

**THE REPUBLIC OF TURKEY
BAHÇEŞEHİR UNIVERSITY**

**EUROPOL: RELATIONSHIP WITH TURKISH
LAW ENFORCEMENT INSTITUTION AND
FUTURE OF EUROPOL**

Master's Thesis

AHMET DEMİRCİ

İSTANBUL, 2010

**THE REPUBLIC OF TURKEY
BAHÇEŞEHİR UNIVERSITY
INSTITUTE OF SOCIAL SCIENCES
EUROPEAN UNION PUBLIC LAW AND INTEGRATION PROGRAMME**

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Thesis Advisor: YRD. DOÇ. DR. CENGİZ AKTAR

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THE INSTITUTE OF SOCIAL SCIENCES

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Ahmet DEMİRCİ

ABSTRACT

EUROPOL: RELATIONSHIP WITH TURKISH LAW ENFORCEMENT INSTITUTION AND FUTURE OF EUROPOL

Demirci, Ahmet

European Public Law and Integration

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European Police Office (Europol), which is one of the European Union (EU) institutions at the area of intelligence supply directed towards serious international organized crimes was discussed and analyzed in this study. Within this scope, general information about Europol, its historical development and progress of the organs and functions of Europol were emphasized in the first chapter. Relations between Europol and Turkish Law Enforcement Institution and adaptation of Turkish Law Enforcement Institution during the integration process of Turkey with EU form the second chapter. The discussions related with the future of Europol take place in the third chapter.

Europol is the EU law enforcement organization that handles criminal intelligence. Its aim is to improve the effectiveness and co-operation between the competent authorities of the Member States in preventing and combating serious international organized crime and the mission of Europol is to make a significant contribution to the EU law enforcement action against organized crime, with an emphasis on targeting criminal organizations.

Europol became fully operational on 1 July 1999, after the finalization of a number of legal acts relating to the Convention. With an expanded mandate now including child abuse, terrorism and forgery of money, and the authority to enter into cooperation agreements with third states and international organizations, Europol was equipped to become a full-fledged partner in fighting crime within Europe's borders and beyond.

Europol becomes fully operational today following the ratification and adoption by all Member States of the legal acts provided for in Article 45, point 4, of the Europol Convention. This provides EU member states and their law enforcement agencies with a valuable additional weapon in their fight against organized crime in a Europe without frontiers.

Key Words: Europol, Turkish Law Enforcement Institution, Crime, Investigation, European Union.

ÖZET

EUROPOL: TÜRK EMNİYET TEŞKİLATI İLE BAĞLANTISI VE EUROPOL'UN GELECEĞİ

Demirci, Ahmet

Avrupa Kamu Hukuku ve Entegrasyon

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Bu çalışmada uluslararası ciddi organize suçlara yönelik istihbarat temini alanında Avrupa Birliği (AB) kurumlarından birisi olan Avrupa Polis Bürosu (Europol) ele alınmıştır. Bu bağlamda çalışmanın birinci bölümünde Europol hakkında genel bilgiler, kurumun tarihsel gelişimi ve Europol'un organlarının ve fonksiyonlarının tanıtılması üzerinde durulmuştur. Europol ile Türk Emniyet Teşkilatı arasındaki ilişkiler ve Emniyet Teşkilatının AB sürecindeki durumu ikinci bölümü oluşturmaktadır. Europol'un geleceğine yönelik düşünce ve analizlere ise üçüncü bölümde yer verilmiştir.

Europol, AB'nin emniyet teşkilatı olup suçlarla ilgili istihbarat temini konusu ile ilgilenir. Amacı uluslararası ciddi organize suçları önleme ve mücadele konusunda üye ülkelerin konuyla ilgili yetkilileri arasında etkinlik ve işbirliğini geliştirmektir ve Europol'un misyonu da suç örgütlerinin üzerinde oluşturacağı baskı ile AB'nin organize suçlarla mücadele yasalarına önemli katkılarda bulunmaktır.

Europol tam anlamıyla faaliyete geçmesi 01 Temmuz 1999 tarihinde, Konvansiyon ile ilgili çok sayıdaki yasal düzenlemelerin kanunlaşmasıyla gerçekleşmiştir. Bugün çocuk suçları, terörizm ve para sahtekarlığı dahil olmak üzere genişletilmiş bir yetki ve yürürlüğe girecek üçüncü ülkeler ve uluslar arası organizasyonlar ile işbirliği yetkileri ile donanmasıyla birlikte, Europol Avrupa sınırlarının içerisinde ve ötesinde suçla mücadele konusunda gerçek, ehliyetli ve tam donanımlı bir partner haline gelmiştir.

Özgürlük, güvenlik ve adaletin güvence altına alınması AB'nin temel değerleridir. Bununla birlikte Avrupa Vatandaşlığı kavramının oluşturulması, ekonomik ve sosyal gelişmenin desteklenmesi de AB'nin önceliklerini oluşturmaktadır. Türkiye'de AB'ne adaylık sürecinde Adalet ve İçişleri alanlarında kapsamlı çalışmalar yürütülmektedir. Başta anayasa, Türk Ceza Kanunu, Ceza Muhakemeleri Usulü Kanunu, Polis Vazife ve Salahiyetleri Kanunu ve bunlara bağlı çıkartılan yönetmeliklerde düzenlemeler yapılmıştır.

Anahtar Kelimeler: Europol, Türk Emniyet Teşkilatı, Suç, Soruşturma, Avrupa Birliği.

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ABBREVIATIONS

Association of European Police Colleges	: AEPC
Analysis, Work File	: AWF
Central Schengen Information System	: C.SIS
European Committee on Crime Problems	: CDPC
European Community	: EC
European Council of Police Trade Unions	: CESP
European Federation of Employees in Public Services	: EUROFEDOP
European Network of police Women	: ENP
European Police Office	: EUROPOL
European Union	: EU
European Vehicle Identification Database	: EuVID
Europol National Unit	: ENU
Information Exchange	: INFO-EX
International Federation of Senior Police Officers	: FIFSP
International police Association	: IPA
International Police Cooperation Directorate	: IOPCD
International Union of Police Federation	: HISP
Joint Investigation Team	: JIT
National Bureau Turkey	: NBT
National Control Bureau	: NCB
National Schengen Information System	: N.SIS
Preventive of Torture	: APT
Schengen Information System	: SIS

1. INTRODUCTION

In today's world, as the result of changes in the environment of the crimes, especially organized serious ones, cooperation between states and international organizations is the fundamental and vital requirement for combating against serious international crimes and terrorism. Huge population of big cities and continuous increasing and developing technologies provide both challenges and opportunities for the law enforcement institutions of the countries.

Intelligence is one and most important of these areas, where technological developments provide opportunities for the law enforcement institutions. Especially counterterrorism efforts and activities benefit from intelligence. But, supply of intelligence is not so easy. First of all it requires very successful and very well planned cooperation among the law enforcement institutions of different states and a great number of international organizations. Secondly, intelligence supply must be on time and quick. And the last one, intelligence supply must be reliable.

During the last years, the European Union (EU) has continued to enlarge its role in realising co-operation in the field of police, customs and justice, and in developing a coordinated policy with reference to asylum, immigration and controls at the external borders. This tendency will continue by the reinforcement of a common space of freedom, security and justice by the Treaty establishing a European Constitution. The Treaty establishing a European Constitution and the preceding Treaties of Maastricht (1992), Amsterdam (1998) and Nice (2001) have gradually given shape to a common judicial framework in the field of justice and home affairs, and have led to the integration of policy areas and other matters within the EU.

With the enlargement processes of the EU in recent years; cooperation among the law enforcement institutions of member states in EU started to be felt as a requirement for combating organized serious crimes and terrorism. So, with the effect of these requirements Europol was established.

Europol is the EU law enforcement organization that handles criminal intelligence. Its aim is to improve the effectiveness and cooperation between the competent authorities

of the member states in preventing and combating serious international organized crime and terrorism. The mission of Europol is to make a significant contribution to the EU's law enforcement action against organized crime and terrorism, with an emphasis on targeting criminal organizations.

It is clear that the EU keeps on believing in the principle of sovereignty and in solid partnerships, supported by new organisations and initiatives. The political belief in the future of Europol remains strong, notwithstanding the fact that Europol apparently has difficulties in obtaining its politically and legally assigned position. Thus the European co-operation remains a learning process during which fundamental changes and adaptations of the treaty are regularly being made, while not always realising enough depth in the existing partnerships and possibilities for co-operation.

The tendency to harmonize the regulations, combined with the more far-reaching competencies of Europol and Eurojust and the changes in the decision-making procedure for the aspects of police and judicial co-operation in all respects shows that Europea is moving fast towards a "Europeanised" approach of crime.

These projections towards future of Europol are related with the Turkey's combating against organized serious crimes and counter-terrorism efforts. Because of the strategic location of Turkey, many problems arise and most of security issues emerge due to its borders, neighbor countries and geographical situation. So that, cooperation with all other states and international institutions, including member states of the EU and its law enforcement institutions attract very much importance regarding the combating of international organized serious crimes and terrorism in Turkey.

