
The “new” principal task for Europol to support Member States in connection with major international events. The blurring of boundaries between law enforcement and public order?

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Introduction

- > PhD in Law
 - > Europol, *quo vadis?* Critical analysis and evaluation of the development of the European Police Office
 - > European criminal law – European criminal policy
- > PhD on papers
 - > Deliberate choice (cfr. model for analysis and evaluation)
 - > Paper = illustration
- > Methodology
 - > Legal and social science research methods

Introduction

> Europol

- > EU law enforcement organisation
- > Council Decision of 6 April 2009 establishing the European Police Office (Europol) (OJ L 121 of 15.5.2009)
 - > Transforms Europol from an intergovernmental organisation into an agency of the EU
 - > As from 1 January 2010
 - > Not merely a copy of the 1995 Europol Convention, including all the amendments already incorporated in the three Protocols...
 - > Novelties?



Introduction

- > A new principal task for Europol is to provide intelligence and analytical support to Member States in connection with major international events (Art. 5 (1) (e) Europol Council Decision)
- > Two research questions
 1. Whether this new task, which was not as such provided for by the Europol Convention, qualifies as a true novelty?
 2. Whether this seemingly information-related task would in fact not amount to a task of public order, which would then no longer be compatible with Europol's objective
- > Relevance



A true novelty?

> Origins

> Austrian EU Presidency 2006

- > Problem identification

> Commission Proposal 2006

- > *“(f) to provide intelligence and analytical support to a Member State in connection with a major international event with a public order policing impact” (Article 5(1)(f))*

> German EU Presidency 2007

- > *“Since the definition of the term ‘public order’ differs or does not exist in the legal systems of the Member States, this phrase should be deleted”*



A true novelty?

- > Very little debate within Council structures
- > Europol Joint Supervisory Body (JSB)
 - > Warning
 - > Only within Europol's competence and data protection framework
- > Statewatch
 - > Sharp criticism
 - > Linking the new *"role in controlling public order"* to the power to establish new information systems: *"so it would be open to Europol, for instance, to create a database of supposed violent demonstrators, in order to exercise its public order tasks"* (Peers, 2007, p. 5)



A true novelty?

- > Not nearly as new
 - > Analysis of Annual Reports, Work Programmes, press releases, other Europol sources
 - > UEFA Euro Football Championships 2004 (Portugal)
 - > Athens Summer Olympics 2004 (Greece)
 - > Turin Winter Olympics 2006 (Italy)
 - > FIFA Confederations Cup 2005 – FIFA World Cup 2006 (Germany)
 - > Harley-Davidson Super Rally 2006 (Norway)
 - > UEFA Euro Football Championships 2008 (Austria – Switzerland)

A true novelty?

- > Europol's support in relation to major international – sporting – events
 - > Member States – Third States
 - > Europol's competence (terrorism, organised crime)
 - > Information exchange, monitoring Europol's databases, analytical support, threat assessments
 - > On the spot
- > A false need?
- > Conclusion
 - > Alleged new task could lead to new interpretations in the future



A task of public order?

- Emerging EU dimension to public order
 - EU police and judicial cooperation in criminal matters *"shall not affect the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security"*.
 - Nevertheless, emergence of an EU approach to transnational public order policing
 - In part prompted by football hooliganism
 - Also directed against protests and street demonstrations
 - Gothenburg (June 2001) and Genoa (July 2001)



A task of public order?

- > Only marginal involvement of Europol
 - > Conclusions on the security at meetings of the European Council and other comparable events (JHA Council July 2001)
 - > Responsibility of the host country for maintaining public order and safety
 - > Examination of the possibility of increasing the powers of Europol in the area of joint analysis of violent disturbances, offences and groups
 - > Security Handbooks for police authorities concerning cooperation at major international events (2002, 2004, 2007)
 - > Europol: information management, threat assessment and risk analysis



A task of public order?

- > Proposal to create an EU-wide database of “troublemakers”
 - > Flared up at a number of occasions during the past decade (2001, 2003, 2007)
 - > Examination of the possibility of using the Schengen Information System (SIS) for the exchange of information
 - > Still disagreement among the Member States



A task of public order?

- > At Europol?
 - > Fear of Statewatch (*supra*) unfounded
 - > Situated within the context of Schengen cooperation
 - > Schengen Information System (SIS) and Europol Information System (IS) have a different finality
 - > Nevertheless, Europol access to SIS
 - > Actual blurring of boundaries between law enforcement and public order



A task of public order?

> Conclusion

- > The “new” task for Europol in connection with major international events would not exclude Europol from supporting national police action with a public order impact
- > Potential blurring of boundaries between law enforcement and public order not without risk
- > Finality principle is at stake



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- > Thank you for your attention!
 - > Questions?
 - > Read more
 - > DE MOOR, A. & VERMEULEN, G. (2010). "The 'new' principal task for Europol to support Member States in connection with major international events. The blurring of boundaries between law enforcement and public order?", *Journal of Police Studies*, 3, 120-138.
 - > DE MOOR, A. & VERMEULEN, G. (2010). "The Europol Council Decision: Transforming Europol into an Agency of the European Union", *Common Market Law Review*, 4, 1089-1121.