



Brussels, 18 October 1999
DGJHA B/1/TB D(99)

**Subject: Meeting Report Police Co-operation Working Group
- 13 and 14 October 1999
Mixed Committee with Norway and Iceland – 14 October 1999**

Summary

This was the third meeting of the PCWG under the Finnish Presidency.

The first day was taken by discussions on the general matters. The second day was taken by discussions on technical and telecommunication matters. The latter included meeting of the mixed Committee with Norway and Iceland.

The main topics of discussion were the publication of the Inventory of the bilateral assistance and training to the candidate countries, the discussion on the research on police matters, interception of telecommunications and the exchange of DNA analysis results.

Mr Sorensen (Enlargement DG) on item A2, Mr. Roberts (Enterprise DG) on item B1, Mr. De Temmerman (Information Society DG) on item C1, and the undersigned, represented the Commission.

Europol representatives attended the meeting.

A. General Matters

A1. - Inventory of the assistance and formation addressed to Candidate Countries

As a follow-up to the discussions that took place in the previous meeting, the group discussed the results of this work (prepared by the AEPC with EC-PHARE funding).

Member States were unanimous over the confidentiality of the results of the work (i.e. the final report should be kept confidential). M-S have nevertheless expressed their willingness to give access to the document to different law enforcement in the Member States.

Upon suggestion of the Commission, the Presidency agreed to draw up a short document informing the Art 36 Committee about the completion of this work, and that the analysis of the Inventory, if necessary, would be carried out by the Evaluation groups. Moreover the Presidency concluded that the inventory should be classified as confidential.

A2. - Co-ordination of research on policing matters.

(doc. Room document 13/10/99)

Finland outlined the content of the room document on the European Network on Crime Control. The document stems from a meeting of experts (September 99) charged with the task of establishing a European Police Research Network promoting police research of a suitable scientific standard, general information exchange, and the setting up of a research network.

Generally speaking the proposal received a warm welcome, albeit the fact that delegations have nevertheless asked for some clarification especially with regard to the legal and the financial aspects of the project, ensuring that the initial objective of the exercise is kept. The Commission said that possible sources of funding, other than the Title VI programs, should be taken into consideration (i.e. the fifth Research Programme, which has already been used to support projects such as SENSUS, Aventinus, etc.)

The Presidency, replying to F said that the languages to be used in the network would be decided at a later stage. The Presidency committed itself to drawing up an ENFOPOL document outlining the future steps needed for the setting up of the network.

The Group will come back at this issue at its next meeting.

A3. - Participation of the EU in the ILEA, Bangkok

The President of the AEPC outlined the developments undertaken since the last meeting of the group. It would draw up a report to assess the opportunity and if necessary the most appropriate forms of an EU involvement in this US-led academy. It informed that it would, jointly with the Commission, meet the US authorities to further discuss this issue.

After these talks, the AECP would draw up a report to be presented to the group at the next meeting.

NL stressed that a possible participation of the EU in ILEA-Bangkok should be complementary to the existing bilateral co-operation schemes.

The Presidency concluded saying that the issue would be further discussed at the next meeting of the group, on the basis of a possible paper produced by the AEPC.

A4. - Football hooliganism

(doc. 12172/97 ENFOPOL 216)

FIN informed about the progress in preparing the report. F, B, A, D, I, NL, DK and FIN had already sent in their answers to the questionnaire. Since the deadline for handing over these documents had expired on the 30 September, FIN asked the outstanding M-S to fulfil their commitment.

Asked by FIN, the UK, who was in charge of co-ordinating the work on a revised version of the questionnaire, informed that it would invite a restricted group of M-S in order to discuss the proposed changes.

Finally, NL invited the M-S to a seminar to be held in Den Haag on 25 and 26 October in the context of the Euro 2000, on which it would report at the next meeting.

A5. - Crime prevention

Crime scene management- Manual for investigators

(doc. Enfopol 99 10967/98)

The UK announced that the document on the manual would be ready for the next meeting. The discussion on the follow-up to the Manual was therefore postponed for the next meeting.

(Noting that the Tampere summit would be discussing crime prevention NL proposed to have a debate on this issue at the next meeting.