In this thesis, it was discussed that how this cooperation between Europol and Turkish law enforcement institutions can be established and improved in the future, also Turkey's adaptation process and future progress are analyzed. Because a healthy adaptation will provide very much contribution in the counterterrorism efforts and combating international organized serious crimes and activities in Turkey.

Within this scope, general information about Europol, its historical development and progress of the organs and functions of Europol were emphasized in the first chapter.

Relations between Europol and Turkish Law Enforcement Institution and adaptation of Turkish Law Enforcement Institution during the integration process of Turkey with EU form the second chapter. There are few studies which have been done related with this field, I hope this thesis will make a contribution to the studies in this field.

2. HISTORICAL BACKGROUND OF EUROPOL

2.1 HISTORY OF EUROPOL

According to the Classical Approach regarding the public security, the concept of “each state provide its own security” in the past. As result this assumption, the state provides the state security and take the legal aspects into consideration while performing this. But because the the benefit-oriented criminal organizations, global terrorizm crimes, illegal migration, important political and sport events have destroyed the borders of the states as the result of globalism, providing the security just by state in a country became largely impossible. The requirements for information in order to combating organized crimes cause to establish a common institution in EU (Yenisey, 2009, pp.235-237).

Public and political interests is currently most concentrated around the field of police and judicial cooperation, which is directed essentially at combating the growth in organized crime and dealing with formidable and acute immigration problem. Decision making in these areas tends to be based on conventions which give for the unanimity, is a long haul. Intergovernmental attitudes dominate the Community approach and hinder a more spontaneous form of harmonizing criminal law and procedure. Most of the people believe that active Community responsibilities must be rooted in administrative law enforcement (Bruggeman, 2000, pp.65-66).

The idea of a European drugs unit was brought up in the Trevi meetings long before Maastricht treaty. However it begins with Article K.1 (9) of the Maastricht treaty signed on 7 February 1992 and entered into force on 1 November 1993 (Monar & Morgan (eds.) 1994, pp.201-207).

Some of the more extensive treaty of the past (Letter Rogatory, Legal Assistance, the transfer of sentenced person, extradition etc.) have been substituted, initially by interpolice cooperation and now by intergovernmental police cooperation (Schengen, Maastricht, Amsterdam) (Ruyver, Vermeulen, Laenen, Laenen, and Geenens 2002, pp.14-15).

As a direct consequence of this a two – speed system has emerged, given rice to feelings of surprise, frustration when criminal proceedings are not instituted following

police cooperation, legal uncertainty and powerlessness. More there is no overall logic to intergovernmental law enforcement or to intergovernmental action by administrative law enforcement agency (Bruggeman, 2000, pp.80-83)

There are also problems on the field of proactive police intelligence due chiefly to differences between police regulations and police practice. The dangers of unlawful and inadmissible evidence are often all too close for comfort, particularly when two countries work together closely. These circumstances can only be beneficial to criminals. Therefore Article K.1 (9) of the Maastricht treaty provided for the establishment of Europol (Council Act of 26 July 1995 drawing up the Convention on the establishment of a European Police Office)

European Police Office, known as Europol and established in the Hague, Netherlands. Europol has legal personality and its objective is to improve the effectiveness of, and cooperation between, the competent authorities in the member states in preventing and combating international organized crime. This Council Act establishes the European Police Office (Europol) (http://europa.eu/legislation_summaries/justice_freedom_security/police_customs_cooperation/114005b_en.htm).

The objective of Europol is to improve police cooperation between the member states in order to combat terrorism, unlawful drug trafficking and other serious forms of international organized crime. The member states are setting up national units to liaise between Europol and the national authorities responsible for fighting crime. Unlike the police services of the member states, Europol does not have executive powers. It cannot detain individuals; nor can it conduct home searches. Its task is to facilitate the exchange of information, analyze it and coordinate operations involving several member states (http://europa.eu/legislation_summaries/justice_freedom_security/-police_customs_cooperation/114005b_en.htm).

As part of police cooperation between the member states, Europol:

- a) Facilitates the exchange of information between the member states,
- b) Collates and analyses information and intelligence,

- c) Notifies the competent authorities of the member states without delay via the national units of information concerning them and informs them of any connections identified between criminal offences,
- d) Aids investigations in the member states,
- e) Maintains a computerized system of information collected,
- f) Helps member states train members of their competent authorities,
- g) Facilitates technical assistance between member states,
- h) Serves as the contact point for combating euro counterfeiting.

Europol takes action when one or two member states are affected by serious international organized crime. This covers an increasing number of areas, namely:

- a) Preventing and combating terrorism,
- b) Drug trafficking,
- c) Trade in human beings,
- d) Illegal immigrant smuggling,
- e) Trafficking in nuclear and radioactive substances,
- f) Motor vehicle crime,
- g) Counterfeiting and forgery of means of payment,
- h) Money laundering (except for predicate offences)

(http://europa.eu/legislation_summaries/justice_freedom_security/police_customs_cooperation/114005b_en.htm)

Europol's sphere of competence includes offences involving the types of crime indicated above.

Each member state establishes or designates a Europol national unit (ENU). This unit is the only liaison body between Europol and the competent national authorities. It sends one or more liaison officer(s) to Europol whose task is to represent the unit's interests

within Europol. The heads of the national units meet on a regular basis. Each national unit's duties include:

- a) Supplying Europol with the information and intelligence necessary for it to carry out its tasks, and in particular providing input for Europol's database,
- b) Replying to and issuing requests for information to Europol,
- c) Disseminating the information provided by Europol to the competent authorities, (http://europa.eu/legislation_summaries/justice_freedom_security/police_customs_cooperation/114005b_en.htm)

ENUs are Europol's only point of entry into the member states; however, the amendments made to the Europol Convention by the November 2003 Protocol will enable direct contact between their competent authorities and Europol, on condition that the ENU is informed at the same time (www.Europol.europa.eu).

Europol supports the law enforcement activities of the member states mainly against:

- a) illicit drug trafficking,
- b) illicit immigration networks,
- c) terrorism,
- d) forgery of money (counterfeiting of the Euro) and other means of payment,
- e) trafficking in human beings (including child abuse),
- f) illicit vehicle trafficking,
- g) money laundering (www.Europol.europa.eu).

In addition, other main priorities for Europol include crimes against persons, financial crime and cybercrime. This applies where an organised criminal structure is involved and two or more member states are affected.

Europol provides support by:

- a) facilitating the exchange of information between member states via their liaison officers assigned to Europol as representatives of their national law enforcement agencies,

- b) providing operational analysis in support of operations,
- c) generating strategic reports (e.g. threat assessments) and crime analysis on the basis of information and intelligence supplied by member states and third parties,
- d) providing expertise and technical support for investigations and operations carried out within the EU, under the supervision and the legal responsibility of the member states concerned (www.mvr.gov.mk/.../-Europol%20Products%20and%20Services-Booklet.pdf).

Europol is also active in promoting crime analysis and harmonization of investigative techniques within the member states. Information management is a general framework for Europol. It is a reference for information related business and a guide for law enforcement investigators. It can be used for the prioritization of resources at Europol. Information handling and standardized procedures contribute to quality control of the products and services of Europol through co-ordination of work of the Europol units, Europol liaison officers and through awareness of Europol throughout the member states (www.mvr.gov.mk/.../Europol%20Products%20and%20Services-Booklet.pdf).

Within this scope, in order to fully participation of Turkey in the Schengen Information System (SIS) and in Europol, the integration and adaptation of Turkish Law Enforcement Institution was planned to be realized. In order to achieve this adaptation targets, these have been planned to be performed by Turkish Government:

- a) “The EU acquis in the areas of organized crime, fraud and corruption, the illicit use and production of and trafficking in drugs, money-laundering, and judicial cooperation in civil and criminal matters will be adopted, and international cooperation in these areas will be further intensified,
- b) The capacity to fight against organized crime, fraud and corruption, the illicit use and production of and trafficking in drugs, money laundering, and police and judicial cooperation in criminal matters will be enhanced,
- c) Work on the collection, storage, processing, analysis and exchange of relevant information on suspicious financial transactions will be accelerated,

- d) Harmonization with relevant acquires will be completed and preparations will be made to participate in Europol,
- e) In order to fully participate in the Schengen Information System (SIS) and in Europol, the EU acquisition of the protection of individuals in the processing of personal data will be adopted,
- f) Programs to inform and acquaint the public with the EU acquis and practices in the field of justice and home affairs will be prepared,
- g) It is intended to participate as much as possible in MEDA and programmes in the field of justice and home affairs such as Falcone, Odysseus, Grotius, Daphne, Oisín and Stop, and in cooperative schemes such as the Action Plan Against Organized Crime, the Action Plan on the Fight Against Drugs, and the European Refugee Fund, with the assistance of EU member states” (Executive Summary of the Turkish National Programme for The Adoption of the Acquis, Executive Summary of The National Programme, , Article: 24, p.13, 2009)

2.1.1. EUROPOL Structure and Organization Chart

In Europol web site, the structure and organization chart of Europol is constituted and administered by a number of bodies and their names and functions are as seen below:

2.1.1.1. The Management Board:

The Management Board, comprising one representative of each member state and of the Commission, which has observer status. The Management Board's duties include helping to determine Europol's priorities, unanimously determining the rights and obligations of liaison officers, laying down data-processing rules, preparing rules for work files, and examining problems brought to its attention by the joint supervisory body (http://europa.eu/legislation_summaries/justice_freedom_security/police_customs_cooperation/114005b_en.htm).

