



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 23 March 2006
(OR. en)**

6856/06

LIMITE

**ENFOCUSTOM 27
ENFOPOL 35
CRIMORG 40
CORDROGUE 15**

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL RECOMMENDATION on the drawing up of agreements
between police, customs and other specialised law enforcement services
in relation to the prevention and combating of crime

COUNCIL RECOMMENDATION

of

**on the drawing up of agreements between police,
customs and other specialised law enforcement services
in relation to the prevention and combating of crime**

THE COUNCIL OF THE EUROPEAN UNION,

RECALLING that:

- (1) one of the objectives of the European Union is the progressive establishment of an area of freedom, security and justice by developing common action among the Member States in the field of police and judicial cooperation in criminal matters;
- (2) this objective is to be achieved by preventing and combating crime, organised or otherwise, in particular terrorism, trafficking in persons and offences against children, illicit drug trafficking and illicit arms trafficking, corruption and fraud, notably through closer cooperation between police forces, customs authorities and other competent authorities in the Member States, there should also be increased cooperation with, and where appropriate between, EU bodies, Institutions and agencies such as the Commission (OLAF), Europol, Eurojust and Cepol;
- (3) the common action provided for by Article 30 of the Treaty on European Union in the field of police cooperation includes operational cooperation between the competent authorities, including the police, customs and other specialised law enforcement services of the Member States in relation to the prevention, detection and investigation of criminal offences;
- (4) in order to achieve this objective in the most efficient way, a high degree of cooperation is necessary at national level between the police, customs and other specialised law enforcement services;

- (5) the Hague programme on the strengthening of freedom, security and justice in the European Union, adopted by the European Council in November 2004, stressed that an optimal level of protection of the area of freedom, security and justice required multidisciplinary and concerted action both at EU level and at national level between the competent law enforcement authorities, especially police, customs and border guards;
- (6) the Commission issued Communications entitled "Enhancing police and customs cooperation in the European Union", "Towards enhancing access to information by law enforcement agencies", and "Developing a strategic concept on tackling organised crime";
- (7) different legal and administrative provisions or arrangements exist in Member States on the respective roles and functions of the police forces, customs authorities and other competent authorities in relation to the prevention and combating of crime;
- (8) in order to avoid duplication of efforts between police forces, customs authorities and other competent authorities and to make optimum use of their complementary resources, it is essential to promote and ensure a high level of liaison and cooperation, and an effective organisational response;
- (9) the Council Resolution of 29 November 1996 on the drawing-up of police/customs agreements in the fight against drugs¹ urged Member States to establish agreements between police and customs services in the fight against drugs, and that the need to extend such agreements to other areas of crime has been recognised,

¹ OJ C 375, 12.12.96, p. 1.

HEREBY RECOMMENDS THAT MEMBER STATES:

1. take the necessary steps to establish, without prejudice to national legislative and administrative provisions, formal agreements or other arrangements at national level between police forces, customs authorities and other competent authorities in relation to the prevention and combating of crime;
2. incorporate, in these agreements or other arrangements, in particular, provisions covering the following matters:
 - (a) precise delineation of, and respect for, the competencies of each service;
 - (b) exchange and sharing of relevant information and strategic, tactical and operational intelligence, where appropriate, in particular by facilitating mutual direct or indirect access to databases, with due regard for individual rights and data protection rules;
 - (c) development and promotion of best practices;
 - (d) procedures for operational matters, and where appropriate:
 - joint actions,
 - joint mobile patrol squads,

- joint investigation teams,
 - joint intelligence teams,
 - sharing of equipment between services and cooperation on the development, purchasing, deployment and use of technology;
- (e) exchange of liaison officers at headquarters level of the police forces, customs authorities and other competent authorities, and also at the Europol National Unit and at the national desks in Europol, with a view to enhancing mutual trust and facilitating communication, where deemed necessary and in accordance with national law;
- (f) joint training for the competent authorities, where applicable, with the support of CEPOL;
- (g) exchange of information on and, where applicable, common evaluation of the application of, analysis and investigative techniques;
- (h) exchange of criminal statistical data and, where applicable, development of a common system for the collection of such data;
- (i) as appropriate, promotion of a multi-agency platform concept at national level, consisting of officers from police forces, customs authorities and other competent authorities, in particular for the international exchange of information;

- (j) possible participation in multilateral permanent cooperation structures between police, customs and other law enforcement services in regions at the internal borders of the Member States;
 - (k) putting in place close liaison arrangements at local level;
 - (l) joint press statements in the case of joint actions;
3. inform the Council through the General Secretariat within a year of the measures they have taken following this recommendation;
 4. give effect to this recommendation in replacement of the Resolution of 29 November 1996 on the drawing-up of police/customs agreements in the fight against drugs.

Done at

For the Council

The President
