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NOTE

From:	Belgian delegation
To:	Working Party on Information Exchange and Data Protection (DAPIX)
No. prev. doc.:	CM 3770/17
Subject:	State of play of the roll-out of SIENA regarding PCCCs - Outcome of questionnaire

1. INTRODUCTION

On 20 June 2017, COSI had an orientation debate, based on 10312/17, on the Commission recommendation on proportionate police checks and police cooperation in the Schengen area. The aim was to launch a debate on possible ways of strengthening cross-border police cooperation. In this context, COSI invited DAPIX to provide an assessment

- on the current use of the Secure Information Exchange Network Application (SIENA), developed by Europol as a communication tool for the exchange operational information and case management, in Police and Custom Cooperation Centres (PCCCs), and,
- where it is not used, to define the reasons and to explore solutions to either technical or operational limitations before the end of June 2018.

In the framework of the Information Management Strategy (IMS), action No 7 (5131/16) is dedicated to promote the European dimension of PCCCs. DAPIX is regularly informed about ongoing activities. One strand of action No 7 refers to the appropriateness of SIENA for PCCCs. In reaction to COSI, a questionnaire (CM 3770/17) has been sent to the DAPIX delegations in order to establish the status quo regarding SIENA in PCCCs.

2. SITUATION

Currently, BE, BG, CZ, DK, DE, GR, ES, FR, HR, IT, LU, HU, NL, AT, PL, PT, RO, SI, SK + CH have established PCCCs either among themselves, with Switzerland as a Schengen associated countries and further Third Parties. Out of 59 PCCCs in Europe, 9 are connected to SIENA:

- EPICC Kerkrade (former Heerlen)
(BE, DE, NL)
- PCCC Basel (DE, CH)
- PCCC Canfranc (FR, ES)
- PCCC Chiasso (IT, CH)
- PCCC Dolga Vas (AT, SI)
- PCCC Kehl (DE, FR)
- PCCC Passau (AT, DE)
- PCCC Tournai-Doornik (BE, FR)
- PCCC Thörl-Maglern (AT, DE, SI)



New Cases ¹

8.617 **new cases** were initiated by Member States and Third Parties in PCCC in Q3 2017. Compared to Q3 2016 the number of new cases initiated in PCCC increased by 102%; compared to the previous quarter (Q2 2017) the number of new cases increased by 29%.

¹ Source: Europol



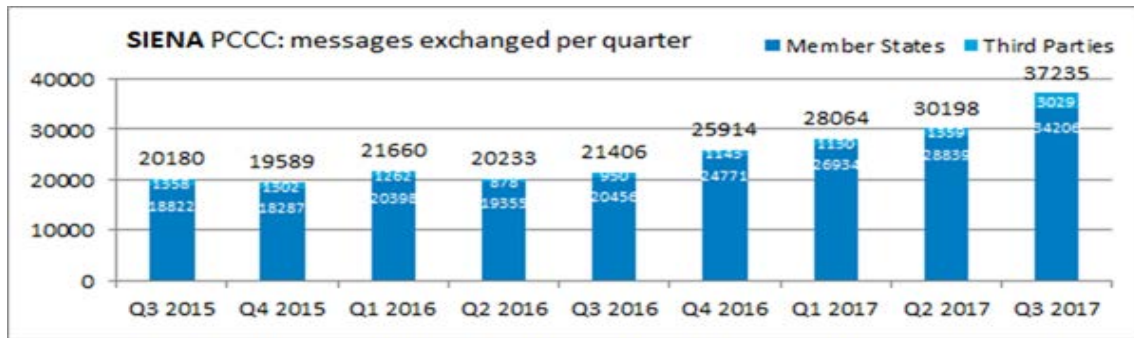
The main cause of this increase is the fact that the PCCC in Canfranc and the PCCC in Chiasso have started to use SIENA in Q3 2017 at a larger scale. Both were already using SIENA before. In particular for the PCCC in Chiasso, the increase is a direct result of the possibilities to better support Third Parties under the Europol Regulation.

"Other (out-of-mandate)" is the most frequently used crime area, selected in 71% of new cases, followed by Fraud & swindling, Drugs trafficking, Illegal immigration, and Motor vehicle crime.



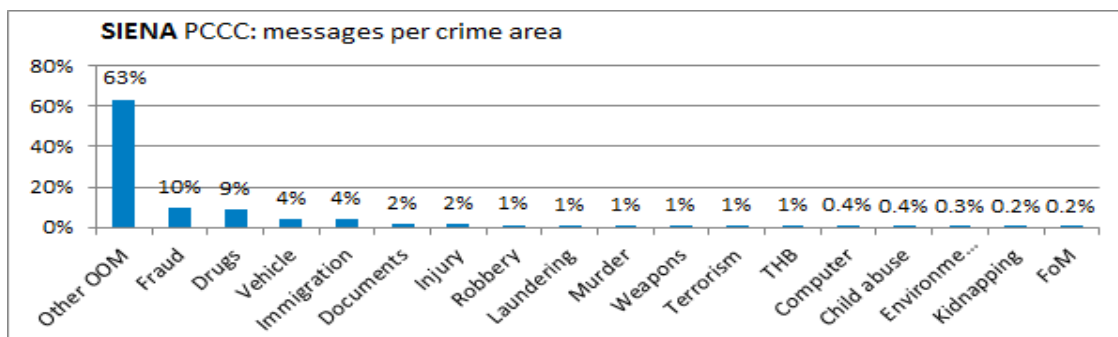
Overall messages exchanged

37,235 **messages** were exchanged by Member States and Third Parties in PCCC in Q3 2017. Compared to Q3 2016 the number of messages exchanged in PCCC increased by 74%; compared to the previous quarter (Q2 2017) the number of messages increased by 23%.



