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"EXCHANGE OF INFORMATION AND INTELLIGENCE BETWEEN
EUROPOL AND THE MEMBER STATES AND BETWEEN THE MEMBER
STATES RESPECTIVELY"
REPORT ON GERMANY

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REPORT ON GERMANY

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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. Germany is the fourth 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: Mrs. Elisabeth HAMIDI (Austria), Mr. Jaime FERNANDES (Portugal), Mr. Jean-Marc SOUVIRA (France). Two observers, Mr. Mogens LUNDH (EUROPOL) and Ms. Ana Isabel SANCHEZ RUIZ (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 German authorities' answers to the questionnaire.

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1.8. The report first deals with the general information and structure (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 and technical evaluation and then propose some recommendations to enhance cooperation and effectiveness in the exchange of information within Germany and with other Member States and Europol.

2. GENERAL INFORMATION AND STRUCTURES¹

2.1 LEGAL BASIS

2.1.1 Information exchanges with the EU Member States are primarily governed by the Law on the Bundeskriminalamt (Federal Bureau of Criminal Investigation) and Cooperation between Federal and State Authorities in Criminal Police Matters (Bundeskriminalamtgesetz – BKAG). In § 14 of that Law relating to "Powers in International Cooperation²", the following competencies are conferred:

- The Bundeskriminalamt is entitled to transmit personal data to police and justice or other public authorities responsible for the prevention and prosecution of crimes in other countries as well as to international and supranational authorities dealing with the prevention and prosecution of crimes, if this is necessary 1. to fulfil a task incumbent on this authority; 2. to prosecute crimes and execute sentences in accordance with the provisions on international legal assistance in criminal matters or the provisions on cooperation with the International Criminal Court, or 3. to ward off an existing significant danger to public security in individual cases. The same applies if there is reason to assume that crimes of considerable significance are expected to be committed.

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

² The law of 7 July 1997 on the Bundeskriminalamt and the cooperation between Federal and State authorities in criminal police matters.

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- Subject to the approval of the Federal Ministry of the Interior, the Bundeskriminalamt can hold available stored non-personal data concerning the search for missing property for transmission to central police authorities in other countries, in accordance with international agreements, for the purpose of automated retrieval of such data with a view to the recovery of stolen, misappropriated or otherwise missing property.

2.1.2 Original competence for international legal assistance in criminal matters is in principle the responsibility of the Public Prosecutor's Offices. On the basis of administrative provisions, competence is transferred in certain areas to the police. In accordance with point 124 of the "Guidelines for procedures with foreign countries in criminal matters" (RiVAST), this is confined to the exchange of information and intelligence and compliance with police letters rogatory.

2.1.3 Particulars of cooperation with individual States may be found in the summaries of legislation, regulations or agreements and other international-law agreements with individual States contained in the RiVAST.

2.1.4 Moreover, the specific legislation, which is based on the Council Decision of 17 October 2000¹ concerning arrangements for cooperation between financial intelligence units of the Member States in respect of exchanging information, governs exchanges of information with other Member States on reports of suspected money laundering.

The national financial intelligence unit within the meaning of Article 2(3) of the above Council Decision is a Financial Intelligence Unit (FIU) set up within the BKA.

¹ Council decision 12028/00 CRIMORG 134(COR1 de and COR 2 fr).

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2.1.5 Under Article 4 of the Europol Convention, each Member State shall establish or designate a national unit to be the only liaison body for Europol. The national unit for Germany is the Bundeskriminalamt (BKA).

It shall be the task of the national unit inter alia to:

- supply Europol on its own initiative with the information and intelligence necessary for it to carry out its tasks;
- respond to Europol's requests for information, intelligence and advice;
- evaluate information and intelligence in accordance with national law for the competent authorities and transmit this material to them;
- supply Europol with information for storage in the computerised system;
- ensure compliance with the law in every exchange of information.

2.1.6 In order to transpose the Europol Convention into national legislation, the Europol Law was enacted in 1997 (national law ratifying the Europol Convention). The Europol Law is limited in the main to provisions on jurisdiction and more detailed arrangements for the internal powers, duties and data-protection responsibilities of the Federal and Länder authorities when applying the Convention insofar as these are not dealt with in the Europol Convention itself.

2.1.7 The Europol Law requires the police and customs authorities to make available to the BKA any information and data which it requires in order to carry out its tasks as the Europol National Unit. Regardless of the BKA's basic obligation to ensure data protection in the transmission of information abroad, the service processing the case has internal responsibility for ensuring that there is data protection in accordance with the law when transmitting data to Europol. As a backup for national coordination, a contact point for Europol cooperation was set up in every Land Bureau of Criminal Investigation, the Federal Border-Guard Directorate (central agency of the border police) and the Customs Bureau of Criminal Investigation (central agency of the customs authorities).

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2.2 STRUCTURES

In principle, police matters are the responsibility of the Länder while the basic law stipulates that the Federation's (i.e. the central government's) responsibility for police matters is restricted to certain areas only.

2.2.1 General structure of the police forces

In accordance with the federal structure of the Federal Republic of Germany, each Land has its own police force. Thus, there are 16 Land police forces plus the federal police force. It is for the Länder and for the Federation, respectively, to decide on the organisational set-up of their police forces; this is why the structures of the various police forces differ. The police forces of the Länder include the uniformed police, the judicial police and the special units (river police and riot police). The federal police forces are the Federal Criminal Police Office (BKA – Bundeskriminalamt) and the Federal Border Police (BGS – Bundesgrenzschutz).

The uniformed police are responsible for the warding off danger, crime prevention and criminal prosecution. They are also responsible for traffic control.

The mission of the judicial police also includes crime prevention and criminal investigations. While the uniformed police deal primarily with cases of petty and ordinary crime, the judicial police focus on crimes which are perpetrated in a gang-like fashion, on a commercial or serial basis, e.g. aggravated theft, robbery, blackmail, sexual offences and murder, drug offences and counterfeit money crimes.

The river police control commercial inland waterways, shipping and pleasure craft traffic. They ensure the safety of traffic on inland waterways, control the transport of hazardous goods and prosecute environmental offences committed in this context.

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The riot police are deployed in crisis situations, e.g. major accidents, disasters and threats to law and order. They support the regular police at demonstrations, sporting events and other major events and in the fight against drug crime and organised crime and in their routine duties. Partly, the riot police also provide training to junior police officers (to the extent that such training is not provided by the police academies and vocational colleges of the Länder which were specifically set up for this purpose). The riot police forces of the Länder are partly equipped by the Federation, which may, in certain cases that are laid down in the Constitution, call on the riot police.

In addition, there are special units for special cases of violent crime (hostage-taking, abductions, etc.) and other crimes such as homicide. These special units are deployed in particular if there is reason to assume that the perpetrator is extremely likely to use violence or if he is armed. The members of these special units are mostly police officers of the uniformed police who have undergone special training. As regards organisation, these special task forces are frequently part of the uniformed police. In some Länder, however, they are part of the judicial police or directly subordinate to the Ministry of the Interior. The names of these special units also differ from Land to Land; they may be called "special operations command" or "mobile operations command".

2.2.2 The police forces in the Länder

Given the fact that there are 16 Land police forces, it seems only natural that certain differences have developed; however, in the main there is a uniform basic structure common to all police forces of the various Länder. Immediately subordinate to the Ministries of the Interior are the police headquarters (Präsidiën) which have primarily an administrative, organisational and supervisory function and direct operations of interregional importance.

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A distinction is made between so-called:

- Regional police headquarters, which are responsible for the management of general police tasks and special police headquarters, i.e. the "Land Criminal Police Offices" (which may be compared to the BKA but are responsible only for a single Land), the "Headquarters of the Riot Police Forces" (which commands the contained operational units of the riot police), and the "Police Administrative Office" (central procurement of operational assets and equipment).
- Subordinate to the regional police headquarters there are the district police headquarters ("Direktionen") each serving a community of between 300 000 and 700 000 people.
- Subordinate to the district police headquarters there are the local police departments ("Inspektionen"). They do most of the everyday policing and serve as points of contact for citizens. Subordinate to each district police headquarters there are up to 12 local police departments of the uniformed police (manned on a 24-hour basis), at least one local department of the judicial police and one local department of the traffic police.

2.2.3 The Federal Police Forces

2.2.3.1 The Federal Criminal Police Office (BKA)

The Federal Criminal Police Office is an agency with a total staff of approximately 4 800 who are based at three different locations in the Federal Republic of Germany: Berlin, Meckenheim (near Bonn) and Wiesbaden.

The BKA is a central agency dealing with police information, intelligence, criminal matters and crime prevention. The BKA supports the law enforcement authorities and the police of the Federation and the Länder in combating and prosecuting crimes which are committed across regional and international borders or that are of significant importance. This includes collecting and analysing all relevant information and passing on such information to the competent law enforcement agencies.

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The BKA is at the same time the National Central Bureau of ICP0-Interpol in Germany and the National Unit for Europol and the Schengen Sirene Office (Supplementary Information Request at the National Entry – Sirene) and the police cooperation under the Schengen convention. In addition, the BKA is responsible for relations with foreign police forces and judicial authorities that are necessary to combat and prosecute criminal offences.

The BKA compiles technical reports on the identification of persons and on forensic problems.

The BKA is responsible more particularly for investigating the following crimes:

- Internationally organised illegal trade in weapons, ammunition, explosives and drugs;
- Internationally organised production and distribution of counterfeit money;
- Investigations abroad and, at the request of one or several Länder, criminal offences which were committed in connection with the above crimes, including internationally organised money laundering.
- organisation of witness protection.

The BKA has also the competence for protecting the members of the constitutional bodies of the Federal Republic of Germany and their guests of State.

In the framework of its central agency functions, the BKA supports the police forces of the Federation and the Länder. For this purpose, the BKA maintains the necessary facilities and equipment for all kinds of criminal investigations and forensic research. In addition, the BKA is responsible for developing police methods and crime control strategies.

