



Council of the
European Union

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ENFOPOL 7

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 21 December 2015
To: Law Enforcement Working Party
Subject: Summary of discussions

1. Adoption of the agenda

The agenda was adopted as set out in CM 4958/1/15 REV 1, two interventions (SK and DK) being added under AOB.

2. Information from the Presidency

The Presidency briefed the delegates with respect to the latest developments regarding the Europol Regulation following the finalisation of the trilogues: adoption in the LIBE Committee (30 November 2015) and political agreement at Coreper/Council level (2 and 4 December 2015). Before the formal adoption by the Council and by the European Parliament, the text will undergo a legal and linguistic revision.

3. Reports from LEWP-related expert groups and networks:

3.1. Report on the activities of the e-MOBIDIG

LEWP took note of the report set out in 15042/15. Main elements of the report: fourteen meetings so far (since November 2008) focusing on aspects related to good practices, defining standards and benefits, mobile security etc. The speaker briefed the delegates on the outcomes of the latest meetings (Rotterdam, 8-9 July 2015 and Slovenia, 4-5 November 2015) where different technical mobile solutions have been discussed in order to improve the intervention possibilities of law enforcement officers.

3.2. Results of the ENPPF meeting, held on 13 November 2015 in The Hague

LEWP too note of the report set out in 15043/15. Main elements of the report: better communication via the Europol Platform for Experts (EPE), CEPOL's exchange programme for 2016, the need to finalise the common glossary, to define the common phrases for the radio-communication and to update the existing factsheets in the ENPPF Handbook.

3.3. Report on the EnviCrimeNet meeting, held on 21 and 22 October 2015 in Milan

LEWP took note of the report set out in 14096/15. The meeting in Milan mainly focused on wildlife related crimes, with a particular focus on illegal waste trade, criminal behaviour in relation to safety and industrial plants and illegal logging. A number of projects and further recommendations for law enforcement and other stakeholders were proposed.

3.4. Report of the CARPOL meeting, held on 9-10 December 2015 in The Hague

LEWP took note of the report set out in 15044/15. CARPOL meeting covered various topics: Europol Flying Squad (EFS), the Sjerlock platform used to search for stolen car parts, financial investigation of vehicle crime, seizures of stolen parts, the EU-PPP platform to tackle vehicle crime and the questionnaire on the public private partnership (PPP), the Interpol Vehicle Data Exchange programme (INVEX), a questionnaire on the Internet platforms used for the trade of spare parts/stolen car components, CARPOL's relations with EMPACT, TISPOL, FRONTEx, ENLETS and SELEC, CARPOL's agenda for the future (LLA - long lasting agenda) and the follow-up by Dutch, Slovakian and Maltese Presidencies.

4. Final Report on Joint Police Operation (JPO) Luxcar

LEWP took note of the report set out in 15047/15. Delegates were briefed on the operational results of JPO Luxcar and on the conclusions drawn: need to clearly define contact persons, to have more officers in the Europol Operational Room to cover the night shifts, to store and analyse data obtained following this operation and to improve communication with field officers.

5. Relations between ENLETS, RCEG and e-MOBIDIG

The Presidency proposed that:

- e-Mobidig should no longer be considered by the LEWP as a related expert group/network;
- any activities or topics previously covered by e-MOBIDIG should in the future be dealt with by the network ENLETS;
- all future communication between the LEWP and the former network e-MOBIDIG will be handled by the Chair of ENLETS.

LEWP adopted the proposal as set out in 15049/15.

The Presidency also proposed that ENLETS and RCEG would continue to function autonomously, aiming, at the same time, towards a better and closer cooperation. LEWP adopted the proposal as set out in 15359/15.

6. Relationship between the LEWP and its related expert groups and networks:

6.1. Approval of the revised guidelines on the relationship between the LEWP and its related expert groups and networks

The Presidency put forward for adoption the revised text of the Guidelines on the relationship between the LEWP and its related expert groups and networks as set out in 12915/2/15 REV 2. One of the main changes of the new text is the fact that the obligation of networks to report to the LEWP at the latest one month after each meeting has been removed. Member States received the text positively. A deadline for comments was given (23 December 2015) - if no comments were to be received by that date, the Guidelines were to be considered adopted.

6.2. Proposal from the Presidency on the withdrawal of AQUAPOL from the LEWP networks

Following prior communication with AQUAPOL, the Presidency proposed that AQUAPOL should no longer be considered as an LEWP related expert network. Delegates approved the Presidency's proposal as set out in 15058/15.

7. Creation of European Forensic Area by 2020 - results of the questionnaire

The delegates were briefed with respect to the results of the questionnaire (CM 3080/15) regarding the creation of a an European Forensic Area by 2020. The analysis of the replies is set in 15051/15 and it presents the current state of play in the Member States with respect to each of the area identified by the Council Conclusions of 2011 (17537/11):

- accreditation of forensic science institutes and laboratories,
- respect for minimum competence criteria for forensic science personnel,
- establishment of common best practice manuals and their application in daily work of forensic laboratories and institutes,
- conduct of proficiency tests/collaborative exercises in forensic science activities at international level,

- application of minimum quality standards for scene-of-crime investigations and evidence management from crime scene to court room,
- recognition of equivalence of law enforcement forensic activities,
- identification of optimal and shared ways to create, update and use forensic databases,
- use of advances in forensic science in the fight against terrorism, organised crime and other criminal activities,
- forensic awareness, in particular through appropriate education and training of the law enforcement and justice community,
- research and development projects to promote further development of the forensic science infrastructure.

On this basis, the Presidency and the LEWP will reflect on the way forward.

8. Police and customs cooperation - exchange of views

Under this item, two papers were presented and discussed:

- the **Strategic review: Europol and Customs (9572/15)**. The speaker (Europol) underlined the under-representation of customs authorities in the framework of Europol, which leads to a gap in terms of information/intelligence provided to Europol, both at operational and strategic level, although customs usually have a large remit of expertise and access to a wealth of information; consequently the support that could be offered reciprocally is not as encompassing as it could be. One of the reasons for this situation is the fact that the inter-agency dimension of Europol is not very well known. The speaker also emphasised the need to improve and strengthen the cooperation between customs and Europol: promotion of multi-agency approach, strengthening of ties with WCO, enhanced participation of customs in Joint Action Days, EMPACT/OAP process and in the drafting of SOCTA, promotion of interoperability of systems, enhanced participation of Europol in JCOs, promotion of recruitment of staff with customs background etc;

- a **Discussion paper on police and customs cooperation (14097/15)** prepared by the Presidency. Delegations briefly discussed the best practices at the level of national coordination between customs and law enforcement authorities and the role the LEWP could play in centralising them, the need of a better cooperation and articulation between LEWP and other Working Parties like CCWP and COSI, the path to follow in case EMPACT actions identify gaps, in particular differences in policies/organisation and legislation between Member States.

9. Priorities of the NL Presidency

The Netherlands briefly presented its priorities as incoming Presidency, emphasising the fact the way forward for the creation of an European Forensic Area and the financial investigations will represent two of the main topics for the LEWP.

10. AOB

DK briefly informed the Working Party on the outcome of the Danish referendum regarding the JHA area and its consequences for the future of Denmark's participation in Europol and underlined the fact that a solution would be difficult to find.

SK reminded Member States to send the replies to the questionnaire regarding disappeared vehicles, which had been distributed at the beginning of summer.