The Board meets at least twice a year. Each year it unanimously adopts a report on Europol's activities and a report on its future activities taking into account the member

states' operational requirements and the budgetary implications for Europol. These reports are submitted to the Council of the European Union (EU) for approval. The European Parliament is informed. The Management Board is chaired by the representative of the member state holding the Presidency of the Council.

2.1.1.2. The Director:

The Director appointed by the Council of the European Union, acting unanimously, after obtaining the opinion of the Management Board, for a four-year period renewable once. He is assisted by three Deputy Directors appointed by the Council of the European Union for a four-year period renewable once. Their tasks are determined by the Director.

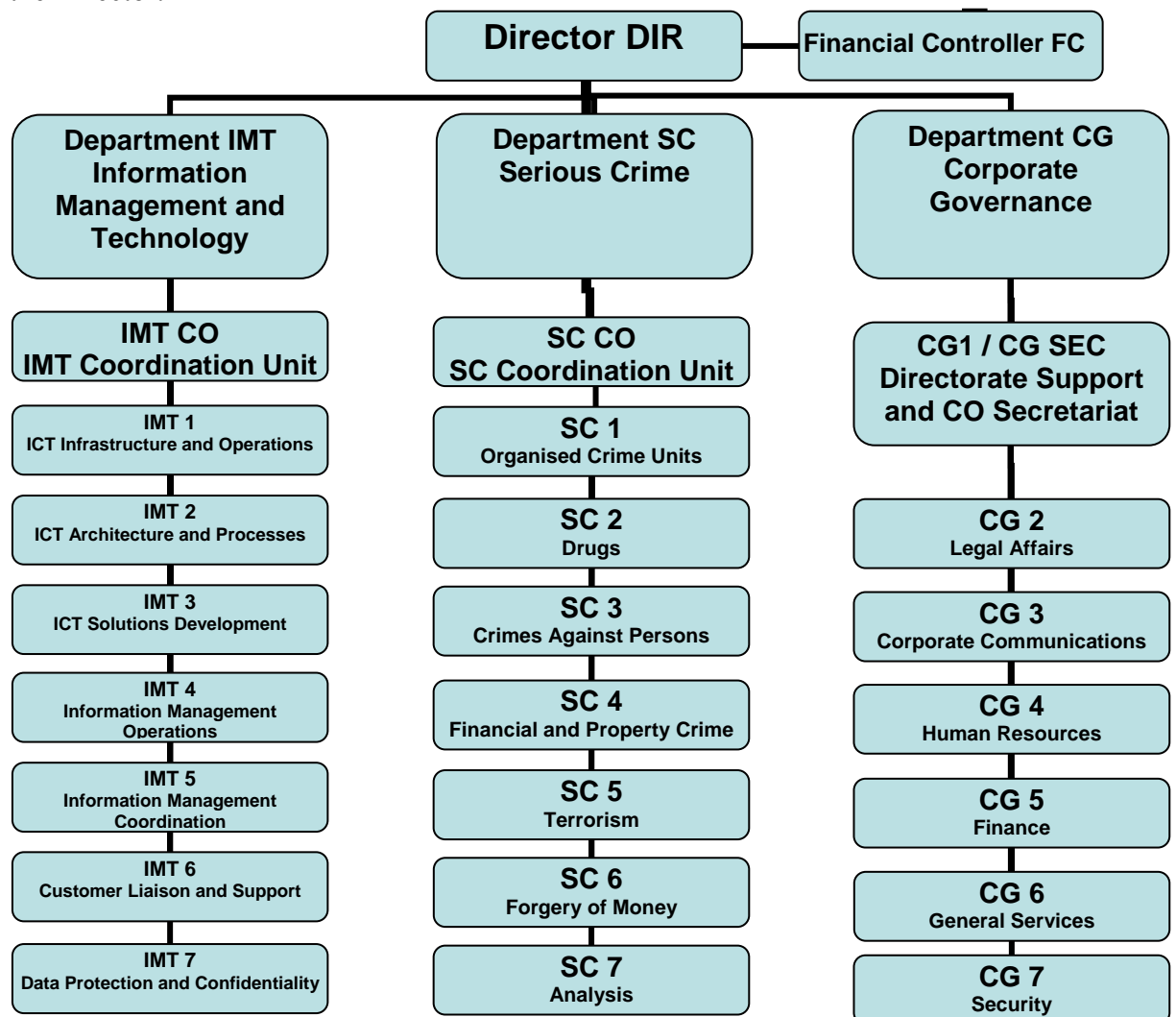


Figure 1.1 : Europol Organization Chart

Source: www.europol, Access Date: 20.05.2010.

The Director's responsibilities include performance of the tasks assigned to Europol, day-to-day administration and personnel management. The Director is accountable to the Management Board and is Europol's legal representative (http://europa.eu/legislation_summaries/justice_freedom_security/police_customs_cooperation/114005b_en.htm).

2.1.1.3. The Financial Controller and Financial Committee:

The Financial Controller appointed by the Management Board, acting unanimously, and accountable to it. The Financial Committee consisting of one representative from each member state. Europol is financed from member states' contributions. The accounts in respect of all income and expenditure entered in the budget together with the balance sheet showing Europol's assets and liabilities are subject to an annual audit. The draft budget and budget implementation are examined by the Council of the European Union. Europol started its full activities on 1 July 1999 (www.Europol.europa.eu).

2.1.2 Trevi, EUROPOL and European States

A series of ad hoc groups under the umbrella of intergovernmental cooperation between the 12 EC States since 1975. It shows that under the Maastricht Treaty these ad hoc groups, covering immigration, asylum, policing and law, are to be replaced by permanent structures under the auspices of the Council of Ministers. These groups which have been meeting in secret will continue to do so outside the scrutiny of parliaments (European and national) and people - they will be largely unaccountable and undemocratic (Bunyan, 1993, pp.103).

The period of ad hoc lasted from 1976 to 1988, when the EC states began the process of formalizing its work.¹ The appointment of the Coordinators' Group in 1988 and the adoption of the 'Palma Document' in 1989 marked the beginning of the transformation from ad hoc inter-state mechanisms to a permanent European state (Bunyan, 1993, pp.104).

The Trevi Group

The Trevi group was set up in 1976 by the 12 EC states to counter terrorism and to coordinate policing in the EC.³ The group's work is based on intergovernmental cooperation between the 12 states, a process which excludes the main EC institutions the European Commission and the European Parliament. The creation of the Trevi group was preceded by a number of intergovernmental meetings on terrorism in 1971 and 1972. At a Council of Ministers meeting in Rome in December 1975 UK Foreign Secretary James Callaghan proposed, and the Ministers agreed, to set up a special working group to combat terrorism in the EC.⁴ This proposal was formalized in Luxembourg on 29 June 1976 at a meeting in EC Interior Ministers. The decision meant that, in future, Ministers were accompanied by senior police and security service officials at these meetings (Bunyan, 1993, pp.157).

Five working groups were set up in 1976, reporting to the Trevi Senior Officials group, who in turn presented reports initially annually to meetings of the Trevi Ministers, the 12 Interior Ministers of the EC. The Trevi 'troika' is comprised of three sets of senior officials from the current EC Presidency, the last Presidency and the next one (so, for example, in the second half of 1992 it was comprised of Portugal, the UK and Denmark). The job of the 'troika' is to assist and brief the current Presidency and its officials (Bunyan, 1993, pp.158).

According to Aktar, "The Trevi Group never had a permanent secretariat and travelled between the capitals of member states according to who held the rotating six monthly presidency. In the course of following years the Trevi Group extended its activities to cover more and more areas:

- a) Trevi I was the original group dealing with action against terrorism,
- b) Trevi II was set up to exchange information and experience on policetraining, technical equipment and maintaining public order,
- c) Trevi III was put in place for cooperation on combatting prganized crime, in particular for drug trafficking,
- d) Another Trevi group dealt also with organized crime, but in addition police authorities and judicial authorities were also present" (Aktar, 1996, pp.31-53)

2.1.3 Europol Agreement

A co-operation agreement between Commission and Europol - Joint Press Release of the European Commission and Europol has been signed on the date of February 18, 2003 (www.Europol.europa.eu/legal/agreements/Agreements/9690.pdf). The European Commissioner responsible for Justice and Home Affairs, Antonio Vitorino, and the Director of Europol, Jürgen Storbeck, has signed at the European Parliament a co-operation agreement between the European Commission and the European Police Office.

"The Commission and Europol" declared Antonio Vitorino, "have been working together for quite some time: but the increasing links between the Commission and Europol and the strict legal framework of the Europol Convention and its implementing regulations make it necessary to formalize this co-operation (www.Europol.europa.eu).

