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From:	Presidency
To:	Delegations
Subject:	European Police Partnership - the strategic way ahead

Delegations will find attached a discussion paper for the Informal videoconference of the Ministers of Home Affairs on 8 October 2020.

European police partnership – the strategic way ahead

As the people responsible for internal security and freedom of movement, we are committed to a strong Europe. We know that crime does not stop at internal borders. This is why we want to work in even closer partnership. Every police officer in Europe and in the Schengen area should have access at all times to the information they need to do their job. We have already created most of the necessary legal prerequisites for this. Now we need to go further in putting these principles into practice more consistently, including by using the latest technology.

In its Security Union Strategy¹, the European Commission put forward important proposals for future policy on internal security. We must now strengthen the European security architecture and achieve three key objectives:

- applying artificial intelligence to make better use of what we know,
- reinforcing European police partnership within the EU and
- anchoring Europe as an active partner in police cooperation around the world.

Applying artificial intelligence to make better use of what we know

- Crime is becoming increasingly complex. In some cases, it can take individual police officers years to examine and analyse confiscated data media manually. Being able to spot connections in an ever growing flow of data is often still a matter of chance. In the fight against **child sexual abuse** online, rapid assessment is crucial to preventing further abuse. Investigators face enormous psychological stress when they have to examine image and audio files. When it comes to **drug-related crime**, we are often aware only of individual perpetrators. But it is crucial to recognise structures and connections in order to break up organised crime networks. The same goes for **economic crime**, where billions of euros are involved and huge volumes of data have to be analysed before evidence of criminal behaviour can come to light. **In these and many other areas, the use of artificial intelligence (AI) is often the only hope for bringing criminals to justice and preventing further crimes.** Our shared goal as home affairs ministers in the EU must therefore be to take advantage of the **opportunities AI offers** and use this important tool in policing.
- Our common data protection framework and numerous legal and technical instruments allow us to **better connect** the information we already have. **This is critical to fighting crime in Europe more effectively.** The EU's information architecture should follow the principle of availability even more closely. To make this possible, the instruments for information sharing by the police need to be further developed and integrated into such improved architecture. This means, above all, further developing **Prüm** and introducing a **European Police Records Index System (EPRIS)**.

¹ 10010/20

- The **Justice and Home Affairs agencies are repositories of knowledge and drivers of innovation**. Today, **Europol** is already a key hub for information and innovation, and we must further strengthen and expand its capacities in order to provide even better support for the Member States, especially in the area of analysis. **The EU Innovation Hub** for internal security at Europol offers a common platform for an enhanced interagency approach involving eu-LISA, Frontex and other agencies. This hub must also encompass the development and use of AI. Europe must increase its technological sovereignty by developing its own high-performance technologies for law enforcement.
- **We want to take comprehensive action to fight identity fraud**. Many crimes involve the use of false identity information. Using multiple identities unknown to the police allows criminals to commit a wide variety of offences without being detected. We have adopted the legislation to enable interoperability of our information systems in particular to detect identity fraud; we want to implement this legislation quickly and in a coordinated way.

Reinforce European police partnership

- We have already created a number of instruments for police cooperation, such as regarding exchange of information and operational cooperation under the Swedish Initiative, the Prüm Decisions or the Schengen Information System. However, it is apparent that the existing instruments are not always used to their full potential. In our police work, we must **always think of the European dimension**: do my European partners need this information too, or is it really only relevant at local level? This is why we must broaden the scope of our efforts in the area of law enforcement and work to enhance the European police partnership. In a Europe of open borders, the rule should therefore be to make use of the possibilities for EU-wide availability of police information, **and EU-wide alerts for crimes should be standard practice**. We should also provide for this in our technical systems.
- **The European police partnership currently consists of a dense network of bi- and multilateral police agreements**. The experience gained to date should be used to intensify and continually improve operational cross-border police cooperation in Europe. To this end, it is absolutely necessary to create a minimum regulatory framework for cooperation between security authorities. We need to create a robust and **modern police cooperation acquis**, for example, in order to provide comprehensive authority for cross-border surveillance and hot pursuit.
- The **EU justice and home affairs agencies are important hubs in the partnership network**. For example, the Frontex Situation Centre (FSC) continually provides and interlinks the latest information on developments at the EU's external borders. To do their work properly, the agencies need appropriate funding and staff. We are striving to ensure that funding for these agencies – which are cornerstones of the European security architecture – is increased sufficiently for them to be able to operate effectively.

- It has become clear in recent months that there is a **great need for secure communication channels** (for secure video and telephone conferences between policy-makers and for cross-border and mobile policing). **The EU and the Member States must work together to develop technical solutions in order to be able to communicate with each other securely and confidentially in every situation.**

Building an active partnership with third countries

- Next to the partnership within the EU and the Schengen area, we want EU to be a **reliable partner towards the rest of the world**, to help increase security and democracy, and to help ensure that threats elsewhere can be averted. We also want to support legitimate law enforcement when it is compatible with our values.
- **Drug-related crime** in particular is intrinsically linked to activities in third countries. International drug cartels are flooding the European market with a variety of illicit drugs. Organised crime groups have links to more than 130 countries, while Europol has made operational agreements with only 17 countries. **The EU must close these gaps.**
- Under current EU law, **close cooperation with third countries** requires these countries to ensure an **adequate level of data protection**. To date, the European Commission has not issued a single adequacy decision for any third country in the area of law enforcement. What constitutes an adequate level of data protection should not be subject to excessive demands. In a globalised world, the European law enforcement agencies are an integral part of the international community and are geared to international cooperation. This also means that we must be able to work and share data with countries whose legal systems are not entirely in accord with that of the EU. This must be taken into consideration when setting the minimum standard necessary. This is the only way to allow intergovernmental relations in our mutual interest and to ensure our ability to cooperate in the long term.
- European police forces must be **allowed to work more intensively with third countries**. We need effective tools and processes, such as joint information systems, to **share information** with trustworthy third countries **in real time**. We can ensure our security only if we are able to cooperate efficiently – while adhering to our values – with countries outside the EU too.
- We can also see that **terrorists, criminals and extremists are increasingly exploiting the internet**, and that fake news and deep fake content are intentionally designed to influence people and shape their political views. We must defend the internet against illegal content of any kind. This is why the EU must pave the way for **working with public and private partners worldwide**. They have the information our police needs to do its work.

Questions for discussion:

1. Do you agree that our three key objectives are essential cornerstones of a secure Europe?
 2. Do you agree that we should assign the responsible Council bodies to work on the measures and report on the current status at our Council in December, with a view to adopting Council conclusions?
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