The Presidency agreed with NL to draft a working document on a concrete initiative in this field to start up debate on crime prevention)

A6. - Police co-operation among national co-ordination centre for order and public security (doc.Enfopol 48 REV 1 9425/1/99)

D outlined the modifications inserted in ENFOPOL 48 following the discussions at the previous meeting. Generally speaking, the delegations welcomed these changes but decided to postpone the decision on whether to send this paper to the CATS after receiving all the language versions.

The Presidency thus decided to put this subject on the agenda of the next meeting.

A7. - Any other business

A7.1 - Announcement of seminars

F announced two seminars financed under Oisin and Falcone organised by the Gendarmerie Nationale. The former, to be held in Saint-Astiers from 8 to 12 November, would be focused on the operational aspects of crime control and would be addressed to the Commission and to the M-S and authorities of the candidate countries. The latter, which would take place from 29 November to 1 December in Fontainbleu, would consider exchanges in the investigation practices in the fight against organised crime with the participation of M-S as well as from representatives of candidate countries, magistrates, civil servants and experts.

A7.2 - Car theft in Moscow

The Commission informed the group that – following up on the discussions that took place in the previous meeting – it had raised this question in the PCA Sub-committee 6. The representatives of the Russian Ministry of the Interior to that Sub-committee were not aware of the existence of this police directive on stolen vehicles and promised to look at this issue and to provide a reply at the next meeting.

A7.3 - Firearms route policing project

FIN updated the group on its project to supervise illegal trafficking of firearms. It informed that the next preparatory meeting would be held on 21 and 22 October. The experts' seminar would take place on 16 November. FIN called on all the MS and the Commission to participate.

Mixed Committee with Norway and Iceland – 14 October1999

B. Mixed Committee

B1. Tetra/Tetrapol – interworking (doc. Enfopol 64 + room document 1)

The Presidency informed the group on the results of the TETRA/TETRAPOL Interworking Seminar organised by the Finnish Presidency in Helsinki on 21 and 22 September. The objective of the seminar was to take matters forward and thus prepare a decision of the Council, via the PCWG, on the issue.

The seminar put emphasis on the non-existence of a unique solution and on the possibilities of combining solutions. To this end the industry and the users have agreed a list of solutions that is annexed to the conclusions of the seminar.

ENFOPOL 64 gathers the solutions suggested at the Helsinki seminar.

It proposed that the Presidency would send ETSI a letter detailing the results of the seminar, but that no further action in this issue would be needed at a working group level. Instead, it is time to pass to practical solutions by way of bilateral negotiations.

F requested the Presidency to give an ENFOPOL code to Room Document 1, so as to make it an official document, being able to use it afterwards. It also expressed its surprise to see that point 3 of ENFOPOL 64 had not been deleted as it was requested in the meeting at Helsinki and thus reiterated the request.

D highlighted the differences between the conclusions of the subcommittee and those of the Schengen Group.

The Presidency agreed with D remark but it also added that to some extent Room Document 1 overlapped with ENFOPOL 64.

The Presidency concluded the meeting of the Mixed Committee saying that the conclusions of the Helsinki seminar would be sent immediately to the CATS because the PCWC cannot go further in this matter without an opinion of CATS.

C. Police Co-operation Working Group (technical and scientific police matters)

C1 - Interception of telecommunications.

The Presidency provided information on the state of play. It noted 4 main points.

1- As far as user requirements are concerned the PCWG could not proceed further. The Finnish Presidency regretted that it would not have time during its mandate to follow this matter.

2- In previous meetings it had been discussed that it could be sensible to get some political support from upper instances in the Council for this matter to go forward. The Presidency reported that the chairman of CATS said that “although that was not a very simple question, efforts will be made in that direction”. Moreover, the Presidency noted that the Mutual Legal Assistance Group was achieving results on this issue.

3- It recalled the negative press that this issue has received in the media and wondered whether the MS should react to it. It suggested to prepare a press release setting out in clear terms the position of the Council as regards the discussions on interception of telecommunications.

4- Finally, it has emerged that it might be useful to inform the EP on how this issue had been evolving.

Against this background, the Presidency thus recognised that progress in this matter is being very slow.

The Group had a lively discussion on the basis of the points presented by the Presidency. Several delegations expressed some caution as regards the preparation of a press release, noting that this could provoke a chain reaction and further negative press in the media.