The agreement enables the EU to respond better than before to the challenges of international and organized crime. The Commission and Europol have to deal with different perspectives in preventing and combating serious forms of international crime.

Europol's Director Jürgen Storbeck stated that, "Whereas the Commission is focusing more on political, strategic and legal matters, Europol concentrates its efforts on the direct support to investigations and operations of member states law enforcement agencies" who added, "Europol and The Commission are now in a better position, to provide mutual assistance and to combine their expertise, methods and resources in a wide number of common interests" (www.Europol.europa.eu).

The Treaty of the EU mentions (art. 29 and 30) Europol as an important instrument of the Union's efforts to prevent and fight against organized crime in order to achieve the objective of providing its citizens with a high level of safety within an area of freedom, security and justice.

The Amsterdam Treaty stipulates (art. 36) that the Commission shall be fully associated with the work in the areas referred to in Title VI: police and judicial co-operation in criminal matters. The Europol Convention stipulates (art. 28/4) that the Commission

shall be invited to attend meetings of the Management Board with non-voting status. (www.Europol.europa.eu).

The Commission also attends, since July 1999, the meetings of the Heads of National Units of Europol as well as various expert groups. For the Commission to be able to participate effectively in the decision making in the Union regarding organized crime, it is essential that it disposes of all relevant information, including information from Europol. Since the internal regulations of Europol foresee specific conditions for the transmission of confidential information to other organizations (including EU-related bodies) or third countries, a special agreement was necessary (www.Europol.europa.eu).

The co-operation agreement signed today, negotiated by the Europol directorate and the Commission services, will allow only the exchange of strategic information, like situation reports and threat assessments, while does not include the exchange of personal data. It consists of two parts. The first one describes the general framework for co-operation while the second part is an Annex, which specifies the co-operation regarding the protection of the Euro against counterfeiting (www.Europol.europa.eu).

The Directorate General of JAI shall act as the "contact point" of the Commission. In specific areas of co-operation which fall under the responsibility of Commission services other than JAI, direct contact between Europol and these services shall be possible. This regards especially the direct cooperation between Europol and the European Antifraud Office (OLAF) in the fight against the counterfeiting of the euro, but also against fraud, corruption and money laundering which affect the Communities' financial interests (www.Europol.europa.eu).

2.1.4 European Police Ethics Agreement

The definition of the basic rules of police ethics cannot be confined to the rules applicable in the single country; such rules are part and parcel of a democratic concept of society and they must therefore be defined in terms of a democratically structured society. Such a democratic society can be analyzed by looking at the standards that govern all democratic states from an international point of view. This is why other

international instruments are referred and supplemented the European Convention in the area of police ethics (Janssens, 1999, pp.134)

Also it must be taken into consideration that it is very important for Turkey regarding the adaptation of Turkish Law Enforcement Institution to the stated police ethics, in this part information related with European Police Ethics is provided as to be seen in following parts.

Police code of ethics is established by the Council of Europe under the Recommendation Rec (2001) 10 adopted by the Committee of Ministers of the Council of Europe on September 19, 2001 with explanatory memorandum (Deputies, 2001, pp.13-17). However before giving the details of the European Code of Police Ethics, some brief information on the Council of Europe. Founded in 1949, the Council of Europe is the oldest organization working for European integration with a particular emphasis on legal standards and protection of human rights, democratic development and the rule of law and cultural cooperation in Europe. It is an international organization whose legal personality is recognized under public international law. The Council of Europe serves 800 million Europeans in 47 member states, stretching from Iceland to Azerbaijan and from Portugal to Russia. «The aim of the Council of Europe is to achieve a greater unity between its members...» Article 1, Statute of the Council of Europe Furthermore, it aims to protect human rights, pluralist democracy and the rule of law; to promote awareness and encourage the development of Europe's cultural identity and diversity in order to find common solutions to the challenges facing European society (discrimination against minorities, xenophobia, intolerance, bioethics and cloning, terrorism, trafficking in human beings, organized crime and corruption, cybercrime, violence against children); to consolidate democratic stability in Europe by supporting, political, legislative and constitutional reform (Deputies, 2001, pp.13-17).

Many European countries are reorganizing their police structures to promote and consolidate democratic values. They are also concerned to secure common policing standards across national boundaries both to meet the expectations of increasingly mobile Europeans, who wish to be confident of uniform, fair and predictable treatment by police, and to enhance their powers of cooperation, and hence their effectiveness, in

the fight against international crime. The provision of the code also supports the Council of Europe's aim of achieving greater unity between its members (Cerrah, 2008, pp.22).

The role of the police in a democracy cause to the particular appearance of a code of ethics for the police. People within democracies have organized their states to secure maximum freedom for themselves within the rule of law. Likewise, the criminal justice systems have been developed with the purpose of providing individual liberty and security. In democratic societies where the rule of law prevails, the police undertake the traditional functions of preventing, combating and detecting crime, preserve public tranquility, uphold the law, maintaining public order, and protecting the fundamental rights of the individual. Moreover, in such societies the police provide various services to the public that are of a social nature, which support their other activities (Deputies 2001, pp.13-17).

They are granted discretion to fulfill these functions. The police in democracies help to sustain the values of democracy, and are themselves imbued with the self-same values. In general, the public consent to and, indeed, welcome the exercise of legitimate authority by the police so long as the police are seen to carry out their tasks towards worthwhile, democratic ends in an ethically acceptable manner. In turn, when they fulfill these conditions, the police have every right to expect that the public will trust them to carry out their responsibilities, and support and co-operate with them in their activities when doing so. These ideas about policing within democracies are at the heart of Council of Europe policies. Key concepts within the police, such as "loyalty", "consent", "impartiality", "discretion" and "professionalism" all benefit from the common reference and shared meaning, and hence understanding, made possible by a code. Moreover, it can help articulate personal standards of conduct, which capture a sense of pride in being members of a police organization. This is of particular importance to police recruits, who need to know from the outset the core values that should define and govern their work (Deputies 2001, pp.18).

The European Code of Police Ethics aims to provide a set of principles and guidelines for the overall objectives, performance and control of the police in democratic societies governed by the rule of law, and are to a large extent influenced by the European Convention on Human Rights. The code is concerned to make specific and define the

requirements and arrangements that fit the police to meet the difficult, demanding and delicate task of preventing and detecting crime and maintaining law and order in civil, democratic society. Even if the recommendation is aimed primarily at governments the guidelines are drafted in such a way that they may also be a source of inspiration to those dealing with the police and police matters at a more pragmatic level.

2.2 FUNCTIONS OF EUROPOL

2.2.1 Europol and Liaison Offices

The principles of Free trade and free movement have made the Liaison officer role crucial for policing Europe, because it is they who manage the flow of information between their respective institutions. Indeed police customs and immigration agencies have all sought to develop specialist liaison officers and development of various bilateral and multilateral agreements have more or less codified these emergent network (<http://acts2.oireachtas.ie/zza38y1997.1.html>)

The legal framework that has emerged on the back of these developments has led to the rise of a new type of specialized government officer, responsible for European matters within the home and justice departments (and more recently within gendarmerie). This takes justice and home affairs matters into the realm of foreign affairs, for example by involving these ministries in negotiating divergent positions and interests relating to immigration. Transnational police concerns with immigration control have extended the reach of these agencies, to the extent that it has even helped to determine immigration and asylum policy. In the Franco – Algerian or German – Turkish cases, for example, Home Ministries have been important actors in the development and conduct of government policies. What is notable here the siege mentality that has emerged around this issue of immigration and asylum as the topics of religious fundamentalism, terrorism, drugs, delinquency and the image of the immigrant have become somehow fused. This fusion is partly fuelled by the collapse of the bipolar system at the end of the Cold War (Bigo, 2000, pp.67-68).

Article 5; of the Europol Convention is explaining and determining the duties of Liaison officers and the obligations of the member states as follows (<http://acts2.oireachtas.ie/zza38y1997.1.html>).

“Liaison Officers

- a) Each national unit shall second at least one liaison officer to Europol. The number of liaison officers who may be sent by member states to Europol shall be laid down by unanimous decision of the Management Board; the decision may be altered at any time by unanimous decision of the Management Board. Except as otherwise stipulated in specific provisions of this Convention, liaison officers shall be subject to the national law of the seconding member state.
- b) The liaison officers shall be instructed by their national units to represent the interests of the latter within Europol in accordance with the national law of the seconding member state and in compliance with the provisions applicable to the administration of Europol.
- c) Without prejudice to Article 4(4) and (5), the liaison officers shall, within the framework of the objective laid down in Article 2(1), assist in the exchange of information between the national units which have seconded them and Europol, in particular by:
 - i) Providing Europol with information from the seconding national unit;
 - ii) Forwarding information from Europol to the seconding national unit; and
 - iii) Cooperating with the officials of Europol by providing information and giving advice as regards analysis of the information concerning the seconding member state.
- d) At the same time, the liaison officers shall assist in the exchange of information from their national units and the coordination of the resulting measures in accordance with their national law and within the framework of the objective laid down in Article 2 (1).

