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NOTE

From: Presidency
To: Delegations

Subject: LEWP-Police networks and experts groups
– Objectives, governance and relations with the LEWP

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Delegations will find in Annex a revised version of the document on LEWP networks and experts groups (12908/22) that has been previously presented during the LEWP-P on 5 October and on 3 November 2022. The revised version will be presented during the forthcoming LEWP-P on 24 November.

Introduction

Specialised networks and expert groups are one of the key elements of cross-border law enforcement cooperation at EU level, as they contribute to the building of trust and significantly accelerate the exchange of relevant information, expertise and good practices amongst Member States. This could also lead to a joint approach to tackle current and upcoming security challenges and to support EU initiatives. Some networks also organise joint trainings and exercises, or engage in joint operations and action days. In certain cases, mutual support can also take the form of direct operational assistance.

Previously, the relationship between these networks and expert groups with the LEWP, their governance arrangements and their strategic objectives were set out in several separate documents that have been usually endorsed by the LEWP over the past years¹. The Presidency has now decided to adapt these guidelines and tables to current needs by consolidating them within one document covering the following aspects of networks and expert groups:

- Relationship with the LEWP and periodic review of activity
- Strategic objectives and involvement in EMPACT
- Governance and leadership arrangements
- Support provided by EU institutions and agencies

Moreover, the streamlining of Council Working Parties which merged the Law Enforcement Working Party with the Customs Cooperation Working Party into one preparatory body² (albeit with two sub-formats corresponding to the previous division and the former policy areas) in 2021 provides a unique opportunity to involve customs experts in LEWP Police networks where relevant. In this regard, the Presidency asked the representatives of the respective networks/expert groups if they would be open to include customs in their work. The results of the mapping exercise were presented at the LEWP Customs meeting on 19 October (13306/22). **DELETED**

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¹ Especially 15572/17, 11055/18 and 10451/1/20 REV 1.

² 10455/21

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During the LEWP Customs meeting on 19 October 2022, delegations further agreed to provide two separate documents on guidelines for LEWP-Police and LEWP-Customs networks respectively, provided that they are aligned to the greatest extent possible. For this reason, this revised document includes the guidelines specifically on LEWP Police networks/expert groups, rather than a general LEWP format. Nevertheless, if desirable, topics of common interest can be brought to the joint meeting of LEWP Police and Customs.

As proposed in part 2 of this document, LEWP Police networks should take in consideration the EMPACT Priorities and Common Horizontal Strategic Goals (CHSGs) mentioned in the Council Conclusions on EMPACT.

Similarly, subject to the arrangements set out in this document and avoiding overlaps with other dedicated platforms, there is a possibility to create new LEWP Police expert networks focusing on law enforcement topics, where needed and where there is a clear added value.

Regarding governance and leadership arrangements, the LEWP should examine necessary modifications in the case of networks established by Council Decisions adopted before the entry into force of the Lisbon Treaty (e.g. MSE, ENPPF, EUCPN, ATLAS) as those Decisions cannot be amended solely by the Council. Following the entry into force of the Lisbon Treaty, the ordinary legislative procedure should be used in this context, implying, in principle, a proposal presented by the Commission and a co-decision with the European Parliament.

Finally, the LEWP should discuss the appropriate frequency of joint meetings of LEWP Networks' representatives³. The Presidency is of the opinion that a joint meeting per trio could be sufficient for appropriate coordination, and therefore makes a corresponding proposal in part 1.4 of this document.

Consequently, delegations are invited to examine the following guidelines in the context of the LEWP Police below so that they can be finalised and published by the end of the Czech Presidency.

³ 6410/19, 9912/22

Relationship between law enforcement expert networks and the LEWP-Police

Planning

Incoming Presidencies should liaise with their national representatives in the networks and, where relevant, with their appointed chairs and secretariats with a view to discuss the planning and possible deliverables. A rolling schedule of networks' meetings should be kept up to date by the Presidencies collaborating within trio.

Monitoring

LEWP-P networks and expert groups should regularly report to the LEWP-P about their ongoing and planned activities, and about their achievements. Each network shall report back to the LEWP-P at least every two years via the General Secretariat of the Council.

The Presidency should put a network's intervention on the agenda whenever relevant, for instance after a network's meeting or conference, or in cases where a plenary discussion is required to discuss issues such as core activities, organisational structure, cooperation with other expert group/networks and entities (Europol, Interpol, third countries etc.), or funding

Where appropriate, networks' interventions in the LEWP-P should be used as an opportunity to present their work programmes for the upcoming year or financing period, and activity reports for past the past year or financing period.

Periodic review

The LEWP-P will regularly evaluate the networks' activity and added value. Where appropriate, and only for networks that were not established by Council decisions, the LEWP-P could provide guidance to amend the terms of reference of the network, merge a network with another expert group, transform a non-active network/expert group into a list of contact points, terminate its activity if no longer required or terminate its affiliation to the LEWP-P. Any possible change in the status of the respective expert network should be based on a thorough assessment taking also into account the Commission's view, in particular where funding is provided to the network⁴.

⁴ In this respect, the Commission is planning to establish an informal working group within DG HOME on Law Enforcement Networks (LEN) in order to encourage an integrated approach of the ongoing work. It will focus on providing guidance and verifying objectives at technical level. The LEWP affiliated networks covered by the scope of the working group will only be: AIRPOL, ATLAS, and ENLETS. Moreover, EU IFSO, HRSN, RAILPOL and AQUAPOL

The LEWP-P may take one of the above measures on the basis of objective criteria such as:

- absence of regular reporting at least every two years
- established absence of relevant activity foreseen in the network's founding instrument
- non-compliance with strategic objectives (cf. part 2)

Participation in activities agreed at plenary level and joint meetings

If applicable, networks and expert groups affiliated with the LEWP-P should take an active part in the implementation of initiatives agreed upon in the LEWP-P. For instance, networks should actively cooperate in the dissemination of materials identified in the framework of the WIKIPOL⁵.

Moreover, in order to identify possible synergies and avoid overlaps between the networks' activities, joint meetings of their representatives should be organised at least once by each trio Presidency. The format of the meetings (physical/VTC) is up to the respective trio Presidency.

Strategic objectives and involvement in EMPACT

In order to guide the networks in fulfilling their activities, the LEWP-P could assist the networks in setting their strategic objectives in accordance with relevant policy documents relating to the internal security of the EU, such as the EU Security Union Strategy⁶ and other relevant strategic documents building upon it.

This includes the European Multidisciplinary Platform Against Criminal Threats (EMPACT), its "EU crime priorities" defined on the basis of the EU Serious and Organised Crime Threat Assessment (EU SOCTA)⁷, its common horizontal strategic goals (CHSGs) defined in the multi-annual strategic plan (MASP), and the various operational action plans (OAPs). As mentioned in several policy documents, the LEWP networks and expert groups are invited, where relevant, to commit in their work programmes to supporting and strengthening EMPACT and the implementation of the OAPs. The networks should also implement the multi-disciplinary/multiagency approach and involve the relevant stakeholders

have also been included by the Commission. The working group, chaired by the Commission, shall provide regular updates to the LEWP Police on the activities of the respective networks.

⁵ 9912/22

⁶ COMMUNICATION FROM THE COMMISSION on the EU Security Union Strategy, COM(2020) 605 final

⁷ EU SOCTA

The implementation of strategic objectives set by the LEWP-P should be one of the criteria used by the working party in evaluating the networks under section 1.3.

In cooperation with the LEWP-P, networks should review and update their strategic objectives as relevant. The most recent overview of networks' strategic objectives is set out in 11055/18.

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