Experts received explanations on the organisation of Division ZD (Central CID, Services, Identification of Persons). Staff here is more than 1000. Subdivision ZD 3 deals with international cooperation (Interpol (staff 26), international legal assistance (staff 20), SIS- SIRENE (staff 60), Europol. (staff 6, only police officers). Compared to all BKA staff the BKA subdivision dealing with international cooperation seems understaffed.

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The Organised and General Crime Division is one of eight broad BKA sub-directorates, responsible in particular for the study of organised crime. Section OA 1 is an analysis unit, whose results are forwarded in particular to subdivision 04, which is in charge of investigations. Depending on the nature of the analyses and their subject matter, the results may be sent to the LKA for allocation. This system appears to be particularly complex since, except for cases with international ramifications, it does not seem that analysis work of this type is done by the Länder, which may deprive the BKA of a significant source of information.

2.2.3.2 The Federal Border Police (BGS)

The Federal Border Police (BGS) is a federal police force subordinate to the Federal Ministry of the Interior which assumes special police tasks in the security system of the Federal Republic of Germany. The Act on the Federal Border Police summarises the tasks and mission of the BGS. This includes in particular:

- protecting the borders of the Federal Republic; railway police mission; providing protection against attacks on aviation security at airports; protecting the Federal Constitutional bodies and the Federal Ministries; mission in the North Sea and in the Baltic Sea, including environmental protection and shipping police tasks; participation in police missions abroad under the umbrella of the United Nations, the European Union, the Western European Union and other international organisations; providing support to the police forces of the Länder in major police operations; providing assistance in the event of disasters and major accidents.

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2.2.3.3 Customs investigation service (ZKA)

The special role of the customs administration should also be mentioned. 15 July 1992 the Law amending the Fiscal administration and other laws took effect. Thus by act of law the new central office of the German Customs Investigation Service was established as a higher federal authority. Amongst several and different specific tasks it is of particular interest to note that ZKA works together with other national authorities, particularly with the federal and land police, the fiscal and economic authorities and the judicial authorities (for example 27 joint investigation groups of Customs and police exist to fight against drug smuggling). In the same way with the entry into force of the money laundering provisions a very close cooperation at international level will probably be necessary with police forces and international agencies.

As mentioned by customs management during the second round of evaluation, the customs administration had reduced its regional offices from 21 to 8. It is important to note that, in its areas of competence, the ZKA has the same powers as the police. Customs officers can thus pursue their enquiries until the judicial authorities begin proceedings.

3. INTERNAL ORGANISATION OF THE EXCHANGE OF INFORMATION

3.1. STRUCTURES

3.1.1 *Technical aspects* of channels of communication with Europol

Within the Federal Republic of Germany, the BKA is the contact point for Europol. The BKA also functions as a technical nodal point. The following communication channels have been set up and are operating.

Between Europol/Den Haag and the BKA/Wiesbaden a VPN (closed network) has been set up. The information flow on this VPN is encrypted. Any mail traffic (SMTP) between Germany and Europol is currently conducted via this VPN. Consideration is being given to later adoption of online data exchange between the Europol Information System and the German police information system via the VPN.

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It is moreover possible to communicate with Europol by fax via the German national desk. Such communication is by cryptofax and has been set up by way of an intermediate solution at the preliminary stage pending the above-mentioned arrangements. In addition to the BKA, the Länder Bureaux of Criminal Investigation (LKA) and the Customs Bureau of Criminal Investigation (ZKA) have a communication link with the German national desk.

Requests addressed to Europol by the responsible police departments in the Länder are referred to the competent LKA, checked there for reliability under the police's power of verification and approval and normally passed on to the national central authority as the interface with Europol. Requests from Europol, if submitted on the police circuit, are directed to the competent LKA via the BKA and sent from there to the responsible department.

3.1.2 Technical aspects of channels of communication between the Member States

Communication concerning Europol between the Member States is conducted via the national desks and in the course of joint data analysis (work files) at Europol. Specific communication channels or technical solutions between the Member States have not been set up.

Interpol intelligence requests between Germany and other Member States are also normally directed via the BKA to the LKA.

In particularly important and urgent cases information and intelligence are exchanged directly via the BKA liaison officers within the Member States; the BKA central authority is involved later. Reference should also be made to the Schengen VPN (SISNET) via which communication is conducted in encrypted form in the Schengen field, e.g. SIS and SIRENE communication (X.400). In the Interpol field, the BKA is connected by a VPN in encrypted form with Interpol (Lyon) and the Interpol Member States. This network includes both mail traffic (SMTP) and access to data banks (inter alia ASF).

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3.1.3 Specialist aspects – Combating politically motivated crime

In communication between the BKA and Europol, it is mainly the German Liaison Office which is used for information exchanges.

Where intelligence relating to analysis projects is exchanged, this is done by direct communication between the Europol analysts and the relevant national experts.

3.1.4 Specialist aspects – Combating organised and general crime

In communications with the national liaison officers at Europol, use is made of all communication channels (e-mail, telefax, telephone, post). The method of communication chosen depends in particular on the nature and urgency of the request or on the method of communication used by the requesting Member State. The means of communication here is normally e-mail.

Information/requests from the requesting regional services are received by telefax or fax and are normally converted into e-mails to the German Liaison Office at Europol and in a few cases are forwarded by fax.

In extremely urgent cases, an initial request is made by telephone and the facts of the matter transmitted subsequently in writing.

Communications in international exchanges of reports on suspect transactions under the Law on money laundering are conducted via Interpol, the FIU, the National Liaison Office at Europol or the BKA's liaison officers. The Interpol channel is regularly used when police intelligence has to be obtained from other countries for investigations into money laundering (financial investigations regardless of procedure).

The FIU channel is used for information exchanges between the Central Agencies on reports of suspect transactions. In this area the FIU.NET is currently being developed on the initiative of the Netherlands in order to ensure the secure exchange of information between FIUs within the meaning of the Council Decision of 17 October 2000 concerning arrangements for cooperation between financial intelligence units of the Member States in respect of exchanging information.

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The Europol channel or the channel via the National Liaison Office at Europol is used when intelligence has to be obtained from one or more Member States and the Europol-mandated area is affected.

It is also used to supply data on current analysis projects at Europol.

3.2. CHOICE OF COMMUNICATION CHANNEL

3.2.1 Combating organised and general crime

The criteria for the choice of communication channel arise initially from the legislation on international police cooperation assistance, the Europol Convention and the Law on Europol.

The choice of channel for communicating information is determined by:

1. the urgency of the matter,
2. the reliability of the information,
3. efficiency,
4. the extent of the information and the competence of the information medium in the target country.

Further criteria are the extent of the international ramifications of the facts to be communicated and experience of the speed and quality of response via the communication channel. The decision as to which channel is appropriate is taken by the official responsible.

The national liaison officer at Europol guarantees a swift response in urgent or problem cases through his rapid direct contact with the other national liaison officers at Europol. The advantage is that queries from the department dealing with the case do not usually need to be translated. This is the channel generally used.

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From a data-protection perspective it should be noted that in information exchanges with Europol concerning suspected money laundering cases the extension of Europol's mandate to money laundering in general (i.e. without a link to the primary offence for which Europol already has jurisdiction) has not yet been ratified by all Member States. Exchange of intelligence with Europol is permissible only where it concerns cases covered by Europol's mandate. Since in the case of reported suspicions under the Law on Money Laundering no indication as to the type of predicate offence is generally available, Europol cannot as yet be involved in such cases. Queries from Europol on the general grounds of "suspicion of money laundering", for example, can only be answered when intelligence is available on primary offences already covered by the mandate. For exchanges of information in the SIS the SIRENE Bureaux or police cooperation centres set up bilaterally between Schengen States are used.

A distinction is made between bilateral and multilateral cases.

In the case of a bilateral information exchange, the Interpol channel is regularly used, and in urgent cases or matters of particular importance or requiring personal access to foreign departments the liaison officers posted to the German Embassy are also involved. When clarification is required in both Member States and non-EU States the Interpol channel is used to avoid a two-track procedure. Use of both channels (Interpol and Europol) in parallel would require greater coordination between the countries involved and would not be useful.

The Europol route is taken when a number of Member States are concerned or there are urgent requests for coordination of operational measures with one or more Member States.

3.2.2 Combating politically motivated crime

The choice of communication channel depends on the individual case. Communication is mainly via the Police Working Group on Terrorism (PWGT), the BKA liaison officers in the Member States or the German liaison office at Europol.

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On the basis of the Interpol Constitution (Article 3, prohibition on activities in connection with politically motivated offences etc.) and existing restrictions arising from § 14(7) of the BKAG (Law on the Federal Bureau of Criminal Investigation), the Interpol channel is less used in combating terrorism.¹

In cases involving a number of Member States the German Europol desk is also used as a channel for obtaining information in individual instances. The advantage is that several countries' data and Europol analysis data can be interrogated simultaneously.

4. EXTERNAL EXCHANGE OF INFORMATION

4.1. DATA EXCHANGE PROCESS

4.1.1 Combating politically motivated crime

After the attacks on 11 September 2001, information exchange between the Federal Republic of Germany and the other EU States greatly increased because of the many links with the fight against terrorism. Statistical data cannot be made available for the time being.

4.1.2 Combating organised and general crime

Because of the lack of statistical data a quantitative estimate is not possible.

From the point of view of quality, information exchange with the other Member States varies but can on average be described as good.

The quality of information exchange cannot be described in general terms as it depends on individual cases. While bilateral cooperation was to the fore in the initial years, multilateral InfoEx transactions have been in the majority since last year.

¹ Terrorism is not the purpose of this evaluation.

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A further quality indicator is the intensity (longer lasting follow-up correspondence) of individual InfoEx transactions, on the one hand for acceptance of the medium of cooperation ("trust through good work") but also for the worth of an exchange (numerous connections abroad, comprehensive clear-up rate). Here there is also an increase in cases where the exchange of police intelligence has been more intensive and of greater duration.