- e) To the extent necessary for the performance of the tasks under paragraph 3 above, the liaison officers shall have the right to consult the various files in accordance with the appropriate provisions specified in the relevant Articles.
- f) Article 25 shall apply mutatis mutandis to the activity of the liaison officers.
- g) Without prejudice to the other provisions of this Convention, the rights and obligations of liaison officers in relation to Europol shall be determined unanimously by the Management Board.
- h) Liaison officers shall enjoy the privileges and immunities necessary for the performance of their tasks in accordance with Article 41(2).
- i) Europol shall provide member states free of charge with the necessary premises in the Europol building for the activity of their liaison officers. All other costs which arise in connection with seconding liaison officers shall be borne by the seconding member state; this shall also apply to the costs of equipment for liaison officers, to the extent that the Management Board does not unanimously recommend otherwise in a specific case when drawing up the budget of Europol” (<http://acts2.oireachtas.ie/zza38y1997.1.html>)

2.2.2 Cooperation of Europol with the European Institutions, International Institutions and Third Countries

Cooperation with the European and international institutions and with the third countries has discussed by the memorandum by JUSTICE to the Select Committee on the European Communities in 1997. This memorandum includes following issues;

JUSTICE is an all-party organization concerned with upholding the law and its administration in order to protect human rights, and is the British section of the International Commission of Jurists. With the support of an Expert Advisory Panel comprising practicing and academic lawyers and other experts we monitor relevant developments in the European Union. These include in particular the agreement proposed under the 'third pillar' (Title VI) of the Treaty on European Union (TEU). Certain in issues that arise from the four sets of draft Rule on Europol's relations with

third states and bodies, as agreed during the Justice and Home Affairs Council meetings in December 1997 and March 1998 (<http://acts2.oireachtas.ie/zza38y1997.1.html>).

The Rules have been 'frozen' pending the entry into force of the Convention when they may be adopted formally, after consulting the Europol Management Board and the Joint Supervisory Body. Because of their human rights implications, JUSTICE considers that the following issues should be addressed before the Rules are adopted formally: As a preliminary matter, however, we would like to raise once again the importance of Parliamentary scrutiny... Dealing with the receipt and transmission of data Europol, they are crucial to Europol's functioning. As the Home Office Explanatory memorandum states, they are "an important factor in the organization's ability to combat serious international crime in an effective and efficient manner". Moreover, they have important implications for the enjoyment of human rights by individuals in the EU as well as in third countries, and should have been deposited earlier (Europol's relations with third states and bodies, Memorandum by JUSTICE to the Select Committee on the European Communities, 1997).

JUSTICE believes that a wider assessment of adherence to human rights standards in the country of destination is a necessary prerequisite for any communication of personal data to third states and bodies. While a hypothetical third state may have adequate data protection legislation in place, human rights can still be violated. We are advised that instances of this have in the past occurred with regard to personal data communicated by Interpol (Europol's relations with third states and bodies, Memorandum by JUSTICE to the Select Committee on the European Communities, 1997).

Wherever there is a chance that such violations occur as a result of personal information communicated by Europol, JUSTICE believes that such information ought then not to be communicated. This basic requirement should be prominent in the Rules on transmission of personal data, especially since it is lacking in the text of the Europol Convention (other than through the purpose-limitation requirement, which may be widely interpreted). Also, this should provide protection in relation to those countries where human rights violations are widespread and well-publicized and it will not necessarily cover lesser situations. For example, there will be circumstances where a state generally adheres to international human rights standards but falls down when it

comes to the rights of particular nationals. JUSTICE believes therefore that the draft Rules need to be more explicit in the need to take account of human rights considerations, and not just data protection standards, in individual cases (Europol's relations with third states and bodies, Memorandum by JUSTICE to the Select Committee on the European Communities, 1997).

There are several ways in which this could be achieved. First, where the transfer of information from Europol may result in a human rights violation, the case should be decided by either the Director of Europol or at least a senior official. Second, the agreements entered into with countries should include an explicit clause which allows Europol to withhold information in circumstances where human rights violations may occur (Europol's relations with third states and bodies, Memorandum by JUSTICE to the Select Committee on the European Communities, 1997).

As presently drafted, the Rules on transfer of data by Europol provide that the Director of Europol may authorize the transfer of data without a prior arrangement agreement being in place, if this is necessary to prevent an imminent criminal danger (Article 2(1)(1.2)). In cases where the Director makes use of this power, he or she has to notify the Management Board as well as the Joint Supervisory Body (Europol's relations with third states and bodies, Memorandum by JUSTICE to the Select Committee on the European Communities, 1997).

In March 2000 the EU Justice and Home Affairs Council authorized the Director of Europol to enter into negotiations on these agreements with 23 non-EU states and three international organizations. The JHA Council had instructed Europol to give priority to accession candidate states to the EU, the Schengen cooperation partners (Iceland and Norway), Switzerland and Interpol.

The States Which Invited to the Seminar at Europol

Non-EU states: Bolivia, Bulgaria, Canada, Colombia, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Morocco, Norway, Peru, Poland, Romania, the Russian Federation, Slovakia, Slovenia, Switzerland, Turkey and the USA.

Non-EU International Bodies: ICPO-Interpol, the United Nations Drugs Control Program (UNDCP) and the World Customs Organization (WCO).

The aim of this seminar was to contribute creation of an area of freedom, security and justice in Europe. The start of negotiations will constitute a new impetus in the efforts of newly born European law enforcement agency to prevent and combat organized crime (Brown, 2009, pp.83-84)

2.2.2.1 Countries and International Institutions Which Signed Agreement With Europol

Europol signed operational and strategic agreements with the following states and organizations in the 1999-2004 periods (<http://www.europol.europa.eu/>):

Operational Agreements	Signature/Ratification	Entry into Force
Iceland	28.06.01/06.09.2001	06.09.2001
Interpol	05.11.01 /05.11.2001	05.12.2001
Norway	28.06.01/24.12.2001	28.06.2001
USA	20.12.02/20.12.2002	21.12.2002
Bulgaria	17.06.03/12.08.2003	25.08.2003
Eurojust	09.06.04/09.06.2004	09.06.2004
Romania	26.11.03/16.07.2004	08.07.2004

Strategic Agreements	Signature/Ratification	Entry
EMCDDA*	19.11.2001	20.11.2001
US	06.12.2001	07.12.2001
ECB*	13.12.2001	14.12.2001
WCO*	23.09.2002	23.09.2002
European Commission	18.02.2003	19.02.2003
Russia	06.11.2003	06.11.2003
UNODC*	16.03.2004	16.03.2004
OLAF*	08.04.2004	08.04.2004
Turkey	18.05.2004/28.27.2004	28.07.2004
Columbia	09.02.2004/10.02.2004	28.07.2004

EMCODA : European Monitoring Centre for Drugs and
Drag Addiction
ECE : European Central Bank
WCO : World Customs Organization
UNODC : United Nations Office on Drugs and Crime
OLAF : European Anti-Fraud Office

**Figure1.2: Countries and International Institutions Signed Agreement with
EUROPOL**

Source: www.Europol, Access Date: 20.05.2010.

**2.2.2.2 Cooperation Between the EU Member States and Law Enforcement
Authorities**

Unlike the police services of the member states, Europol does not have executive powers. It cannot detain individuals; nor can it conduct home searches. Its task is to facilitate the exchange of information, analyze it and coordinate operations involving several member states. As part of police cooperation between the member states, Europol:

- a) facilitates the exchange of information between the member states,
- b) collates and analyses information and intelligence,
- c) notifies the competent authorities of the member states without delay via the national units of information concerning them and informs them of any connections identified between criminal offences,
- d) aids investigations in the member states,
- e) maintains a computerized system of information collected,
- f) helps member states train members of their competent authorities,
- g) facilitates technical assistance between member states,
- h) Serves as the contact point for combating euro counterfeiting,
- i) Europol takes action when one or two member states are affected by serious international organized crime. This covers an increasing number of areas, namely,

- j) preventing and combating terrorism,
- k) drug trafficking,
- l) trade in human beings,
- m) illegal immigrant smuggling,
- n) trafficking in nuclear and radioactive substances,
- o) motor vehicle crime,
- p) counterfeiting and forgery of means of payment,
- q) Money laundering (except for predicate offences).

Europol's sphere of competence includes offences involving the types of crime indicated above (Brown, 2009 pp.231).

Setting Up a Single Contact Point in the Member States: the National Units

Each member state establishes or designates a Europol National Unit (ENU). This unit is the only liaison body between Europol and the competent national authorities. It sends one or more liaison officer(s) to Europol whose task is to represent the unit's interests within Europol. The heads of the national units meet on a regular basis.

Each national unit's duties include:

- a) supplying Europol with the information and intelligence necessary for it to carry out its tasks, and in particular providing input for Europol's database,
- b) replying to and issuing requests for information to Europol,
- c) Disseminating the information provided by Europol to the competent authorities.

ENUs are Europol's only point of entry into the member states; however, the amendments made to the Europol Convention by the November 2003 Protocol will

enable direct contact between their competent authorities and Europol, on condition that the ENU is informed at the same time (Brown, 2009 pp.232).