The main cause of this increase is the fact that the PCCC in Canfranc and the PCCC in Chiasso have started to use SIENA in Q3 2017 at a larger scale. Both were already using SIENA before, in particular for the PCCC in Chiasso, the increase is a direct result of the possibilities to better support Third Parties under the Europol Regulation. Also several other PCCC that were already using SIENA have exchanged more messages.

"Other (out-of-mandate)" is the most frequently used crime area, selected in 63% of messages exchanged, followed by Fraud & swindling, Drugs trafficking, Motor vehicle crime, and Illegal immigration.



3. **REPLIES**

The questionnaire focussed on experience made with the use of SIENA by PCCCs, and legal, technical or operational constraints in the case of not being connected to SIENA. Thirteen Member States, in which PCCCs are operational, have replied to the questionnaire on the use of SIENA.

According to these replies:

- Seven PCCCs make currently **full use** of SIENA for their daily operations, that is Basel (CH/DE), Chiasso (IT/CH), Dolga Vas (SI/AT/HU/HR), Kerkrade (former Heerlen) (BE, NL/DE), Passau (DE/AT), Thörl-Maglern (AT/SI/IT) Tournai (BE/FR);
- a remarkable number of other PCCCS intend to start using SIENA:
 - Luxembourg (LU/DE/FR/BE) is developing an interface between its national Case Management System and SIENA;
 - Canfranc (FR/ES) and Kehl (DE/FR) are currently testing SIENA;
 - Le Perthus (FR/ES), Melles Pont du Roi (FR/ES), Hendaye (FR/ES) will define their position on the use of SIENA in line with the results of the above test in Canfranc.

4. **EXPERIENCE WITH THE USE SIENA**

PCCCs using SIENA generally underlined that they are highly satisfied with the performance of SIENA as an information exchange tool. Among the SIENA features, they particularly emphasized:

- Security
- Ease of the use
- Stability of the system
- Advantages in terms of human and budget resources
- Information-sharing with the central national level and other national and/or European partners.

However, they very much welcome if certain SIENA functionalities

- would be suited to specific needs of PCCCs; these PCCCs have to use additional tools, codes, exportations, etc. for their statistics, analysis and cross-checking.
- could be linked with the national case management systems (CMS), so as to avoid double encoding.

5. REASONS WHY SOME PCCCS DO NOT USE SIENA

According to the replies, 33 PCCCs do not use SIENA. However, 11 among these are ready to use SIENA as soon as the partner delegation(s) within these PCCCs have mutually agreed on how to implement SIENA. Among the obstacles mentioned, the replies underlined that:

- SIENA is not suited to the specific needs of the PCCCs, notably:
 - Production of activities' statistics
 - Analysis function
 - Automatic cross-check
- Data protection and data security issues: national legislation limits the possibility to implement SIENA in the PCCCs
- SIENA leads to double encoding as long as local or national case management system are not interoperable
- Language problems

6. CONCLUSIONS

Beyond discussions on lessons learned with regard to the use and testing of SIENA in PCCCs, the Intermediate PCCC Conference in The Hague on 7/8 November 2017 extensively discussed with EUROPOL experts the outcome of the questionnaire. Participants highlighted the importance of SIENA for PCCCs and underlined its current performance but draw as well the attention on the need to further adapt SIENA to the needs of PCCCs.

- Based on the "SIENA Roadmap - 2018 and beyond", the Conference was informed by Europol that efforts to further develop SIENA are being pursued. The complete redesign of the technical SIENA architecture to be implemented in the SIENA version 4.0 is aimed at ensuring scalability and better interoperability with other systems . The delivery is expected for 2018 and will tackle a certain number of problems of relevance for PCCCs.
- The development of the multi-level security approach for SIENA is supposed to be a particular solution to tackle data security issues mentioned by PCCCs: The possibility to access SIENA from networks with a lower security level, that is the Basic Protection level (BPL), would be of particular benefit for PCCCs as they are often located in areas where the availability of a secure network connectivity is an issue.
- Certain legal issues mentioned regard the cooperation with Third Parties. Switzerland initiated in 2016 new cases up to a significantly high proportion from their PCCC in Basel, but less than in 2015, due to the uncertainty about the possibility to use SIENA as a Third Party in a PCCC. Like the decrease of new cases, the decrease of messages exchanged in Basel was due to the legal uncertainty about the possibilities to use SIENA as a Third Party in a PCCC. The issue/risk that existed in the past for Third Parties, was that according to the data protection authorities' interpretation of the Europol Council Decision, Third Parties should not be allowed to use Europol tools for matters not relating to the Europol mandate. As a lot of PCCC information exchange does not relate to organised crime and terrorism, sometimes not even to crime, this would prevent Third Parties (in case Switzerland) from using SIENA in PCCC. With the Europol regulation, and its interpretation/implementation Management Board guidelines on information processing, this risk is no longer there. It is now clear and accepted that also Third Parties can use SIENA for out-of-mandate matters.
- The meeting discussed furthermore the functionality of SIENA as a reporting or statistic tool, which would need further development to match the specific needs of PCCCs. One delegation however recommended to combine SIENA with national CMS instead of replacing the latter by SIENA and demonstrated appropriate technical solutions.