Some Member States can be cited for individual areas of criminal activity:

- Immigration networks: Austria, Italy and the Scandinavian countries,
- Illegal labour migration: Spain and Portugal,
- Weapons and environmental crime, corruption: Netherlands, Belgium, France, Austria and Italy,
- Economic and computer crime: France, United Kingdom, Austria, Netherlands, Belgium, Spain, Italy,
- Drug trafficking: Netherlands, Spain, Austria, Italy, Belgium, United Kingdom, Scandinavia,
- Rocker crime: Denmark,
- East European organised crime: Italy, Spain, Finland, Sweden, England, Austria.

Particularly worthy of note is the information exchange in border regions with immediately adjacent States, in particular in the case of France via the Joint Centre and in the Netherlands via the Regional Liaison Office in Lingen.

4.1.3 Evaluation by the German liaison office at Europol

The Member States with which most intelligence was exchanged in 2002 are (in order of volume):

- Netherlands,
- United Kingdom,
- Italy,
- Belgium,
- Spain.

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The question of which partners are most important in intelligence exchange is, in relation to quantity, primarily dependent on the areas of criminal activity which are the subject of the exchange.

This becomes clear in the examples of the Netherlands, the United Kingdom and Italy. With these Member States some 70% of exchanged information (InfoEx transactions) relates to illegal drug trafficking and illegal immigration networks (e.g. the Netherlands with about two thirds of all information exchanged on illegal drug trafficking). Since the number of cases in these two mandate areas take the lion's share of exchanged information anyway, this is also reflected in the intensity of cooperation with those Member States.

However, the ranking of cooperation partners as important/less important is not automatically dependent on the number of cases. In individual instances, other factors can be decisive (national importance of individual investigations, reliability, scope of the information, support for investigations, rapidity, etc).

4.1.4 Under § 14(1) of the BKAG (Law on the Federal Bureau of Criminal Investigation), the BKA can communicate personal data to police and judicial authorities or other official bodies responsible for the prevention or prosecution of crime in other States as well as to international or supranational bodies dealing with the prevention or prosecution of criminal acts. These also include central bodies for the receipt and evaluation of suspected cases (such as Financial Intelligence Unit).

4.1.5 Exchange of so-called "soft data" along legally provided information channels is possible where in the context of criminal prosecution at least prima facie suspicion is present and/or the exchange serves to prevent criminal acts. Personal data may also be forwarded to police and judicial authorities abroad. The so-called "ring-fencing principle" must be observed. Under this principle, personal data may be transmitted only for the purpose for which they were collected and stored.

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Transmission of such data must not take place where it is in breach of German law and would adversely affect the interests deemed worthy of protection of the person concerned, particularly if appropriate data protection cannot be guaranteed in the receiving country. Responsibility for compliance of the transmission with data protection law is borne by the body which collected or requested the ring-fenced data.

In the context of daily information exchange in the European area, either via Europol or directly with the Member States, German data protection law raises no problems and thus does not influence information exchange.

As a matter of principle, in the framework of information exchange with foreign authorities going beyond the data protection laws of the receiving country, possible personal disadvantages for the person concerned and/or infringements of their legally protected rights must also be feared from transmission of the information. In isolated cases impediments arise with intelligence reports from other Member States. Many EU States draw a distinction between the police and the justice authorities, with use of data only being allowed for police purposes.

4.1.6 Evaluation by the German liaison office at Europol

The German department leading the investigation decides on any documents to be forwarded. Where the liaison officers consider further distribution/use of information to be advisable (e.g. use/input for an analysis project), direct contact is taken with the case-handling department. Here the use of Handling Codes (n) developed jointly with Europol has proved to be effective.

Later follow-up requests for the forwarding of information (particularly to third parties) are sent to the case-handling department for a decision and are generally accepted (after examination). To increase the awareness of decision-makers/departments involved, national cooperation partners have been given written explanations of the background and operation of the Handling Codes when they were introduced at Europol.

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4.2 INFORMATION OWNERSHIP

4.2.1 Combating politically motivated crime

Minor impediments to information exchange occasionally occur because of national peculiarities in the various police and judicial systems. Where it is not possible to obtain information through the police channel, recourse is had to the channel of judicial assistance. This procedure regularly leads to results, but often means a substantially greater investment in time, so that the information is only available very late.

4.2.2 Combating organised and general crime

Obstacles to the exchange of information on suspected money-laundering in the past were removed by the entry into force of the Council Decision of 17 October 2000 on "cooperation between financial intelligence units of the Member States in respect of exchanging information".

The various forms of cooperation are defined in the concluded cooperation agreements and are used by both parties as the basis for their action. Their implementation is binding on each participant within the framework of their national legislation and possibilities. There is in each case a separate instruction regarding the exploitation, storage and processing of the information.

4.2.3 Despite all efforts at harmonisation, differences in the fields of criminal law and procedure, data protection and other laws continue to persist among the EU Member States.

The differing legal requirements for implementing criminal procedural measures in the context of international cooperation give rise to particular problems. If a foreign State is involved and is requested to implement an operational measure, which is regarded as promising and essential to advance the investigation and which would also be admissible in the particular circumstances under German law, a situation where the measure cannot be enforced within the EU under the law of the requested State is usually not easy to understand. There are clear differences between the Member State where measures can be carried out on the basis of an exchange of information between the police and other Member States where such measures require legal bases provided by the courts. Legal impediments of the kind described can hardly be eliminated by means of police/judicial measures in specific cases.

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4.2.4 In addition, for budgetary and staffing reasons several European countries work in accordance with the "priority principle", i.e. only selected measures/projects are implemented. In such cases close personal contacts between officials of the departments concerned in both countries, coupled with a swift and intensive direct exchange of information, may possibly have a positive effect on the decision as to which measures/procedures are given priority in the country concerned (when information is transmitted, there are always delays if the requested State has set different priorities).

4.2.5 Evaluation by the German liaison office at Europol

Different rules on the material control of information (police/public prosecutor's office) lead to some extent to restrictions on use (see above the comments regarding handling codes).

Non-uniform ways of processing information obtained by intelligence services may, for example in the terrorism area of the mandate, lead to a particular need for clarification regarding the usefulness of information.

In some Member States the police themselves can decide on particular criminal procedure measures while in other Member States they come under the remit of the public prosecutor/judge.

With few exceptions, responses to requests for intelligence are provided via the police channel in time.

The overwhelming majority of all replies are provided within a short space of time, especially when urgent (EILT) procedures as such are identifiable. Preliminary inquiries by telephone are usual in the case of all Member States; around half of all liaison offices are able to conduct certain interrogations of systems themselves.

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There are some differences to be noted in response times. As already mentioned, problems in the liaison offices can often be resolved by personal contacts. If the causes lie with subordinate or not even lower authorities, the possibility of ELOs or ENU exerting influence is often reduced considerably. In some Member States ELOs are not allowed to make direct contact with local police departments.

National rules (e.g. scrutiny of particular requests by the public prosecutor's office, consent of other authorities) may delay processing, in particular outside normal office hours.

The InfoEx System, which was recently reviewed by Europol, makes it possible to keep a simple check on processing times and to set and meet deadlines. Numerous comments by the national parties concerned show that they are basically satisfied with the processing times, especially in comparison with other frameworks for cooperation.

5. EXCHANGE OF INFORMATION BETWEEN MEMBER STATES AND EUROPOL

5.1. DEFINITION OF INFORMATION AND INTELLIGENCE

There is no legal definition of the terms "information" or "intelligence". § 3 of the Federal Data Protection Law (BDSG) does, however, define the term "personal data" which are usually involved when information/intelligence is exchanged. According to this section, personal data are "individual details concerning the personal or material circumstances of a particular or determinable natural person (person concerned), such as, for example, age, address, assets, utterances, convictions".

5.1.1 Within the German law enforcement agencies there are the following classification levels for information:

- VS- NfD (classified information – only for official use),
- VS-confidential,
- Secret,
- Top secret.

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When dealing with correspondingly classified information, the administrative provisions adopted and official instructions internal to the BKA are to be observed. Only information in the first category may be passed on to Europol with the corresponding indication (use of handling codes).

5.1.2 Combating organised and general crime

If an investigation has international ramifications and if none of the aforementioned exceptions apply, Europol and the foreign law enforcement agencies concerned are involved as soon as possible.

If one of the exceptional cases applies, no information is supplied to Europol or other foreign agencies.

With regard to queries received from Europol, we know of no cases where information has not been communicated by invoking the exceptions provided for in Article 4 of the Europol Convention.

Europol will always be involved before or during the investigation if this will further the operation. Where enquiries need to be made in other Member States, information will be forwarded to the German liaison office at Europol at all stages of the procedure for passing on to/clarification by the other Member States.

The type of investigation determines the point at which information is forwarded, as such information can only be passed on when the purpose of the investigation can no longer be jeopardised and the owner of the data has agreed.

The point at which Europol is involved also depends on the type of investigation. The department leading the investigation will endeavour to exchange information with Europol and EU Member States as early as possible where the investigation has international ramifications, so that further possible criminal organisations can be uncovered at every stage.

However, tactics and constraints in criminal investigations often prevent detailed information from being passed on.

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5.1.3 Combating politically motivated crime

Europol is supplied by the national unit with all relevant information available to it.

Only in the rarest of cases requiring extreme secrecy is intelligence withheld or only passed on after an appropriate interval.

Information is passed to Europol as soon as an investigation begins. At this stage particularly it is essential to make even unevaluated data ("raw" data) available for evaluation purposes so that it can be incorporated into the files by the Europol analysts. There is thus no "threshold" to be reached before information is passed to Europol.

5.2. NATIONAL EUROPOL UNIT

5.2.1 The BKA is the Europol national unit. The BKA is also the Central Criminal Investigation Office for Germany, Interpol National Central Bureau and Sirene national unit. The sections of the "State Security-ST" and "Organised and General Crime – OA" departments as well as individual sections of the "Central Services – ZD" department perform the tasks arising in the particular field (correspondence concerning international criminal investigations and information analysis) in addition to their general tasks as a central office and maintain contact with the other German law enforcement and customs agencies.