The Commission, whilst noting that its position has not changed, informed delegations that a possible way to break the deadlock could be following a similar strategy as that followed in tackling the issue of Child Pornography in the Internet. Although acknowledging that this was a different topic it also has an interception dimension.

The Commission invited delegations to study the conclusions of the Vienna Conference

The Presidency concluded saying that it would come back to the matter of interception at the next meeting.

C1.1 - KPN patent

I distributed a note on the subject of the “application for a patent on the PCT/EP96/01611 telecommunications interception system filed by the Dutch Company KPN”. I outlined the content of its paper noting that the request for the patent should be objected. I noted that this position had been the result of extensive internal consultations and invited M-S to follow the argument presented, in order to further consolidate their views when presenting them to the E.P.O. in Munich.

DK wondered whether this would be a First Pillar or Third Pillar matter.

The Commission noted that at this stage it could not assess whether this was a strictly first or third pillar issue. Further it noted that this is one more example of the grey area existing in all telecommunications issues, since almost everything in this area can be considered as part of both pillars depending on the angle one chooses to discuss it.

The Commission said that nevertheless it would be consulting its services and hoped to come with a more definite view at the next meeting.

The Council Legal Service agreed with the Commission about the difficulty of the question.

NL informed that the Dutch Ministry of Justice is examining the possibility of launching legal proceedings against KPN. That means that part of the patent could, depending on the decision of the Dutch Courts, be considered void. Having in mind that the new generation of telecommunications should be based in the 1995 Council Resolution on the lawful interception of telecommunications, NL stressed the importance of avoiding giving KPN an European Patent.

The Presidency concluded the discussion in the subject proposing MS to study the details contained in the Patent application and use the Italian document at a national level. It also invited MS to consult patent officials to clarify whether a patent can be granted or not.

The issue will be further discussed in the meeting on 5 November.

C2 - Draft Framework Decision on the exchange of DNA analysis results (ENFOPOL 65)

The Finnish delegation presented the contents of the document, noting that this was simply a working document and invited delegations to comment it.

F noted that whilst agreeing to the principle the proposal needed to be further studied and in particular on what it concerns the legal implications. Further, considering that the aim of this decision is to make possible the exchange of DNA analysis results within the framework of criminal justice system, it is necessary to agree that the markers to be used in those analysis are those upon which the national data basis should be created.

The seven markers chosen – resulting from a STOP-funded project - are used in UE. Therefore there was no disagreement on the substance of the draft. D and EL have nevertheless cast some doubts on the one year period proposed in the draft to include all the markers in the country was considered too short.

There was another controversial aspect regarding this issue. S suggested the possibility of having the list of markers in an Annex to the framework decision to make future amendments to that list easier, specially if we take into account that this is a matter that develops very fast.

The Presidency reminded that the text of the framework decision foresee that new markers could be added. However it welcomed the proposal of having an annex containing the list of the agreeing markers.

The Commission whilst noting an overall consensus on the idea of making the use of markers compulsory, raised some queries of a more general and legal nature. These focussed in particular, on the procedure needed to add new markers to the list and on what would the consequences be on those M-S that would fail to transpose the principles of the framework decision within the timeframe set by it.

The Presidency, after consulting the Council Legal Service said that these were indeed questions that needed further reflection. Other delegations referred to the need to further discuss the kind of document the Presidency wishes to propose.

The Presidency concluded that this being simply a draft working paper, all these questions could be further discussed but showed its satisfaction on the agreement of M-S with the need to harmonise the use of commonly agreed DNA markers.

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B5. - Topcoat colours codes and vehicles registration data

(doc ENFOPOL 62)

FIN outlined its initiative to draw up a recommendation for harmonising coding of vehicles topcoat colours by the EU authorities responsible for vehicular registration. It considered a joint position the best legal instrument for this purpose.

Europol expressed his interest for this ambitious initiative and offered to collaborate.

The Commission pointed out to the existence of the Directive on registration of documents (OJ L 138, 1-6 1999, p. 57) noting that after consultation of the services responsible for its management it could eventually consider making use of the committee responsible for the implementation of the Directive, to see whether the codes could be inserted in the data field foreseen in the Directive. For the Commission this would be an appropriate way of following up this matter.

The Presidency thanked this suggestion and noticed that the group should have a further discussion at the next meeting.

The next meeting of the PCWG will take place on 5 November 1999 (technical matters) and 19 November (general matters).

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(signed)

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