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NOTE

From: Presidency
To: Delegations

Subject: European Surveillance Group (ESG)
– Terms of Reference

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (15.02.2024)

Delegations will find attached the Terms of Reference of European Surveillance Group (ESG). The document is intended strictly for the Law enforcement community and delegations are therefore reminded of the sensitive handling of the document.



EUROPEAN SURVEILLANCE GROUP

Terms of Reference

ESG

Terms of Reference



Approved by the ESG Assembly: 28 April 2022 - Portsmouth

Supported by



EU Basic Protection Level –



Feritas *Vigilantia* *Agilitas*



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European Surveillance Group

Terms of Reference

1 Introduction

For many years, law enforcement authorities have been facing fundamental changes in crime trends. Globalisation of organised crime has increased as has the international mobility of criminals, relaxation and removal of border controls and the use of ever more sophisticated technology. The challenge for policing authorities in Europe and elsewhere is to keep pace with these challenges and wherever possible, continue to develop new tactics and techniques to fight organised crime effectively.

One of the most effective investigative and covert operations support tools at law enforcement's disposal is covert surveillance. The manner in which this technique is used to obtain important and decisive information on how crime groups are structured and operate and in crisis situations, is key to operational and criminal justice' success. Consequently, it must continue to develop and evolve.

2 History

In 2008 and 2011, Europol's Special Tactics team (EST) in conjunction with the Cross-border Surveillance Working Group (CSW¹), organised expert conferences on covert surveillance for all EU MS.

Following the creation of the Surveillance Experts Network for South East Europe (SENSEE²), a gap in the EU surveillance landscape caused by the creation of two independent groups was identified.

To address this gap and to ensure all MS and key partners are involved in the development of covert surveillance, through the sharing of best practice, knowledge and tactics, the EST organised in November 2014 the first Assembly of Regional Groups On Surveillance (ARGOS), these are now a regular feature of the surveillance landscape.

In 2017, with the support of EST, the Surveillance Cooperation Group (SCG³) was created to bring together the MS that are not part of any of the two established groups.

¹ AT, BE, DK, DE, FI, FR, IT, LU, NL, NO, PT, IR, ES, SE, UK, CH and EUROPOL

² AL, AT, BA, BG, HU, HR, MK, MD, ME, RO, RS, SI and EUROPOL

³ CZ, PL, LV, LT, EE, SK, MT, AT, FI, SK and EUROPOL



2.1 European Surveillance Group (ESG)

Established in 2005, the ESG (formerly CSW) members worked on several covert surveillance topics to increase the MS capacity and capability in conducting covert surveillance to fight serious and organised crime and terrorism. In 2015 – 2016 on top of the operational knowledge sharing, ESG focussed on a solid governance structure and invested in profiling the group as key partner in covert surveillance matters towards all stakeholders. Europol is a permanent member of the steering group. In 2017, CSW changed its name in European Surveillance Group. In 2022, members of the ESG are, Norway, Sweden, Finland, Denmark, Germany, The Netherlands, Belgium, Luxemburg, UK, Ireland, France, Austria, Switzerland, Spain, Portugal and Italy.

2.2 Surveillance Expert Network for South East Europe

SENSEE was created in 2012 under the umbrella of the secretariat for Police Cooperation Convention South East Europe. The network aims to identify problems that occur during cross-border surveillance operations in the framework of this convention and works on operational knowledge sharing, mutual training and interoperability of systems. The recurrent meetings created mutual trust amongst the members in a region where sharing intelligence about secret investigational measures, even with colleagues working in the same field of expertise, still is highly sensitive. In 2022, SENSEE members are Austria, Slovenia, Hungary, Romania, Moldova, Serbia, Croatia Bulgaria, Bosnie-Herzegovina, Albania, FYROM, Kosovo and Montenegro.

EUROPOL, as permanent member, supported the SENSEE meetings and the international exercise organised in the South East European region in 2014.

2.3 Surveillance Cooperation Group

In 2017 the CZ special units, with the support of EUROPOL's special tactics team, formed the Surveillance Cooperation Group, aiming to gather the surrounding MS to improve cross-border cooperation by learning to know the key partners in the region, share knowledge and discuss operational issues. In 2022, SCG includes Finland, Estonia, Lithuania, Latvia, Poland, Czech Republic, Slovakia and Malta.