In addition, the specialist section ZD 34¹ – organisationally attached to specialist group ZD 3² (International cooperation) – deals with all Europol matters of principle and activities with the public in connection with Europol. The head of section ZD 34 acts as head of the Europol national unit (HENU) on behalf of the President of the BKA.

¹ Subdivision of central CID services (Europol, coordination office for E.U. bodies).

² Subdivision of central CID services (International cooperation Interpol NCB bureau).

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5.2.2 The BKA as Europol national unit is also the national Central Criminal Investigation Office. Its task is to collect and evaluate information, to pass on the results to the Länder departments and to support their findings.

Organisationally speaking, the Europol national unit, the Interpol national bureau and the SIRENE national bureau are part of the "International cooperation – ZD 3" Group.

5.2.3 The BKA is authorised to collect information from the national law enforcement agencies; and the Länder criminal investigation offices are obliged to forward information to the BKA to enable it to fulfil its central office function.

The relevant law enforcement agencies and the BKA as national unit are sufficiently familiar with the obligations arising from the Europol Convention and the Europol Law (national law ratifying the Europol Convention). Data is supplied to the corresponding units of Europol (both strategic information and intelligence for analysis projects) at regular intervals.

5.2.4 The Land Criminal Investigation Offices, the Customs Criminal Investigation Office and the Federal Border Guard Directorate have notified the BKA of a department as their Europol contact point. All basic Europol matters are dealt with via the designated Europol contact points of the Federation and the Länder. Organisationally speaking, the contact points are linked to the legal assistance units. Some of the correspondence relating to criminal investigation matters (InfoEx) is therefore dealt with via these units.

5.2.5 In its capacity as national unit the BKA conducts various measures to publicise Europol's tasks, capabilities and products as well as the national law enforcement agencies' obligation in the context of Europol cooperation. These measures include:

- lectures in the context of criminal investigation training and training for higher executive service;
- lectures in the context of further criminal investigation training (e.g. international working relations);
- lectures in the context of regular meetings or at the request of a local department in a Land;

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- regular information regarding Europol analysis projects (aim and purpose of new projects, current state of affairs with on-going projects) and regarding the outcome of Management Board and HENU meetings for the Europol contact points of the Federation and Länder – regular communication of Europol products (strategic reports, bulletins, etc.) – annual workshop with the Europol contact points of the Federation and Länder for the purpose of discussing current topics and problems.

5.3. USE OF INFORMATION AND EUROPOL ANALYSIS CAPABILITY

5.3.1 The German law enforcement agencies tend to use the following procedure in relation to the launching of Europol analysis projects:

Preparation during the launch phase

- problem identification (as part of normal investigation / evaluation work)
- state own intelligence interest / establish own aims and connections
- obtain further intelligence both nationally and internationally
- determine the analysis requirement (complexity/criminal input, etc.)
- contact departments concerned
- indicate cooperation requirements
- joint agreement on approach to Europol-relevance/Europol jurisdiction or bilateral approaches

Formulation of analysis demand (written synopsis of "identified" starting situation)

1. Presentation of facts in relation to Europol-relevance

- Europol jurisdiction
- indications of involvement of organised structures (OC-relevance)
- at least two Member States concerned
- need for a joint approach
- need/usefulness of a Europol analysis project

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2. Aims/direction

- operational or strategic
- primary objectives/questions
- foreseeable or anticipated product/results (form of presentation, content, language)

3. Timeframe/time constraints

- urgency
- priorities
- milestones

4. Participation conditions / form and possibility of own participation

- interlocutors/department responsible
- resources (personnel/material)
- possibilities and form of participation on the ground
- nature, form and method of information delivery
- specialised knowledge (data processing, foreign languages)

Examining, advisory and service function of the BKA

- submission of analysis demand to the Europol national unit BKA, ZD 34,
- examination of technical and legal requirements and of the method and policy approach, with the involvement of the specialised section responsible and of the service and advisory centre for crime analysis (KI 14)¹
- if necessary, combining with other relevant information and other technical support
- if necessary, method and policy-approach support from the service and advisory centre for crime analysis (KI 14)
- coordination at international level (Member States concerned, Europol)

¹ Institute of law enforcement studies and training (subdivision of the BKA).

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This procedure ensures that a Europol analysis project receives the full support of the German law enforcement authorities.

5.3.2 Combating organised and general crime

Feeding information into an Analytical Work File without having any particular interest in that information would be at odds with the purpose of the analysis and is in any case prevented by time and personnel constraints. The same goes for retrieving information from an AWF without inputting any, although cases are imaginable where data are retrieved without any being contributed.

The purpose of participating in an AWF is to match one's own intelligence with that of the other participating States. Furthering one's own interest with the anticipated information return from the AWF is an important criterion for participating and an indispensable component of a comprehensive evaluation.

The analysis and investigative departments cooperate closely in both the accompanying and supporting evaluation work.

Swifter availability of requisite information would be desirable, particularly where investigations are concerned. There is sometimes considerable delay in answering requests for intelligence in connection with information passed on. Early introduction of the Europol Information System would bring greater transparency and a recognition of Europol's efficiency.

From the perspective of combating organised crime there are currently two analysis projects which Germany considers problematic:

SUSTRANS AWF

Given the still limited mandate on money laundering the establishment of the SUSTRANS AWF was premature. It would have been more sensible to await ratification of the changes to the Europol Convention. The result is that some Member States are unable to pass on any information to Europol, while others can pass on very little.

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No intelligence has so far been received from Europol on suspicious cases reported by the Member States. The SUSTRANS AWF does not therefore offer any discernible added value at present.

CASE AWF

The problem with the CASE AWF is the lack of evidential value of the forensic results from Sweden and the quality of the case data supplied.

COLA AWF

The quality of the file suffers from the fact that the States most significant in terms of cocaine smuggling (NL/UK/E) make little or no data available, even though some hits have been scored with regard to Nigerian narcotics traffickers.

5.3.3 Combating politically motivated crime

Germany considers the current analysis project on Islamic Terrorism useful and necessary¹.

5.4. PERCEPTION OF EUROPOL VALUE

5.4.1 Combating organised and general crime

For Germany Europol's activity is considered as generally positive.

The results from Europol analyses inform the law enforcement and prevention measures taken by the various law enforcement agencies and are taken into account in both operational and strategic thinking.

The Europol analysis projects MOLDUK (illegal immigration networks), MUSTARD (drugs trafficking) and TWINS (child pornography), in particular, provide extensive support to national and international investigations by furnishing appropriate evaluation results. Analysis results have also led to criminal proceedings being brought in Germany.

¹ Terrorism is not assessed in this report. This matter is another ongoing process after the Council decision of 28 of November 2002 (JOCE L 349/1).

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Germany states equally positively that in the West African Criminal Networks (WACN) EU project, Europol used Member States' contributions to compile an international threat analysis which was helpful.

Owing to the peculiarities of procedure and the necessities of criminal proceedings its influence on the operational sector is rather limited as compared with the strategic aspect. In individual cases, however, pointers and suggestions for the conduct of investigations can emerge. The data bases compiled with the help of analysis results are helpful in such instances as background information.

Europol's support has proved especially valuable in the following projects:

- The Europol training course on child pornography on the Internet.
- The evaluation work in connection with the TWINS AWF (child pornography on Internet).
- The expert meetings on trafficking in human beings.
- Cooperation in compiling the European Vehicle Identification Database (EuFid).

5.4.2 Combating politically motivated crime

Apart from the analysis results, Europol contributes added value above all in the pooling of strategic information important to all EU States. Germany would single out in this connection the EU threat analysis or the specific situation reports. In any event, Europol's recent focusing on a limited number of tasks in the fight against terrorism should in our view be continued. The assumption of any new tasks should in principle be coordinated with the Member States. This coordination process could further enhance Europol's acceptance in the Member States, as its tasks would then correspond more closely to the real wishes of the customers.

Use was made during investigations of a number of cross-hits which filtered through in the course of comparisons in the Islamic Terrorism AWF.

To date, however, no significant successes have been achieved on the basis of the information communicated by Europol.

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A decisive factor has been the most extensive provision of information as possible for the AWF participants. Despite a marked improvement following 11 September 2001, Member States' practices regarding provision of information vary considerably. In this respect too, Germany has hitherto come to the fore by dint of its valuable contributions, in both qualitative and quantitative terms.

Europol is supplied with extensive information of the most diverse nature from the national unit on all areas of crime. However, the results produced by Europol, inter alia on the basis of German material, do not always live up to expectations.

5.4.3 Evaluation by the German liaison office at Europol

The information exchange with Europol consists predominantly of AWF contributions and follow-up queries to them (1 331 cases in 2002) which are contained in the IE system (as "normal" InfoEx transactions), while case-related information exchange with Europol's SC units play only a subordinate role (261 cases in 2002). One exception to this is Europol unit SC 8 (156 cases in 2002) which actively provides information and in addition regularly circulates early warning messages, which in turn lead to relevant feedback, while the same applies also to SC 5 Counter-terrorism (54 cases in 2002). In 2001 both areas accounted for the major proportion (102 cases without AWF contributions), with 67 for SC 5 and 22 for SC 8.

It should also be noted that to date Europol has had no storage possibility in the EIS for data not related to the mandate area of money forgery, and can therefore collect its "own" data only in the framework of AWFs.

No statistical data are available on information exchange which is not case-related. Here, too, a distinction should be made in considering the matter between individual mandate areas/units:

Cooperation with SC 1:

Cooperation is primarily limited to the analysts for the Monitor AWF posted to SC 1. There is hardly any direct case-related information exchange with SC 1.

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Cooperation with SC 2:

There are relatively frequent case-related exchanges of information with SC 2 in the area of "Cocaine logo" and "Ecstasy logo". In addition, SC 2 is regularly informed of important Interpol (IP) alerts on drugs seizures. The quality of information exchange with SC 2 can on the whole be assessed as good.

Cooperation with SC 3:

In the past case-related information exchange with SC 3 took place in various individual cases on the basis of a corresponding AWF link or in the framework of the supply of information from corresponding German situation reports to SC 3 and requests from SC 3 regarding phenomena, verification of open sources alerts, etc.

