



**COUNCIL OF
THE EUROPEAN UNION**

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"I/A" ITEM NOTE

From: General Secretariat
To: COREPER/Council

No prev. doc.: 15370/10 ENFOPOL 299 COPEN 232 CRIMORG 186

Subject: Draft Council Resolution on ENFAST - European Network on Fugitive Active Search Teams

1. The Law Enforcement Working Party at its meetings on 14 September and 21 October 2010 discussed the Presidency's proposal to establish an informal European Network of Fugitive Active Search Teams (ENFAST) and agreed to the draft Council Resolution encouraging the creation of such a network.
2. At its meeting on 25 October 2010, CATS agreed on the draft Council Resolution on ENFAST - European Network on Fugitive Active Search Teams.
3. On this basis, COREPER is requested to invite the Council to adopt the above-mentioned draft Council Resolution, as set out in annex.

Draft Council Resolution
on ENFAST - European Network on Fugitive Active Search Teams

THE COUNCIL OF THE EUROPEAN UNION

AWARE that while the abolition of controls at internal frontiers within the Schengen area offers opportunities to citizens acting in good faith, it may also be used by suspected or convicted persons to evade justice,

HAVING REGARD TO the Council Framework Decision of 13 June 2002 on the European Arrest Warrant and the surrender procedures between Member States¹, which created an instrument for the arrest and surrender of criminals,

NOTING THAT the creation of the European Arrest Warrant led to a specialisation within the European Union of police services in charge of the search and arrest of persons subject to a European Arrest Warrant,

RECALLING that in the Stockholm Programme² the Commission is invited to explore the results of the evaluation of the European Arrest Warrant,

RECALLING that during the fourth round of mutual evaluation on the European Arrest Warrant the experts stressed the usefulness of the Belgian Fugitive Active Search Team (FAST) as a model of good practice³,

¹ OJ L 190, 18.7.2002

² OJ C 115, 4.5.2010

³ 16454/2/06 REV2

TAKING INTO ACCOUNT the results of the first expert seminar on the cooperation of fugitive active search teams, held on 9 and 10 September 2010 and organised by the Belgian Presidency of the Council, favouring the creation of an informal European network of such teams,

AWARE that police and judicial cooperation between the Member States is governed by the existing relevant instruments and that the creation of an informal network is without prejudice to such provisions,

ENCOURAGES those Member States that do not have a fugitive search team to consider establishing such a unit at national level, or at least to designate a single point of operational contact (SPOC),

ENCOURAGES the Member States to ensure that it is possible to contact all fugitive search teams or SPOCs 24 hours a day,

ENCOURAGES the Member States to create an informal European Network of Fugitive Active Search Teams or SPOCs (ENFAST), which are part of the law enforcement services, active in the field of the search and arrest of suspected or convicted persons seeking to evade justice,

INVITES all Member States to draw up the list of SPOCs¹ and to keep it up to date by informing the General Secretariat of the Council and the European Commission of any change,

CONVINCED that the informal network will constitute an ideal forum for the exchange throughout the European Union of non-operational information and experiences and that it will facilitate the establishment and active maintenance of contacts between its members,

¹ Set out in document 15500/10 ENFOPOL 303 COPEN 240 CRIMORG 188

ENCOURAGES the Member States to organise regular meetings of ENFAST, at least once a year when convened by the Presidency of the Council, with the participation of Europol, Eurojust and the European Commission to address, amongst other issues, the following topics:

- exchanging information about the law enforcement systems in each Member State and identifying possible legal and practical obstacles to cross-border cooperation;
- exchanging best practices (i.e. new technologies, etc), operational experiences and priority setting methods;
- coordinating practical arrangements for the surrender of persons;
- facilitating joint actions to locate and arrest persons within the framework of the European Arrest Warrant;
- organising mutual training programmes, taking into consideration CEPOL's tasks,

SUGGESTS that the competent structures within the Council be regularly informed about the activities of ENFAST.