

Resolution of the EuroCOP Committee

regarding
the priorities of the European Union
in the area of justice and home affairs after 2009

adopted at the
Spring EuroCOP Committee, Lisbon, 10 March 2009

For a strong police in a secure Europe

Contribution of the European Confederation of Police to the priorities of the European Union in
the area of justice and home affairs after 2009

In response to the European Commission's Public Consultation on "Freedom, Security and Justice: What will be the Future?", the European Confederation of Police, EuroCOP, has developed this position paper. The position builds upon previous EuroCOP papers on the development of the Area of Freedom Security and Justice¹ and can be summarised in the following three major conclusions:

- In a European Union, where Member States share responsibility for internal security, they also need to share basic standards in policing.
- Cross border information exchange tools need to be better integrated into day to day business of police services in order to boost their efficiency
- The European Union needs a coherent approach towards police and criminal justice cooperation that is driven by a joint vision

Law enforcement cooperation in the European Union needs to gain the trust of citizens. This trust cannot be gained by non transparent decision-making procedures and ad-hoc decisions that answer to the demands of urgency and the desire to achieve quick 'results' rather than to the guidelines of a coherent and mutually agreed approach.

In order to gain this trust law enforcement cooperation in the European Union needs to be built on a solid foundation of respect for fundamental rights, respect for the principle of the rule of law and transparency and public accountability.

¹ A Common Area of Security requires professional police services – mastering the challenges of the Schengen Enlargement; February 2007 - <http://www.eurocop-police.org/policies/policing%20in%20europe.htm>

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- **In a European Union, where Member States share responsibility for internal security, they also need to share basic standards in policing.**

EU citizens must be able to trust that wherever in the Union they are, they will meet a police service with high standards of professionalism and integrity that protects them from crime and ensures that they can exercise their fundamental rights in peace.

EU citizens must be able to trust that wherever in the Union they are, their fundamental rights are safeguarded by a police service that is fully publicly accountable and does not answer to any particular interest.

Last but not least, in a borderless area, EU citizens must be able to trust all Member States to accept their share of the responsibility for internal security and fighting crime.

At its external borders the EU has already begun to work towards a joint management of security. But joint responsibility cannot be restricted to control of the external borders of the Union. The EU has already taken steps in this direction with a number of important measures to harmonise criminal law relating to money laundering as well as organised crime. This is clear evidence that the European Union has already started to embrace a joint concept of internal security. We are convinced that this is the right way to proceed in order to fight crime efficiently. It is however imperative that this development is strengthened in order to be able to achieve the goal of a common area of freedom, security and justice.

Without a common basis of joint standards in law enforcement this joint responsibility will however not become visible to citizens and will remain in an embryonic stage. Already today the implementation of far reaching agreements on operational cooperation, such as the Prüm Treaty, creates difficulties due to lack of operational compatibility between the participating police services. The amount of coordination needed to mount a joint operation today is excessive.

Moreover, without an express recognition of joint standards for law enforcement the joint area of freedom, security and justice risks to fall apart in a medium term perspective: If some Member States become convinced that closer cooperation puts their security at risk rather than improving it they will seek solutions on their own. As a result the common area of freedom, security and justice might become a patchwork of overlapping individual solutions that lacks transparency for both citizens and law enforcement professionals.

The European Confederation of Police is convinced that in addition to this, it is necessary to define minimum professional standards or at least a coordination mechanism with regards to adequate levels of staff and equipment as well as recruitment levels.

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- **In order to improve the efficiency of police cooperation solutions that provide ‘one stop shop’ solutions for cross border information exchange should be developed.**

From a practitioner’s perspective, obtaining relevant information quickly at the time when it is needed is essential. While tools for information exchange have improved significantly over the past years a change of perspective is needed in order to make better use of available tools for cross border information exchange.

Today, cross border exchange of law enforcement information can take place in a number of different settings: Joint Police Stations or other forms of bi- or multilateral agreements, European agencies, liaison officers as well as European databases. The types of information that can be obtained, the procedures and time frames for obtaining information vary considerably according to the specific instrument that is being used.

As a consequence, obtaining cross border information and following cross border leads remains time consuming and at times even frustrating for officers working on a specific case. In order to be efficient, tools for information exchange must answer to the practitioner’s need for fast and relevant information.

The success story of the Schengen Information System is not based on its elaborate technical design nor the complexity of the information contained in it. It is based on the simple fact that it can be integrated into national police information systems. Cross border implications of an individual case cannot only be followed up, they can be discovered in the first place.

The successful experiences of Joint Police Stations that a growing number of Member States are using are equally based on the fact that they provide a fast and easy to use access point for cross border queries. Joint Police Stations have become so popular that they are increasingly being used beyond their original geographically limited scope.

In summary, while the multiplication of channels for information exchange has made cross border exchange of information possible in the first place, the same multiplication of channels also severely limits their efficiency. Moreover, it is largely due to the poorly coordinated multiplication of channels for information exchange that groups of citizens and stakeholders perceive this as a serious risk to civil liberties.

For these reasons the ‘principle of availability’ already outlined in The Hague Programme should be reinforced and clarified by a call for creating ‘one-stop shops’ for law enforcement information on the national level that include existing cross border information links. This would not only boost efficiency of existing tools but will equally create greater transparency and facilitate the work of data protection authorities. Developing solutions that increase efficiency of existing tools has to take absolute priority over the development of ever new tools.

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- **A common framework for policing should be developed in the form of a comprehensive EU Code of police ethics**

Professional standards as well as better integration of information exchange tools require a common reference framework for police services. Citizens in the European Union have the right to know what they can expect from their police services.

This should be done by establishing common European principles and guidelines for the overall objectives, performance and accountability of the police when providing public security and safeguarding individuals' rights in democratic societies governed by the rule of law.

Within the common area of freedom security and justice, criminal justice systems play a key role in safeguarding the rule of law. Within that system that the police play an essential role in providing effective crime fighting both at the national and the international level. In addition, police activities are commonly carried out in close contact with the public and, as a consequence that police efficiency is dependent on public trust and support.

For this reason the European Confederation of Police urges the European Union to establish common minimum standards for policing in the European Union by building upon the Council of Europe Recommendation for a Code of Police Ethics².

The Member States of the European Union have the potential to surpass the ambitions of the Council of Europe's Code of Police Ethics. An EU Code of Police Ethics should therefore not replace, but complement the Council of Europe's document by moving further where possible without damaging its integrity. In addition, the legal framework of the European Union allows better monitoring of compliance of member states with a police code of ethics.

PLACE, DATE,

The President

² Recommendation Rec(2001)10 of the Committee of Ministers to member states on the European Code of Police Ethics (Adopted by the Committee of Ministers on 19 September 2001 at the 765th meeting of the Ministers' Deputies)