Further cooperation extended to various initiatives such as the setting up of a Europol Homicide Working Group and various control projects in the area of illegal immigration networks and trafficking in human beings.

Cooperation with SC 4:

Cooperation can be described as good in every respect, particularly more recently. Although the distinction between currency counterfeiting offences (SC 8) and other means of payment (SC 4) does not correspond to the organisational structure known in Germany, this does not necessarily have any adverse effects on the results of the work.

German intelligence (cases of scanning/skimming of card data) is dealt with promptly by Europol with the aim of obtaining photographs of suspects at the cash dispensers used keyboard Operation (OP). Further contacts were passed on to German officials (similar cases within the MS), and occasionally various investigations were combined and directed at the corresponding offender groups.

Information exchange with SC 4a (Vehicle Crime) mainly takes place in the framework of Candidate Countries (CC) participation in the InfoEx relating to the "Vehicle Crime" mandate area.

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Cooperation with SC 5:

Apart from pure Information Exchange (IE) on issues relating to terrorism (which hardly ever occurs), numerous Europol projects are supported by documents/information from Germany which are often highly commended by Europol itself. Germany has repeatedly made an active contribution to project development at Europol, although in the case of support for data base input on right-wing skinhead music for instance, it was prevented from supplying Europol with personal data as – according to information from Legal Affairs – Europol is not allowed to store such data.

Other products (e.g. digest of open sources, listing of terrorist groups, etc.) have no direct procedural link and are therefore not covered by the concept of information exchange.

The IE on the Islamic Terrorism AWF is carried out via the competent analysts, and not via the SC 5 project manager.

Cooperation with SC 6:

Cooperation generally runs very smoothly, although there are very few requests for open sources searches (none via IE in 2000, 2001 or 2002).

Cooperation with SC 7:

Cooperation with SC 7 is mainly confined to written contributions to and feedback from the AWF and cooperation in the context of the relevant AWF meetings. Cooperation runs smoothly on the whole.

Cooperation with SC 8:

Cooperation with the counterfeit currency unit may be assessed as excellent. As Europol officials dealing with counterfeit currency are actively engaged in the collection of information, the result is that valuable intelligence is supplied to the Europol States, also in the context of the direct fight against crime. As a result, this led, inter alia, to apprehending Lithuanian counterfeit currency suppliers in France.

A further instrument for information management, i.e. "early warning messages", has also proved its worth as a useful means of grouping together counterfeit currency offences.

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6. EVALUATION MADE BY THE EXPERT TEAM

6.1 INTRODUCTION

6.1.1 The Federal Republic of Germany covers an area of 357 000 sq. km with border of some 3 767 km. The country is divided into 16 Länder and the population is in the region of 80 million. The total number of police is approximately 260 000, spread throughout the Länder.

6.1.2 The main feature of Germany's organisation is its federal structure. It could be said that fundamental police powers are the responsibility of the Länder. The BKA (Bundeskriminalamt – Federal Criminal Police Office) has subject-matter competence, as will be seen in the chapter on organisational structures. In general, the evaluators would stress both the major role of the Länder in the organisation and operation of services responsible for combating crime and the occasional overlap of the Länder police with the BKA, especially in international exchanges.

6.1.3 The experts can bear out that the German authorities are increasingly concerned to intensify and improve international exchanges. In particular, considerable structured police involvement in Europol is clearly a major signal by the German authorities that in the long term they envisage new or better developed functions for the European police body.

6.1.4 The analysis which follows clearly shows that the compartmentalisation of certain services, added to the complexity of administrative relationships in a federal system, can in some cases lead to a certain rigidity (for example between the customs, Federal police and judicial and police authorities of the Länder) without however creating a real barrier to successful international cooperation. The evaluators did not have the opportunity to visit the police in a Land to assess whether practice on the ground corresponds to the theoretical basis. However, the frankness and openness of police managers enabled the evaluators to obtain a clear and often long-term idea of Germany's expectations and desired improvements in this area of competence.

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6.1.5 Lastly the experts wish to stress the special position of the BKA at the junction between the Länder police and Europol. In fact in view of the growth in Europol activities and the sometimes direct contacts between the Länder police and Europol, the question for the BKA as regards its competence for international exchanges of information, is what effect will a more operational role for Europol have. Even now, the German Europol liaison office can in urgent cases exchange information directly with the police authorities throughout the 16 Länder, information which is automatically passed on to the Federal Criminal Police Office and the Land Bureaux of Criminal Investigation.

6.2 GENERAL COMMENTS AND STRUCTURES

6.2.1 The central coordinating body in the field of internal security is the Standing Conference of the Ministers of the Interior of the Länder (IMK). Its task is to discuss and help to solve problems which come under the remit of general home affairs in the Federation and the Länder.

This standing Conference of the Ministers of the Interior is attended by ministers from the Länder and the Minister of Interior. Under the auspices of the Conference of Ministers of the Interior the competent heads of unit of the Ministries of the Interior meet in "Working Tables I – VI" Another working group is the crime prevention by State and Criminal Police which is in charge of setting up policy and cooperation in this matters. The purpose of these meetings is always strategic and operational. However, in order to make the outcome of the discussions more operational, three specific working parties have been set up: the subcommittee on management operations and law enforcement, the subcommittee on management operational resources and the subcommittee on law and administration.

All these descriptions show clearly the complexity of the administrative management of the security services, especially if account is taken of the complete autonomy of the Länder in their areas of competence and the fact that most of the decisions of the Standing Conference of Federal and State Interior Ministers are taken by consensus without any particular voting rules. This consensus method for taking decisions also appears to apply in the specialised subcommittees.

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6.2.2 In criminal procedure, the police are free to employ their own resources as they see fit. For this reason, the public prosecutor's office directs its instructions to the competent police authority rather than to an individual police officer. Owing to these circumstances, the everyday investigative work of the police is in practice characterised by the fact that the bulk of routine procedures are handled by the police the public prosecutor's office being informed in the initial stages. Normally, a case is reported to the police. The case officer carries out all the necessary investigations particularly in the context of combating organised crime.

After conclusion of the police investigations, the entire file is transmitted to the public prosecutor's office, which then decides on the further procedure (indictment, dismissal, etc.). It is only in cases of particular importance, e.g. in cases of homicide, in cases that attract a great deal of media attention and in cases where difficult legal problems are involved, that the public prosecutor's office will be informed by the police from the outset.

6.3 INTERNAL EXCHANGE OF INFORMATION

The Federal Criminal Police Office (BKA) operates the police information system INPOL, in which data is compiled on persons, property and investigation procedures. This computerised system is the backbone of the common search system used by German police. In addition to the Federal Criminal Police Office, the Land police authorities, the Federal Border Police and the Customs Authorities all have access to the system.

All important information from the Federal and Länder police authorities concerning offences and offenders which is not merely local or regional in character is stored in INPOL. Once entered, data on persons wanted by the German police and judicial authorities are immediately directly available to all authorities linked up to the system.

The key elements of INPOL are the data files for tracing persons and property, a data file on offenders in custody and a data file including characteristics for identification purposes

In August 2003, INPOL was switched over to modern hardware and software and provided with additional functions.

Access to the Schengen Information System (SIS) is also made possible via INPOL.

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6.3.1 The INPOL system is fed by LKA, local police, FIU, Customs, and the Border Police. LKA have access to other LKA systems via BKA. It takes place in nanoseconds through a hit-no hit mechanism. No private person has any access to the police data system.

Besides the INPOL system, BKA has its own data system for its own investigations. This system works like a 17th Länder system.

The Border Police and Customs have their own protected databases.

The Federal Criminal Police Office also maintains a collection of criminal files in which findings on offenders and suspects are gathered in paper form.

In order to be able to search across the system the Custom and border liaison officers at BKA have access to the system only on request case by case. It has to be mentioned that for specific matters and responsibilities, for example drugs, a common specific database is existing within the central system. In these circumstances each law enforcement authority concerned with cases have the right to access and an obligation to feed the system concerned.

6.3.2 If two LKA are working on the same case, each of them knows it through the consultation to the INPOL system. Which Land is competent is decided by discussion between the responsible prosecutors. Even if BKA is responsible, it must act under the control of the local prosecutor, except in cases of terrorism, where BKA acts under the control of the General Attorney in Karlsruhe.

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6.3.3 More generally, Germany seems to have modelled the management of its law enforcement agencies on the principle of subsidiarity, leaving competence in principle to the various Länder police departments and the LKA. The BKA performs police duties in particular cases of international organised crime (arms, counterfeit money, drugs) when expert information is required abroad. This division of competence, which is linked to the constitutional structures of the country, reflects a living federal structure where there is no desire for police affairs to become overly centralised. However, this principle is subject to a major exception in the case of international relations. In that area the BKA has exclusive competence. Preliminary inquiries by the Länder police authorities are therefore handed over to the BKA if in the course of the inquiries it emerges that competence lies with the BKA.

This division of competence, which is linked to the constitutional structures of the country, reflects a living federal structure where there is no desire for police affairs to become overly centralised.

6.3.4 The main task of the BKA is to gather information in its role as the central agency. The various LKA are therefore connected to the BKA by a communication channel which enables each Land to consult the databases of the central BKA system in the form of a central index. This system enables the LKA to have access to data collections stored in the INPOL system, as for example the tracing of persons and the search for objects, custody files or the files of criminal records departments. Alongside the INPOL system, the BKA maintains further files for criminal policing purposes, for example on findings from the area of organised crime and drug crime.

6.3.5 In reality the LKA transmit all information related to crime, criminal persons, suspects except letter offences to the BKA. Other information remains in the regional databases, under the responsibility of the Länder. This system appears to allow active cooperation between the BKA and the LKA. For access to certain files authorisation is necessary and only certain officers or certain departments can have access to particular databases. However, to guarantee the police operability whatever the circumstances, a common consultation index has been created which enables the BKA to check whether or not information exists in a police database in any German Land. This system, which is limited to simple checks or consultation, is backed up by the work of the Organised and General Crime Division of the BKA.