2.2.2.3 Collaboration with the Non-Member States

Europol is carrying its corporation with the third countries on agreement basis with their units. This is foreseen within the Article 42 of the Europol Agreement and aiming to establish a situation to collect findings existing in the third for its scope of tasks. In the same time agreement is aiming to extend Europol's geographical collaboration coverage in and outside of Europe. Collaboration is underlying within the bilateral agreement subject to operational and/or strategic information exchange (including personal information) (Brown, 2009, pp.245).

2.2.3 Europol and Information Exchange (INFOEX)

The Information Exchange System (InfoEx) is used to manage the Exchange of operational information between member states and Europol. Also third parties with which Europol has a co-operation agreement with are part of this communication channel.

The InfoEx is available at the Europol Headquarters for member state liaison officers and duly authorized Europol officials. The exchange of information with Europol national units in the member states is secured via encrypted point-to-point lines. The third parties have an indirect access to this system through Europol's Information Management Operations Unit.

The InfoEx provides four main functionalities: creation of a Request, creation of an Answer, Search engine and finally a catalogue of Groups to which requests may be addressed. Another feature of the InfoEx system is that exchanged information can be retrieved with the search engine and transferred for further use to the various operational Europol units (Brown, 2009 pp.245).

Example:

The French national police have arrested persons suspected of transporting illegal immigrants from France to the United Kingdom. France subsequently initiates an

exchange of relevant data with the UK. It appears that the smuggling method, the *modus operandi*, is as yet unknown to the authorities. As a result of the investigation is of interest to Europol, the information was transferred via the InfoEx system to the Europol experts within the Serious Crime Department. The investigation, in particular the identified *modus operandi*, is included by Europol in information bulletins that are disseminated to law enforcement agencies in the member states via the Europol National Units.

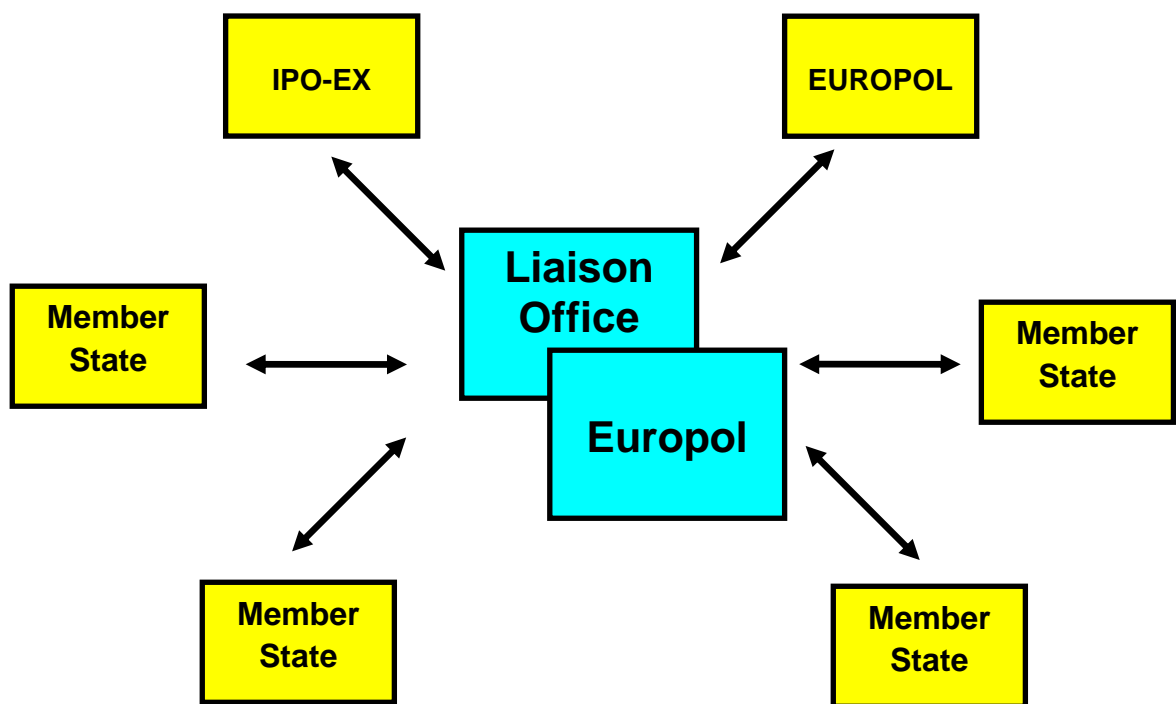


Figure 1.3: Information Exchange Between the member states and Data Transmission to Europol

Source: www.Europol, Access Date: 20.05.2010.

A project is ongoing to replace the InfoEx with a modern information Exchange tool (SIENA) in 2009. In addition to the Europol Headquarters, the SIENA will be directly accessible for authorized users in the member states' Europol National Units.

2.2.3.1 Information System and Data Transmission of Europol

The purpose of the Information System of Europol (IS) as an intelligence database is to support member states, Europol and Europol's co-operation partners in fighting all

forms of serious international crime and terrorism. Member states may also use the data stored in the IS to combat other serious forms of crime.

The IS supports all operational activities within the Europol framework. It provides a rapid reference to information available to law enforcement agencies in the EU member states and to Europol on suspected and/or convicted persons, criminal structures/organizations, criminal offences and means used to commit them. The IS provides capabilities for storing, searching, visualizing and linking information related to trans-national crimes, allowing law enforcement agencies across Europe to cooperate efficiently in their investigations. The system supports automatic detection of possible hits between different investigations and facilitates the sharing of sensitive information in a secure and reliable way. The IS is a shared advantage and responsibility of the EU member states and Europol. Each member state and Europol can be considered as having an account in the IS for which they are responsible (Brown, 2009, pp.272).

Information deposited therein is made available to other EU investigators and is automatically compared with information in the IS deposited by other member states. The purpose of this is to look for matches with a view to enhancing intelligence and providing new leads for further investigation (Brown 2009, pp.272).

The IS was developed by Europol's in-house software development unit. Hosted at Europol's Headquarters in The Hague (The Netherlands), it is available in 21 languages to the law enforcement agencies of all EU member states

In 2000, the decision was taken to set up a Europol Information System (IS). The system became operational in 2002, but was limited to information and intelligence on counterfeiting of the euro. The second generation, covering all mandated crime areas, was implemented and made accessible to all member states in October 2005 (www.mvr.gov.mk/.../Europol%20Products%20and%20Services-Booklet.pdf).

The IS was the first move towards the establishment of a single crime information database for the whole of the EU, with the possibility of automatic uploading of data from national criminal databases.

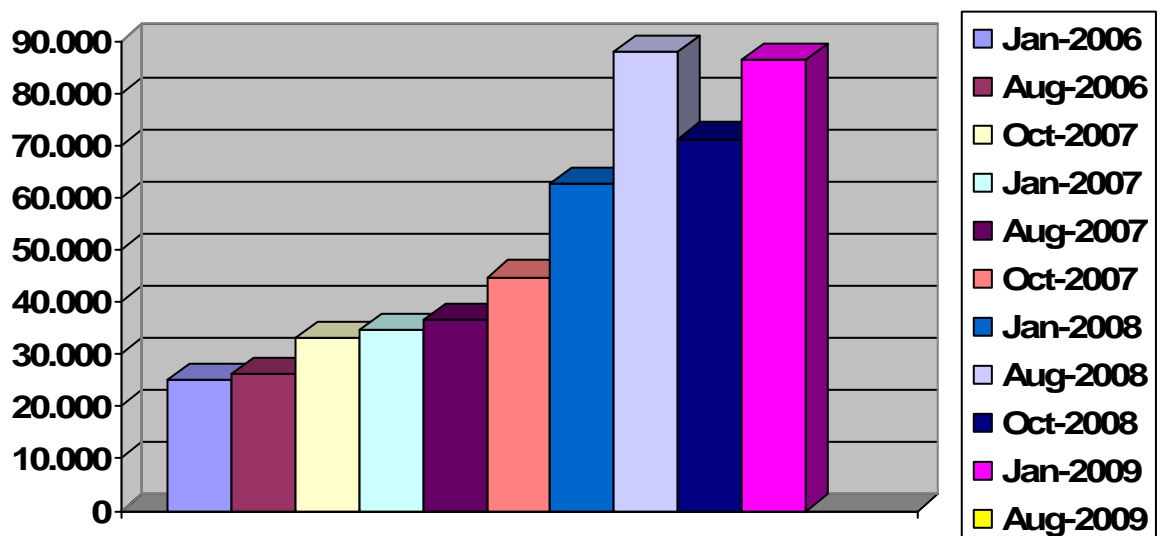


Figure 1.4: Quarterly progression of IS content, October 2005–April 2009
 Source: www.Europol, Access Date: 20.05.2010.

In this period, Europol set up a number of other databases containing information on various aspects of international crime as seen at Figure 1.4. These include trade in stolen cars (European Vehicle Identification Database - EuVID), child abuse, counterfeiting, informants, and explosives (www.Europol.europa.eu).