2.4 ARGOS

The Assembly of Regional Groups On Surveillance, is the Europol concept aiming to gather and connect the EU major covert surveillance networks and initiatives including but not limited to ESG, SENSEE and SCG. It allows connecting with working groups and networks that work on specific surveillance related topics and ensures connection with international and intercontinental covert surveillance stakeholders.



3 Aim of ESG

Vision Statement

The European Surveillance Group's vision is to sponsor, inform and influence the development of transferable covert surveillance tactics that are in line with international standards, which member states can adopt or adapt but which embraces interoperability and is deployable across borders in response to the threat posed by serious and organised crime, terrorism and other significant threats

In 2020, the European Surveillance Group's vision, to create one EU wide network to improve cooperation and coordination of covert surveillance related activities, led to the idea of extending the membership of ESG to all EU MS. The LEWP endorsed the idea of one unique network on covert surveillance⁴. One all-inclusive covert surveillance network would increase the cooperation between the members and facilitate better coordination of activities and funding as well on a strategic as on an operational level. The creation of this EU wide network requires a review of the existing

structures and networks to ensure proper handling of projects, increase financial and organisational efficiency and foster a smooth information exchange between all the members.

The *principal purpose* of the extended European Surveillance Group remains:

- ✓ to learn about, understand and improve operational standards on covert surveillance in member countries
- ✓ to share experiences and best practices in the field of strategical, technical and tactical issues
- ✓ to advice vertically to the policy maker and horizontally to the own members and adjacent networks of specialized fields

The European Surveillance Group (ESG) aims to improve the EU Law Enforcement's Covert Surveillance capacity and capability as well on national level as in an international context. ESG enables all EU Law Enforcement and connected third party stakeholders for covert surveillance to work together towards international standards, improving international cooperation and increasing the covert surveillance capacity of all EU member states. Gathering the key partners allows all beneficiaries to learn from each other's work respecting each partner's vision, legal framework, needs and priorities.

Mission Statement

The European Surveillance Group will collaborate, inspire and innovate in order to enhance existing and assess and develop new covert surveillance capabilities whilst providing expert tactical and strategic advice to partners involved in combating serious and organised crime, terrorism and other significant threats in Europe and elsewhere

⁴ LEWP meeting 14 October 2020



ESG aims to offer its members a platform to ensure collaboration and allows voicing the EU wide covert surveillance needs towards stakeholders and policy makers. It allows its members to share experiences and contacts within the EU and beyond.

The participating Member States shall ensure that their covert surveillance units hold meetings and organise joint training workshops and exercises, whenever necessary, with a view to exchanging experience, expertise and general, practical and technical information on dealing with a covert surveillance related issues and novelties. In this context, the Member State holding the chair of the ESG shall endeavour to ensure that such meetings, training, workshops and exercises take place. Such meetings, trainings workshops and exercises may be funded under possibilities offered by the financial programmes of the EU or similar external grants. ESG's vision is to work towards a permanent structure and funding.

4 Status

ESG aims to intensify international cooperation between European Law Enforcement authorities in the fight against organised crime and other significant threats by developing and deploying covert surveillance techniques whilst respecting national and international laws as well as each nation's sovereignty.

Therefor ESG expects its members, both morally and ethically to comply with the legal constraints that exist within each member state. ESG requests to respect the following protocols:

- ✓ The purpose of ESG is to provide a forum for its constituent members, and other operational partners, to discuss the development of legal, safe and effective Law Enforcement Surveillance techniques for use against serious and organised crime and terrorism and to encourage international cooperation.
- ✓ ESG is an informal body. It does not have, nor does it seek, recognition under international law but strives to encourage dialogue through which more formal partnership arrangements may be developed to enable and support operational activity.
- ✓ ESG is not a legal entity of any of the member states and has no executive power or legal authority in its own right.

However, ESG, as an EU focussed informal network is a recognised network of the Law Enforcement Working Party (LEWP) and strives for recognition by the European commission through the signing of a council conclusion on the international cooperation in covert surveillance matters.