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6.3.6 There is distinction made between intelligence tasks and traditional police functions. Under German constitutional law these two functions are in effect separated; in particular, intelligence services may in no way be in charge of enforcement action such as making arrests. The ST division of the BKA feels that cooperation between police departments has a long tradition and that joint work is a fairly general rule. It is interesting to note that the BKA in the last years has changed strategy from being investigating to be more producing threat assessment and operational analysis in the various areas of organised crime. BKA liaison officers are also posted in de-centralised agencies, such as the Office for the Protection of the Constitution in Cologne, and keep in contact with the relevant BKA sub-directorates. To improve the system for exchanging information, an information board was created in 2000.

This system enables the LKA to have access to data collections stored in the INPOL system, as for example the tracing of persons and the search for objects, custody files of criminal records department. Alongside the INPOL system, the BKA maintains further files for criminal policing purposes, for example on findings from the area organised crime and drug crime.

Nowadays the objective of the German authorities would seem to be to create a common database for the Länder police forces and the BKA, to deal more effectively with intelligence gathered. According to the German authorities, this information board also acts as an analysis bureau, dealing for example with cases of a multidisciplinary nature. All this information is the subject of a weekly digest sent to the Government to inform it of the level of threat ¹.

6.3.7 This system, which appears relatively complex, is accompanied – according to BKA officials – with numerous meetings and seminars between BKA and LKA staff. However, the people that the evaluation team met did not hide the difficulties encountered in the exchange of information, since for BKA managers a problem remains as regards the distribution of the results of processing analysis data to the most suitable investigation teams, or to those most directly concerned. Since the experts did not have the opportunity to visit one of the Länder, it was not possible to evaluate how such information was regarded. Similarly, the division of powers between the Länder did not seem obvious to the experts.

¹ This digest is intended for a weekly meeting at the Federal Chancellery which discusses terrorism issues.

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6.3.8 In principle, each LKA shall ask the BKA whether other Länder are involved or concerned in a similar case. Certainly such a relatively complex system can only function where there is systematic cooperation in practice throughout the country. However, one might question whether the centralised system is timely fed with the all the relevant information. The obligation imposed on the various LKA to consult the BKA index systematically for cases which might have international ramifications could certainly be usefully extended to all investigations, whether or not they have international implications. Besides, this index consultation system does not guarantee that the BKA holds all relevant information, since there is nothing to prevent LKA from consulting each other or consulting partners abroad without transferring the information which has been gathered to the BKA index database. The experts therefore believe that, quite apart from information having international implications, there is a case for setting broader criteria to increase the obligation to transmit information to the BKA for entry in the index file, which is the central base for searches and consultation.

6.3.9 Customs and Border officials are seconded at BKA (e.g. there are customs officials in the Sections dealing with money laundering and financial investigations). As BKA has no access to the customs database, secondment of Customs liaison officers allows these officers to retrieve information from the Customs database as they have access to the customs database when they handle specific cases (the police officer has to ask for the data from the customs officer). In the same way, there are representatives of different law enforcement authorities within the various LKA.

6.3.10 In the context of joint investigation teams (particularly involving police and customs forces), there would probably be considerable merit in providing for the representation, at a level to be determined, of LKA staff within the BKA, which would help make methods of exchange of information more transparent.

6.3.11 Similarly, and taking account of the very broad powers of the ZKA (Customs Criminal Investigation Department) and its wide powers for exchanging information at international level in areas connected with major crime, one might ask why BKA police officers do not have direct access to the ZKA databases? Prior requests have to be made for access and, if it is granted, the database has to be consulted by a custom officer.

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6.3.12 Such a radical separation between police and customs information systems seems inappropriate to tackle organised crime effectively. It was surprising to hear from a BKA Head of Section that "cigarette smuggling information is not interesting for the police". It seems to be one of the reasons why Customs are uncertain on how to use services provided by Europol.

6.3.13 The Experts sought to obtain more information on the Border Police and the access to the BGS database. The team was told that the new INPOL system can also integrate information from Borders.

In general, the issue of the access limitation to the respective databases was considered as more a theoretical than a practical problem, because if there is a joint investigation team, each officer can have access to the information on his/her own database and then share it with the other members of the team.

6.3.14 Nevertheless the model of BKA-LKA databases (INPOL) could be a good example to be implemented at EU level, regarding in particular the hit-no hit access from each Member State to other Member States' databases and how the centralised database works and is fed. The experts were told that an index system would be much easier to organise at European level than a common database. This kind of system presents the advantage, according to the German officials, of being accessible to all the users, while a system such as AWF is only accessible by Europol analysts.

6.4 EXTERNAL EXCHANGE OF INFORMATION

6.4.1 As described above, each Land is competent for all police matters within its geographical area. If a crime is spread over several Länder, the BKA may under federal law be granted subject-matter jurisdiction. Also, if the crime extends abroad, the BKA has powers of its own for certain areas of crime (for example arms trafficking, drugs trafficking, etc). According to federal officials at the Ministry of the Interior, this principle seems in general to be properly observed by all involved.

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6.4.2 The Federal Criminal Police Office is in principle responsible for official contacts between the Federal and Länder police forces and foreign agencies in the framework of international cooperation. Direct contact between the Länder police and the competent authorities of Member States or third States is only permissible where the exchange of information relates to crime of regional significance in a frontier zone or where danger is imminent. In such cases, the Länder inform the Federal Criminal Police Office immediately of the contacts which have been made. In addition, in limited cases in the framework of regionally focused measures and by agreement with the BKA, the Länder police can establish the necessary contacts with the competent authorities of other States.

Direct cooperation between the Länder police and the competent authorities of foreign authorities is also permissible where it is explicitly provided for in the framework of bilateral cooperation agreements on cooperation between police and judicial authorities in frontier zones. Such agreement – with varying content on the permissibility of direct cooperation in frontier zones – exist with almost all the neighbouring States of the Federal Republic of Germany.

6.4.3 When asked on several occasions about the choice of information channel, both BKA managers and those at the Federal Ministry of the Interior acknowledged that they had no fixed policy. The principle was that each police manager decided on the channel to be used depending on the case, on existing agreements and if possible on what would be most effective.

However, the evaluation showed that when an agreement exists with one particular country, and/or when police forces are dealing with sensitive issues or subjects, the general tendency is to prefer to use the liaison officers posted in embassies. The main reason given was that of close personal contact between police forces and the liaison officers concerned. According to the agencies concerned, no part of the BKA was especially responsible for dispatching information.

6.4.4 The full significance of this system emerges if one recalls that Germany has 59 liaison officers posted abroad (in the EU Member States and in third countries).

In general, information from liaison officers posted abroad is systematically passed to the BKA.

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The BKA then decides to whom and how to pass on the information received. According to those the experts met, it may happen that LKA police forces have direct contacts with liaison officers in embassies. In such cases the liaison officers are obliged to send their responses to the police force through the intermediary of the BKA. One might query not only the relative complexity of this system but also, in particular, the current discrepancy between the fact that returning information has to pass systematically through the BKA, while in the other direction the LKA have greater latitude to make contact directly with liaison officers posted to embassies. This system may occasionally risk duplication or loss of information to the BKA.

6.4.5 At federal level it was recognised that the choice of information channel was largely left up to the police forces. Thus no particular priority is given to the choice of any one information channel, and as a result the Europol channel does not enjoy any automatic priority. This deliberate choice was particularly noted during the evaluation of the functioning of BKA sub-directorate OA 2, responsible for drug-related crime analysis. This Division indicated that it frequently used Interpol channels. There were many reasons for this. The Division explained that the use of Interpol files was more flexible than that of those held by Europol. Also, the Division said that Interpol provided information for seizures on the various countries involved in drug-trafficking and in particular sent the BKA information gathered in the countries concerned on ongoing projects and operations seen from a global perspective.

Finally, it stressed Interpol's habit of arranging meetings on the countries involved in a case, so that information could be passed around. What is more, it was explained to the experts that Interpol provided operational information in good time, which meant that operations could be conducted on the ground in real time. For the drugs Division these features led to better cooperation with Interpol than with Europol.

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6.4.6 These views may not be general, since Germany appears to be a leading contributor in terms of exchanges of information with Europol, as shown by the liaison bureau's report for 2002. The experts interpret these views as indicating a gap between the real needs of specialised police services and what is provided by Europol, particularly operationally. This observation should be taken together with the preference for using liaison officers in embassies, perhaps because BKA managers find they get a better response there and have more confidence in them.

6.4.7 For the customs department, it seems relevant to point out that frequent use is made of the WCO's strategic analyses of non-personal data. From an operational point of view, the customs services are willing to work bilaterally or multilaterally in the framework of international agreements linking German customs with their foreign counterparts. This preference for applying international agreements is essentially connected to the fact that they can be used to gather information which can subsequently be used in the judicial phase of investigations.

6.4.8 Without there being any need to impose the choice of particular channels, the federal system and the BKA should perhaps reconsider the idea of a "one-stop shop", to make the role of each cooperation system clearer, both for LKA and the major BKA divisions as regards their choices of cooperation channel. In particular, it is advisable to avoid any LKA initiative which does not comply with the overall guidelines set at federal level for international cooperation. However, this subject remains a sensitive one for the German authorities. At federal level it is regarded as normal that police forces should have a specific need to obtain information through channels other than Europol. The federal level believes that it might be possible to imagine involving Europol more systematically, by asking the BKA or the LKA to send duplicates of some information to Europol so that the European police unit can enter it in its databases for the purposes of strategic analyses.

Although BKA stressed that the entire BKA should be seen as a Europol national unit the team has observed that this is not reflecting the existing structure and the day to day work. For example in communication with external services it appears very strange that BKA officials are presenting themselves as "Interpol Wiesbaden".

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The concept of "one shop stop" does not imply a confusion among ENU, NCB and SIRENE and so, at an organisational level, their own identities should be better stressed.