2.2.3.2 Data Collection From EU Member States by Europol

Direct Data collection by Europol from the national units of the EU member states without incorporating the national unit it is not foreseen on the Europol Agreement. But if Europol employees desire to improve analysis cooperation and especially the file transfer through the instrument of liaison by visiting local units, this activity is openly supported by the member countries. However, this measure must be conducted by providing accordance with the related unit and the limitation of the data shall be provided in accordance and selection is necessary (Çalışkan, Yılmaz, 2006, pp. 150).

2.2.3.3 Transmission Line in Europol

AWF data transmissions to authorized Europol Analyst, realized by using standard data protection provisions “handling codes” which are always made over the related specialized unit and liaison office of the member state due to the 5th Article of the

Europol Agreement. Transmission of the data's to AWF by the Liaison office, always transmitted over the Info-ex system in Europol who gives a process number to each data. Participative states shall be remained as responsible data owners even after the data's are transferred to Europol and registered on to the AWF. Beside the general data transmissions also the copies received from the information transactions transmitted over the liaison office in the Europol are submitting for use of AWF. Advantage of this process is to understand the same data on the related subject is also obtained by the other member states and also information is updated (Çalışkan, Yilmazer, 2006, pp. 151).

2.2.4 Initiation of a Project and Collaboration for Analyzing Purposes in Europol

If any need for AWF is determined at the end of the first negotiations, then related project applications will be submitted by the EU member states to Europol for to build of an AWF. Then the EU member states takes a decision for starting an AWF (project) and mutually, they prepares a plan to determine which data's must be entered in to the related analyze work file (Çalışkan, Yilmazer, 2006, pp. 151).

The goal of this exercise was to collate all national 'JIT-related legislation' with the aim of producing an overview of the different legal possibilities in all EU member states to set up JITs. First phase was intended to search for all documentation on JITs available in the member states, including national implementing legislation, and to compile it into a documentation folder per country. At that time, many member states had not yet adopted JIT legislation, even though the deadline for the implementation of the Framework Decision had already elapsed. second step in the project was drafting a questionnaire assembling the main elements of the JIT concept outlined in Article 13 of the 2000 MLA Convention (Council Act of 29 May 2000 establishing in accordance with Article 34 of the Treaty on European Union the Convention on Mutual Assistance in Criminal Matters Between the Member States of the European Union, OJ C197 of 12. 7. 2000, p. 1).

This questionnaire was intended to serve as a grid for describing all aspects regarding the setting up, composition and functioning of a JIT in each member state. Eurojust joined the venture in the first half of 2005 and a formal project structure was set up to

build on the work done by Europol and a project initiation document was agreed upon between Europol and Eurojust. A project team was installed, consisting of representatives of Eurojust and Europol, supervised by a Project Board (the Eurojust-Europol Steering Committee and heads of Legal Service). The project is managed by Europol and Eurojust in full partnership. The scope was approved: to produce a guide to EU member states' legislation on Joint Investigation Teams which will give an overview of the legal possibilities in all EU member states to set up Joint Investigation Teams in the sense of Article 13 of the 2000 MLA Convention, as well as the means by which Europol and Eurojust can support these teams under each legal framework. The overview should provide a clear picture of how the principles of 'Article 13 JIT s' are regulated in all member states (Horvatits and Buck, 2007, pp.239-243).

2.2.4.1 Internal Regulations of Europol on Collaboration for Analyzing Purposes

Obligations and tasks of the AWF collaboration partners have been resettled partially on the date of 01.01.2005. This new settlement is aiming to improve processes in Europol. Scope of the newly founded Operational Steering Group (OSG) is to render strategic decisions Europol related to analyzing activities. Deputy Director of the Serious Crime (SC), Head of national Unit (HENU), and Europol Liaison Officer (ELU) of the member state started AWF and important for the AWF are the members of the OSG. OSG takes in consideration; all the dimensions of the problem, possibility of success, available works on the subject and common grounds before giving recommendations on the opening or closing of AWF files (www.Europol.europa.eu),

Project leader of the AWF will be assigned as SC Department Director (Head of Unit) of the related project. Head of the Unit shall be responsible to reach to goals have been agreed on and to solve unpredictable problems within the AWF. Project Manager undertakes the daily works of the AWF. Role of the Project Leader is to strength the activities. He is responsible directly to Associate Auditing Board about the result of the operational conclusions. Also he is responsible of AWF's administrative works. Project Manager can be an expert or analyst and he is assigning by OSG. He is reporting to Project Leader and he must be authorized to give orders to analysts, experts and to the assistants of the analyst group in conformity with the Project Leader (www.Europol.europa.eu).

Authorization to access to the transmitted data's and to the AWF data's according to the Article 3 of the Europol Agreement is given to Europol employees of the related SC units. In general experts can receive work instructions from the Project Manager.

2.2.4.2 Strategic Analysis

The EU Organized Crime Threat Assessment (OCTA) is one of the core, products of Europol. As, its name suggests, it develops a threat assessment of current and expected new trends in organized crime across the EU. The assessment is based upon existing knowledge and expertise and it is drawn up in order to enable the decision makers to take the appropriate action to counter the anticipated threat. The OCTA marks a new approach to the way in which Europol, the European institutions and the member states will think and operate in the future and in so far, it is a first step into a change of paradigm in policing. It also fits in firmly with the aim of The Hague Program to provide a forward looking approach to fight organized crime in a more pro-active than in a re-active manner (www.Europol.europa.eu).

A threat assessment contains the analysis and evaluation of the character, scope and impact of criminality (for example, the impact of money laundering on the EU; the impact of South American drug cartels on the EU). A risk assessment identifies and examines vulnerable areas of society that are, or could be, criminally exploited; this type of report offers recommendations on potential counter measures. A general situation report describes current crime situations in general or specific areas (for example, drug situation in the EU; the amount of Money laundered in the EU; the situation on terrorism in the EU) (www.Europol.europa.eu).

2.2.4.3 Operational Analysis

The Analysis Work File (AWF) is an instrument unique to Europol. It is the means by which Europol provides support to investigations being carried out in member states. As such, AWF support is often closely linked with a Joint Investigation Team (JIT). The Europol support consists of intelligence analysis, expert advice and assistance. It can be provided remotely from the Europol premises, or in the field (www.Europol.europa.eu).

The principle of the AWF is relatively simple. Investigations being carried out in different national jurisdictions often show significant linkages between them. This is due to the common involvement of international criminal structures in cross-border crime. These national investigations produce information which is supplied via secure communication channels to the Europol Analysis Unit. This information is centralized and processed within the Europol Analysis System. This is secure system, accessible only to the analysts who work on the AWF (www.Europol.europa.eu).

The analysts initially look for simple cross-matches within the data. Subsequently, more detailed analysis will be performed in line with the objectives of the AWF, and the main targets of the investigations. The aim of all analysis is to provide direction to investigators to assist the progress of their investigations, following new leads and filling intelligence gaps. Accordingly, a circular flow of data is created such that the AWF and the investigations feed each other with new information. In this way, the AWF acts as the central point allowing national investigations to benefit from information obtained in other jurisdictions (www.Europol.europa.eu).

The overall aim of increasing the efficiency and effectiveness of the competent authorities of the member states is thus achieved. All work within an AWF has to comply with the regime imposed by the Europol Convention, and the Rules for Analysis Work Files. These establish the basic pre-conditions for an AWF: It must be a Europol mandated crime area, affecting two or more member states and involving an organized crime structure (www.Europol.europa.eu).

2.2.4.4 Analysis Conclusions

Data's provided by a member country determined that data is already available in the files when entered in to file of AWF by the Europol analyst officer; the participant country provided this data/data's warned immediately under the format called "founded notification". Europol, submits regularly the analyze conclusions for the use of national experts registered into the system in the form of operational and strategic analyze. These reports contains advises related to the continuity of the analyze process. Assessment and the application of these reports are under the responsibility of the authorized "national unit" (www.Europol.europa.eu).

Analyze reports prepared by the Europol consisting interesting and partially new findings. However these reports are losing their impacts without any source information and judgments related to the source. However this type of analyze reports can be compatible under certain circumstances to support to begin new investigations or continuing investigations and proceedings ([www.mvr.gov.mk/.../Europol%20Products%20 and %20Services-Booklet.pdf](http://www.mvr.gov.mk/.../Europol%20Products%20and%20Services-Booklet.pdf)).

2.2.4.5 In-House Evaluation Meetings (In House Meetings)

Meetings called “in house meetings” realizing between the other AWF representatives of the participant countries Liaison Offices and Europol Analyzers. Agenda of the meeting is determined by the liaison officers together in consensus with the authorized expert civil servants of the AWF.

These types of meetings can be organized without need of too many efforts. By this means events/developments within the AWF cover can be answered quickly. This is generally strengthening operational impacts (www.Europol.europa.eu).

2.3 NATIONAL BODY OF EUROPOL (AWF)

As a result of the Danish Protocol entered into force the Article 10 of the Europol Convention was modified by inserting a new paragraph 9 which allows Europol to invite, under certain conditions, experts from third states or third bodies to be associated with the activities of an analysis group. As a result, these experts are provided with certain “prerogatives”. The exact scope of some of these prerogatives and their practical implementation is the subject of the questions below raised during the first months of experience in the context of the AWF association and cooperation between Europol and third parties (www.Europol.europa.eu).

