Friday 20 May

- 09.00-10.00 Guardia Civil Headquarters
- 10.30-11.30 Police Regional Headquarters in Madrid
- 12.00-13.30 Attached Directorate of Customs Surveillance, Police Regional Headquarters in Madrid
- 13.30-15.30 Lunch

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ANNEX C

## LIST OF PERSONS MET

### **Secretaría de Estado de Seguridad**

Comisario Juan Luis Taborda Álvarez (CNP)  
Comandante Simón Venzal Contreras (Guardia Civil)  
Inspector Jefe Antonio Arrabal Villalobos (CNP)

### **Gabinete de Actuación Concertada/ Gabinete de Análisis y Prospectiva**

Teniente Coronel Rafael Martín Puyuelo (GC)  
Comisario Emilio Baos (CNP)  
Inspector Jefe Daniel García

### **SEPBLAC**

Director: Gabriel Panizo  
Director Adjunto: Ignacio Palicio  
Jefe de Unidad: Esteban Ávila  
Jefe Área de Gestión y Planificación: Pedro De La Lama  
Jefe Área de Instrucción: Javier Cañada  
Jefe de Área de Cooperación Internacional: Álvaro Pinilla Rodríguez

### **(UCCI) Unidad de Coordinación y Cooperación Internacional**

Jefe Servicio de Cooperación Policial  
Comisario José Luis Cerviño Guimerá  
Inspector Jefe Javier Quijano  
Inspectora Jefe Isabel Cabello

### **Mesa Redonda día 19 de mayo de 2005**

Cuerpo Nacional de Policía  
Comisaría General de Policía Judicial  
Comisario General de Policía Judicial: Juan Antonio González García  
2º Jefe Comisaría General Policía Judicial (JCAT): Com. Miguel Ángel Barrado Casado  
Comisario Jefe UDYCO: Miguel García-Izquierdo  
Comisario Jefe UDEV: José Luis Olivera  
Comisario Jefe UCIC: José Luis Torres  
Comisario Jefe UNEUROPOL: Felix Rivera Vela  
Comisario Jefe INTEROPOL: Francisco Aranda  
Jefe Unidad Adscrita Fiscalía Anticorrupción: Comisario Eugenio Ruiz Peñalver  
Unidad Adscrita Fiscalía General del Estado: Inspector Ángel Luis Olmedo Ovejero  
Brigada Investigación Delitos Monetarios Inspector Jefe Mario Jiménez Ramos  
Delegado GMD Inspector Jefe Manuel Carracedo González (UCCI)  
Delegado GMD Inspectora Jefe Alicia Malo Sánchez (Coord. Internacional JCAT)  
Sección Legislación JCAT: Inspector Jefe Francisco Javier González Ibáñez  
Sección Coordinación Internacional JCAT: Inspector Eduardo Talavera Balandín

### **Otros asistentes CNP**

Jefe Unidad Central Inteligencia Comisaría General Información: Com. Antonio Martín  
Jefe Brigada Central Redes Inmigración C.G.Extranjería y Docum.: Com. Carlos Botrán  
Comisario Jefe SIRENE Ponce Malpartida  
Inspector Jefe SIRENE Miguel Vaquero Herrero

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## **Guardia Civil**

Coronel Francisco Rico Damas  
Teniente Coronel Ramón Cortés Márquez  
Comandante José Antonio Mellado  
Comandante Ángel Alonso Miranda (Delegado GMD)  
Capitán José Luis Cano Camarero

## **Dirección Adjunta Vigilancia Aduanera (DAVA)**

Director Adjunto de Vigilancia Aduanera Ignacio GONZALEZ GARCÍA  
Subdirector De Operaciones Manuel MONTESINOS  
Subdirector adjunto de Relaciones Internacionales Pablo HERRERA  
Ignacio REGUEIRO  
Jefe de Inteligencia José Luis Valle María  
Enlace OCNE Armando Rodríguez Vela

## **Policía Autónoma Catalana**

Comisario Joan Francesc Martínez Romá  
Intendente Antoni Permanyer Fita  
Oficial Enlace Europol Jordi Vila i Galindo

## **Policía Autónoma Vasca**

Vice-Consejero de Seguridad Javier Inda Ortiz de Zárate  
Oficial Enlace Europol Javier Zaballa Ruiz

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ANNEX D

## LIST OF ABBREVIATIONS/GLOSSARY OF TERMS

ACRONYM ABBREVIATION TERM	SPANISH	ENGLISH TRANSLATION OR EXPLANATION
AEAT		
BDC		Consolidated database
BDSN		National Marked Targets Database
BUDA		Customs Unified database
CEMU		Executive Board of the Unified Command
CEN		Customs Enforcement Network
CENCI		Spanish International Communications Centre
CGPJ		Criminal Investigation Division
CNCA		National Anti-Terrorist Coordination Centre
DAC		Criminal Analysis Department
DAVA		Customs Surveillance Subdirectorate
FFCCS	Fuerzas y Cuerpos de Seguridad	Law Enforcement Agencies
FFCCSE	Fuerzas y Cuerpos de Seguridad del Estado	National Law Enforcement Agencies
GATI		Information Analysis and Processing Group
JCAT		Coordination and Technical Support Section
RILO		Regional Intelligence Liaison Office

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ACRONYM ABBREVIATION TERM	SPANISH	ENGLISH TRANSLATION OR EXPLANATION
SAID		Automatic System for Fingerprint Identification
SENDA		
SEPBLAC		Spain's financial intelligence unit
SRI		
UCCI		International Cooperation and Coordination Unit
UCIC		Central Criminal Intelligence Unit
UDEV		Specialist and Violent Crime Unit
UDYCO		Drugs and Organised Crime Unit

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