6.5 EUROPOL

6.5.1 In Germany, the Europol National Unit is based at the BKA in Wiesbaden. The Europol contact points of the 16 Länder are located in the various LKÄ. There are seven liaison officers at Europol (including one customs and Federal Border Guard representative) but on the other hand there are no Europol liaison officers within the BKA. Germany's strong interest in Europol is also demonstrated by the participation of police managers in all the projects being conducted by Europol and the other Member States. For example, there was again a noticeable upward trend in 2002 as far as the quantity and quality of cases and other areas of engagement were concerned. The overall number of transactions exceeded 7 000, which is an increase of 40% compared with 2001. The number of cases initiated was 451, representing a 29% increase over 2001.

6.5.2 Whilst in 2001 a third of all initiated cases were multilateral, in 2002 more than half of such cases were of a multilateral nature, which is a sign of the increasing complexity of cases. Most requests were related to the areas of drugs and illegal immigration, followed by currency counterfeiting. A number of operational meetings were organised as a result of the information exchange. Within the mandates, the majority of cases were in the areas of fraud, swindling and Euro counterfeiting.

6.5.3 Germany is participating in all Analytical Work Files except one, and is one of the top contributors to all of them except AWF SUSTRANSE. The liaison officers play an active role in this context. The most successful involvement in AWFs has been in the areas of counterfeiting of the Euro, Eastern European organised crime, outlaw motorcycle gangs and heroin trafficking.

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6.5.4 At operational level, the set-up is original but not devoid of complexity. The German authorities regard the German Europol bureau as an extension of the BKA. This legal fiction allows the ENU representatives in the Länder to have direct contact with the German Europol bureau and vice versa. Originally the intention was to accelerate means of transmitting information to or from Europol. On the other hand, this situation has a major disadvantage as regards the exchange of information on the basis of analysis files. If a Land is the originator of and/or a partner in an analysis file, only the police officers in the LKA concerned will have access to the information provided by Europol. On the other hand, for entries in the index file held by the BKA, all information passes through the BKA, whether going to or coming from Europol. In other words, because of the rules about AWFs and the internal organisation of Europol national units spread throughout German territory, the police authorities are in a complex situation as regards access to information between the LKA and the BKA. This system is not without its dangers and, as one BKA representative stressed, it could lead to more and more direct cooperation between the LKA and Europol. This situation could eventually reduce the amount of information exchanged between the BKA and Europol. In anticipation of an increase in Europol operational tasks, this set-up should be reviewed at technical level. This seems to be all the more necessary since in the framework of the project to install the EIS system at Europol, the LKA are due to have direct access to this future Europol database.

6.5.5 This original system is also found in exchanges other than AWF files. The operational law enforcement authorities are able to contact the German Europol bureau directly via a secure line. That being so, the BKA can be informed after the event of a request from the police in a Land being addressed to another Member State. Going in the opposite direction, requests from the other Member States automatically pass through the BKA, for the simple reason that there is no secure line between the ENUs of the other Member States and the Europol contact point in each LKA.

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6.5.6 In general terms the BKA is responsible for sending Europol all information in its possession that could be useful or that falls within the scope of the European police body. According to the BKA management, the policy is to provide as much information as possible unrestrictedly. More technically, the BKA tries to find out the requirements of the LKA in this area. Nevertheless, BKA managers in Wiesbaden level two criticisms at Europol. One is that Europol sends information that does not concern organised crime and thus is not usable by the police services; the other is that the information produced by Europol and intended for the investigation services adds little value. Finally, as concerns AWFs, the BKA believes that there are too many of them and that if necessary open AWFs should be closed if their usefulness or the supply or use of data is problematic. On the subject of AWFs, Germany wants to strengthen Europol's role by making the European police office increasingly operational. The BKA staff have for instance stated the wish to be able to transmit AWF information directly to Europol.

6.5.7 The German authorities also complain that cooperation between Member States in the context of an AWF is sometimes obstructed by certain Member States' restrictive behaviour. Thus the refusal of some Member States to send Europol information that comes from AWFs is perceived as a hindrance to European police cooperation.

6.5.8 In all these cases the experts noted a distinction made by Member States between soft and hard information. At this stage it is clear that for some Member States there is a problem of trust vis-à-vis both Europol and national representatives based at Europol as regards the processing and use of information. This circumstance sometimes obliges the German staff concerned to resort to bilateral cooperation to avoid subsequent refusal to allow use of information provided initially by a Member State.

6.5.9 Europol should change its policy concerning the initiation of operational related work. The present top-down level practise should be changed into bottom-up initiatives based upon the operational users' requirements. In this context it seemed to several specialist BKA Divisions essential to equip Europol with qualified and experienced experts for priority tasks.

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6.5.10

Germany regrets that practice in the supply of information for analysis files is still very inconsistent and that current information is not communicated to Europol in particular. German believes that Europol's staffing levels are adequate for the performance of the tasks assigned to it. At the present time, Europol's operational powers should be strengthened within the existing legal framework. For the future, the assignment to Europol of coordinating and investigating authority could be envisaged, after the creation of the necessary legal framework.

6.5.11 The experts were able to meet one management staff of the State security service – the ST division of the BKA. These specialists affirm that cooperation with Europol's SC5 unit has developed very positively. A wish was expressed that this specialist unit should take a greater role in anti-terrorism work ¹. German management stressed the importance of allowing Europol sufficient financial and staffing resources to pursue the objectives defined and decided on by the EU Council of Ministers. Thus, in this particular area of the AWFs, the Germans consider Europol's task increasingly impossible to fulfil. They believe that increasing demands are being made by certain Member States, but also by the EUROPOL leadership itself while Europol does not have the resources to handle the information it receives. This explains Europol's image problem; it does not provide the added value which is expected of it within a reasonable time.

6.5.12 On the subject of security and terrorism, the German authorities state that they would like to obtain as much information as possible from other Member States. In particular they expect briefing papers produced by Europol to contain the greatest possible amount of information provided by the authorities of the other Member States and the least possible from open sources of lesser added value for police services. It is with this in view that German provides Europol each week with a summary of the police situation in Germany. Germany is involved in the AWF on terrorism and will be actively involved in the "Dolphin" AWF.

¹ Issues linked to this activity will not be developed in this evaluation, since it is being evaluated elsewhere at EU level.

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6.5.13 What information about or from Europol is sent to German liaison officers depends on the particular case. In principle, liaison officers receive all the information they need in order to carry out their duties.

6.5.14 The German authorities regret that the additional protocol giving Europol competence on money laundering ¹ has not yet be ratified by all member States. This hinders supply to the Europol file and obstructs cooperation in combating crime linked to money laundering.

6.5.15 According to the customs service, Europol seems to project an incorrect image of what it ought to be: an inter-agency mutual cooperation body. For many customs managers Europol is still regarded too much as merely a police cooperation service, which undoubtedly hinders closer police/customs cooperation. Furthermore, customs would like clarification of the breakdown of roles between OLAF and Europol in order to establish more clearly which, according to the case in hand, is the more appropriate body for gathering and processing information held nationally. The distinction between first- and third-pillar competence sometimes seems subtle, particularly in the fraud context, e.g. in the field of cigarette trafficking. Since this subject is now a recurring one in a number of Member States it will clearly be useful for initiatives to be taken at Community level to provide the necessary clarification of the distinctions between OLAF and Europol competence in the context of combating organised crime. ²

It would at least be useful to have a clarification of the obligations and nature of the information to be sent to the two European bodies e.g. in relation to fraud linked to criminal offences or international trafficking linked to organised crime.

¹ JAI Council decision 30.11.2000 OJ no 358, 13.12.2000.

² The role and missions of Eurojust in this area could also be addressed.

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6.5.16 Added to that, it appears sometimes that there are difficulties in information exchange between liaison officers through Europol because the composition of the national desks is different and very often there is not the appropriate multi agency representatives on the other side (e.g. there is a policeman who can not access the Customs database). Every area should be represented at that level.

6.5.17 The representative of the Leipzig Public Prosecutor's Office who was present at the Federal Ministry of the Interior during the experts' visit stated that the judicial authorities regularly sent requests for information via the Europol channel. However, the decision as to whether or not to send information to Europol or to another Member State via Europol still remained a decision of the public prosecutor or a judge in charge when dealing with judicial matters. From the point of view of the joint investigation teams being put on an operational footing in the future and taking account of a future agreement between Europol and Eurojust, institutional developments on these issues would have to be pursued.

6.5.18 As regards raising awareness of Europol in the relevant departments, recognition must be given to the major involvement of the Ministry of the Interior. One quarter of all training time is devoted to the subject of Europol. All levels of the hierarchy (middle and senior management ranks in the police) display this commitment to content covering everything from general training courses to specialist training in areas such as drugs or Euro counterfeiting. This activity takes place on site at Europol, with the participation in particular of the German bureau's liaison officers. Inside the country, the contact points are police officers from the big towns and the Europol contact points of LKA. They are responsible for relaying and distributing all the necessary information. Thus these various channels directly receive on line all information produced by Europol (Europol Management Board conclusions, bulletins, etc.).

For Germany the idea is to send the largest possible amount of information on the subject to all departments. Given that all Europol's output is in English, some is sent untranslated, while some bulletins are translated when they concern more technical subjects, such as immigration networks. For certain more specialised subjects, the Europol bureau of the BKA sends the information twice: once to the contact points and a second time to the specialised departments.

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6.5.19 This involvement of the hierarchy, but also of all the departments, is shown again by the distribution, on the police Intranet network, of the report on organised crime. Finally numerous conferences and visits to Europol take place each year and trainees can stay 1 to 3 months on site at The Hague.¹ The German Liaison Office and the National Unit contributed to the Europol Awareness Programme with almost 100 presentations in house at Europol and in Germany to large numbers of specialised officers and partly high level delegations.

6.5.20 It emerged too that the German authorities also use numerous other channels of cooperation (in particular Interpol and liaison officers at embassies). However, the management of the law enforcement agencies expressed a wish to see Europol involve itself in a more flexible cooperation system. In this light, the absence of the EIS, to be developed by Europol, is experienced as an obstacle to real practical cooperation. Likewise, the German authorities expressed a wish to see Europol work more on strategic analyses for groups of Member States all involved with the same subject or having the same concern.

7. GENERAL CONCLUSIONS AND RECOMMENDATIONS BY THE EXPERT TEAM

The experts noted that the German police authorities were truly motivated to step up information exchanges at international level. While the Interpol network remains much used for reasons of efficiency and pragmatism, the German authorities were clear that they saw it as a continuing priority to make Europol a key player in combating organised crime and international terrorism in Europe.

It also became clear that, despite the numerous technical resources available to the German law enforcement agencies, the federal structure generates some complications which are sometimes difficult to untangle. However, despite the fact that the experts were unable to visit a police Land, this structure does not appear to be an obstacle to international cooperation. It was noted in fact that the LKA often have direct contacts with foreign countries or agencies.

¹ The German bureau at Europol being in charge of training reception.

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The experts noted a lack of systematic reflection on the use of international information exchange channels, leading inevitably to a certainty of wasted effort and efficiency for the law enforcement agencies.

The evaluation of Germany also showed that increases in Europol's legal and technical capacities can have their full effect only insofar as all Member States are pursuing the same objective. Thus, for Germany, the need for Member States to supply Europol regularly with live information on current cases remains the prerequisite for making Europol an effective tool that would have real added value for Member States' law enforcement agencies.

7.1 FOR GERMANY

7.1.1 Continue the process of reflection already begun on setting up a joint database for the agencies of the *Länder* and the BKA, especially for handling interdisciplinary cases. (see 6.3.6)

7.1.2 Improve the BKA's index file system by re-examining the protocol for transmitting information from the LKA to the BKA, introducing systematic transmission of information over and above cases connected to international crime. (see 6.3.7)

7.1.3 Examine the desirability of posting LKA representatives to the BKA to serve as contact points for the regions. (see 6.3.9)

7.1.4 Enhance and simplify customs and police access to databases in order to improve the operational use of information by the different agencies (in particular BKA and ZKA). (see 6.3.10-6.3.11)

7.1.5 Look into the possibility of defining rules on the choice of information channels internationally and harmonise practices between the LKA and the BKA if possible. (see 6.4.3)

7.1.6 By applying the concept of the "one-stop shop", take the measures necessary to avoid any confusion with external partners as regards the ENUs, NCBs and Sirene bureaux. (see 6.4.8)

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7.1.7 Take the necessary measures to encourage all the authorities responsible for combating international crime to use Europol if necessary. (see 6.4 8.)

7.1.8 Reinforce the number of BKA staff dealing with international cooperation and in particular the section working with Europol. (see 2.2.3.1)

7.1.9 Develop a statistical tool to be able to measure the nature of information which is exchanged with the various international law enforcement bodies. (see 4.1.2 and 5.4.3)

7.2 FOR EUROPOL

7.2.1 Provide operational and strategy analyses as far as possible for the benefit of the Member States. (see 6.5.20)

7.2.2 In the context of finalising the EIS system, specifically study the future information exchange network so as to avoid creating a lag between the information levels of the BKA and the LKA. (see 6.5.4)

7.2.3 Set up as soon as possible the EIS system. (see 6.5.20)

7.3 FOR THE OTHER MEMBER STATES

7.3.1 The other Member States should commit themselves as far as possible to sending Europol as much information as they can that comes within the Europol's sphere of competence, basically information on current investigations and analyses. (see 6.5.6 and 6.5.10)

7.3.2 Try to harmonise the setting up of national desks by an appropriate representation of the most relevant competent authorities. (see 6.5.16)

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- 7.3 3. For Member States concerned ratify without delay the additional protocol giving Europol competence as regards money laundering. (see 6.5.14)
- 7.3 4. Try to clarify custom's information which has to be passed on to EUROPOL and to OLAF in the context of fight against organised crime. (see 6.5.15)
- 7.3 5. Study the possibility to replace the "top down" level practises by "bottom up" initiatives based upon the operational users' requirements. (see 6.5.9)

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ANNEX A

PROGRAMME OF VISITS

- **Monday 10 November 2003**

08.45 Team picked up at hotel
09.00 - 09.15 Welcome
BKA Wiesbaden
09.15 - 10.45 International Cooperation
NCB - Interpol / Schengen / Europol
11.00 - 12.15 Organised Crime
12.30 - 14.30 Lunch
Restaurant "Orangerie", Wiesbaden
15.00 - 16.30 Drug-Related Crime
16.45 - 18.15 Specific Areas of Crime
19.00 Team picked up at hotel
19.30 - 22.30 Dinner hosted by the BKA
"Rieslingstuben", Hochheim

- **Tuesday 11 November 2003**

08.45 Team picked up at hotel
09.00 - 10.00 Police Work in the Field of State Security
10.15 - 11.30 Customs
12.00 Lunch
Restaurant "M", Wiesbaden
14.30 - 18.00 Transfer to airport, flight to Berlin
Arrival at Tegel Airport, transfer to Hotel Sorat
19.00 Team picked up at hotel for dinner
19.30 - 22.00 Dinner hosted by the Ministry of the Interior
Restaurant "Reichstag", Berlin

- **Wednesday 12 November 2003**

09.00 Team picked up at hotel
09.15 - 09.45 Welcome - Federal Ministry of the Interior (BMI)
09.45 - 10.15 Public Prosecutors Office
10.15 - 12.15 Talks with the director of the Police Affairs Directorate,
Ministerialdirigent Reinhard Peters and other representatives from the BMI
12.30 - 14.00 Lunch
International Club in the Foreign Office
14.00 - 14.30 Transfer to airport

LIST OF PERSONS MET

Federal Ministry of the Interior

- Reinhard Peters, Director of the Police Affairs Directorate
- Peter Beiderwieden, Head of Section P I 2, Organized Crime
- Michael Niemeier, Head of Section P I 4, EU-Cooperation, Europol
- Dietrich Neumann, Officer in Charge of Europol, P I 4

Federal Criminal Police Office (Bundeskriminalamt)

Division ZD - Central CID Services, Identification of Persons

- Rainer Hofmeyer, Head of Division ZD
- Karl-Heinz Dufner, Head of Subdivision ZD 3 - International Cooperation, Interpol NCB
- Jörg Wolters, Head of Section ZD 32 - International Legal Assistance, International Searches for Persons
- Rainer Buchholz, Head of Section ZD 34 - Europol, Coordination Office for EU Bodies

Division OA - Organized and General Crime

- Peter Hauk, Head of Subdivision OA 1 - Organized Crime Analysis
- Klaus Heil, Head of Section OA 11 - OC-Related Coordination, Investigative Unit
- Carl-Ernst Brisach, Head of Subdivision OA 2 - Drug-Related Crime Analysis
- Dieter Potzel, Head of Section OA 21 - Coordination Drug-Related Crime, Investigative Unit
- Richard Mörbel, Head of Subdivision OA 3 - Major Crime Categories Analysis
- Albert Märkl, Head of Section OA 36 - Illegal Immigration, Document-Related Offences

Division ST - State Security

- Steffen Russ, Head of Section ST 41 - General Affairs, International Cooperation

Central Office of the German Customs Investigation Service (Zollkriminalamt)

- Heike Barczyk, Head of Drug Department Unit III/4
- Norbert Steilen, Officer in Charge of Synthetic Drugs Sector Unit III/4

Public Prosecutor's Office

- Steffen Barthel, Senior Prosecutor, Public Prosecutor's Office Leipzig

LIST OF ABBREVIATIONS/GLOSSARY OF TERMS

ACRONYM ABBREVIATION TERM	GERMAN	ENGLISH TRANSLATION OR EXPLANATION
ASF	Datenbanken	Data banks
AWF	-	Europol's Analytical Work Files
BDSG	Bundesdatenschutzgesetz	Federal Data Protection Law
BGS	Bundesgrenzschutz	Federal Border Police
BKA	Bundeskriminalamt	Federal Bureau of Criminal Investigation
BKAG	Bundeskriminalamtgesetz	Law on the Federal Bureau of Criminal Investigation
CC	-	Candidate Countries
CNP-ON	Corporate Network der Polizeien - obere Netzwerkebene	Corporate Police Network - upper level
CTTF	-	Counter Terrorism Task Force
EILT	-	Urgent
EJUP	-	European Joint Unit on Precursors
ELO	-	Europol Liaison Officers
EuFid	Europäische FahrzeugIdentifizierungsdatei	European Vehicle Identification Database
FIU	-	Financial Intelligence Unit
GZ	Gemeinsamen Zentrum	Joint Centre
HC	-	Handling codes
HENU	Leiters der Nationalen Stelle für Europol wahr	Head of the Europol National Unit

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ACRONYM ABBREVIATION TERM	GERMAN	ENGLISH TRANSLATION OR EXPLANATION
IE	-	Information Exchange
INPOL	-	BKA-LKA database
IP	-	Interpol
LKA	Landeskriminalämter	Länder Bueaux of criminal Investigation
MOLDUK	Schleusungskriminalität	Illegal Immigration Networks
MUSTARD	RG-Kriminalität	Drugs trafficking
OA	Organisierte und Allgemeine Kriminalität	Organised and General Crime
OP	-	Keyboard operation
PWGT	-	Police Working Group on Terrorism
RiVAsT	Richtlinien für das Verfahren mit dem Ausland in strafrechtlichen Angelegenheiten	Guidelines for procedures with foreign countries in criminal matters
SC	-	Seriouse Crime
SC 1, SC 2, SC 3, SC 4, SC 5, SC 6, SC 7, SC 8	/	Main department divisions at Europol
SIS	-	System Information Schengen
SISNET	-	Schengen VPN
SMTP	Mailverkehr	Mail traffic
ST	Staatsschutz	State Security
TWINS	Kinderpornographie	Child Pornography
VPN	geschlossenes Netzwerk	Closed network
VS-NfD	Verschlussache -nur für den Dienstgebrauch	Classified information - only for official use
WACN	-	West African Criminal Networks

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ACRONYM ABBREVIATION TERM	GERMAN	ENGLISH TRANSLATION OR EXPLANATION
ZD	Zentrale Dienste	Central Service
ZKA	Zollkriminalamt	Central office of the Customs Investigation Service

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