The Analysis Work File (AWF) is a unique instrument to Europol. It is the means by which the Europol provides support to the investigations being carried out in member states. As such, AWF support is often closely linked with a Joint Investigation Team (JIT). The Europol support consists of intelligence analysis, expert advice and assistance. It can be provided remotely from the Europol premises, or in the field (www.Europol.europa.eu).

The principle of the AWF is relatively simple. Investigations being carried out in different national jurisdictions often show significant linkages between them. This is due to the common involvement of international criminal structures in cross-border crime. These national investigations produce information which is supplied via secure communication channels to the Europol Analyze Unit (www.Europol.europa.eu).

This information is centralized and processed within the Europol Analysis System. This is a secure system, accessible only to the analysts who work on the AWF. The analysts initially look for simple cross-matches within the data. Subsequently, more detailed analysis will be performed in line with the objectives of the AWF, and the main targets of the investigations (www.Europol.europa.eu).

The aim of all analysis is to provide direction to investigators to assist the progress of their investigations, following new leads and filling intelligence gaps. Accordingly, a circular flow of data is created such that the AWF and the investigations feed each other with new information. In this way, the AWF acts as the central point allowing national

investigations to benefit from information obtained in other jurisdictions (www.Europol.europa.eu).

The overall aim of increasing the efficiency and effectiveness of the competent authorities of the member states is thus achieved. All work within an AWF has to comply with the regime imposed by the Europol Convention and the Rules for Analysis Work Files. These establish the basic pre-conditions for an AWF: It must be a Europol mandated crime area, affecting two or more member states and involving an organized crime structure. This questionnaire was intended to serve as a grid for describing all aspects regarding the setting up, composition and functioning of a JIT in each member state. Eurojust joined the venture in the first half of 2005 and a formal project structure was set up to build on the work done by Europol and a project initiation document was agreed upon between Europol and Eurojust. A project team was installed, consisting of representatives of Eurojust and Europol, supervised by a Project Board (the Eurojust-Europol Steering Committee and heads of Legal Service). The project is managed by Europol and Eurojust in full partnership (www.Europol.europa.eu).

2.3.1 Determining National and International Needs

Normally, an international meeting will be organized with the expert civil servants arrived from the related member states when a new analysis project is proposed by a member state or by Europol within the Europol jurisdiction. Countries principally are represented by their “national units” officers.

Experts Office must define their needs on the basis of available data's by discussing with the related national units. National Experts Meeting to Define of real needs and predefining national goals is very useful when within the unit framework of the Public Order Center identified a need of AWF or any other units gives a AWF project directly to Department of Public Order. It is duty of the authorized expert officer to take into consideration all the similar project drafts or continuing international projects during the stage of defining needs. Otherwise, there is risk of failure on the collaboration and making of double transaction (www.Europol.europa.eu).

2.3.2 AWF (Analysis Work File) Civil Servant Experts

An assigned civil servant expert is undertaking an important role to take positive printouts of the analysis project and for Europol gain recognition. These members are providing the liaison between Europol and national units. AWF civil servant expert, is determining data quality, intervals of the data transfer and the data quality (standardized format and case evaluation) to the analyze group in accordance with the analyze group (www.Europol.europa.eu).

If available project evaluation not meeting the requirements, in that case an improvement of the collaboration can be provided by obtaining national and international level consensus. Europol must not be sole answer provider and information channel during the entire project period. Information channel logic of been inclusive of the same team meeting the individual needs better and Europol then is more able to give appropriate answer to these needs (www.Europol.europa.eu).

2.3.3 Incorporation of National Bodies

Special Units of the Department of Public Order while fulfilling their central duties make very extensive information exchange with the local units. Also they can determine possibility and the borders of the collaboration with the other countries.

As a national unit the Department of Public Order, is responsible for the transmission of the findings of the running investigations. However, this information channel can never supersede place of the authorized Public Order Unit for AWF. Department of Public Order Special Unit is the first addressee of the other units at national level (www.Europol.europa.eu).

2.3.4 Incorporation of Prosecution Office

Data's obtained from the continuing or closed penal prosecutions if are submitted for use of Department of Public Order, in that case transmission of these data's to Europol shall be permitted without having authorized prosecutor approval. Aiming to support data delivery, provide apprehensiveness to authorized prosecutors and include them in

to the process is necessary. With the help of the determined security measures and through the protection of their own data's investigation measures are prevented to fall into a danger. By securing these rules disadvantages of the Prosecution Office on the information transmission to Europol can be solved (www.Europol.europa.eu).

2.3.5 Using of Analysis Data After AWF is Closed

After an AWF is closed all the data's shall be stored maximum for three years period in a separate file in a way that internal and external controls can access to these files. However obtained data's from an AWF can be stored for three years in electronic environment and later can be saved only as written document. Participative states remain owners of the data's they are delivered even after the close of the AWF project. Europol is responsible to these data's to participative states or disposal of these documents with the approval of data owner state (www.Europol.europa.eu).

2.3.6 Putting Analysis Conclusions Into Practice

Data's used by AWF contains appropriate limitation regarding to its use. In principle only members of the analyst group can access to these data's for use. Specialist of Department of the Public Order also informing local units provided these data's over the central units, after the assessment, enrichment and verification process of the data's obtained (www.Europol.europa.eu).

Target of the operational analyze is to integrate conclusions obtained from analysis into the investigation. Complexity of the analyze conclusions, makes inconvenient to find an authorized prosecutor for the convenient investigation unit. Because of this reason numerous major court cases are divided in to a several actions. Accordingly investigation units and prosecution office must integrate into the project as earliest possible. It is very important to benefit from the international coordination functions of the Eurojust. Especially organizing combined meetings between the investigation units and their prosecutors, receiving information on the actual situation of AWF and meeting the need of information exchange in consensus with the national unit for the next steps (www.Europol.europa.eu).

3. THE RELATIONS BETWEEN EUROPOL AND TURKISH LAW ENFORCEMENT INSTITUTION

3.1 TURKISH LAW ENFORCEMENT INSTITUTION DURING EU HARMONIZATION PROCESS

Interpol-Europol-SIRENE (IES) Department, with its motto “For fighting against international crime and criminals; co-ordination at home, co-operation in the world”, has been actively and closely working with international police cooperation organizations and with other countries since its membership to the International Criminal Police Commission-INTERPOL in 1930. Over the time, IES Department has undergone some important changes (Screening Chapter 24; Justice, Freedom and Security, Agenda Item 6A: Interpol, Europol and Sirene, Country Session: Republic of TURKEY, 13-15 February 2006):

1930 - Membership to INTERPOL and creation of Turkish National Central Bureau (NCB)

1972 - Structure of Turkish NCB became a division (Interpol Division)

1988 - Structure of Turkish NCB became a department (Interpol Department)

2003 - Creation of Europol Division under the structure of Interpol Department

2004 - Designation of Interpol Department as the National Bureau of Turkey (NBT) to ensure cooperation with Europol

2005 - The name of Interpol Department changed into Interpol-Europol-SIRENE Department

2008 - Designation of Interpol-Europol-SIRENE Department as the National Central Office (NCO) for combating currency counterfeiting in accordance with the Geneva Convention (Screening Chapter 24; Justice, Freedom and Security, Agenda Item 6A: Interpol, Europol and Sirene, Country Session: Republic of TURKEY, 13-15 February 2006).

The IES Department plays three important roles in achieving its missions and priorities, and serves as:

- a) The Turkish National Central Bureau of INTERPOL (NCB-Interpol Ankara),

- b) The National Bureau of Turkey for Europol (NBT),
- c) The National Central Office for combating currency counterfeiting (NCO) (Screening Chapter 24; Justice, Freedom and Security, Agenda Item 6A: Interpol, Europol and Sirene, Country Session: Republic of TURKEY, 13-15 February 2006).

Mission and Tasks

The core missions of the Department of Interpol-Europol-SIRENE (IES) are:

- a) Establishing widest possible international police cooperation against criminals with the member countries of INTERPOL Organization,
- b) Providing with legal and technical infrastructures in coordination with relevant institutions for achieving full participation and membership to European Police Organization-Europol,
- c) Coordinating activities and cooperation efforts for combating currency counterfeiting within the limits of defined tasks and functions of the National Central Office (NCO),
- d) Closely observing and exploring the developments in Schengen Information System-SIS as well as the legislative, structural and functional changes in S.I.R.E.N.E.Bureau (Screening Chapter 24; Justice, Freedom and Security, Agenda Item 6A: Interpol, Europol and Sirene, Country Session: Republic of TURKEY, 13-15 February 2006).

In accordance with Turkish National Program (24 July 2003), following Turkey's adoption of the Schengen Acquis, the administrative capacity will be increased by establishing a unitary centre within a single structure comprising the Europol and Schengen Contact Points (Center) and the Interpol Centre enabling a more effective and productive work environment for co-operation and coordination between all law-enforcement units which will take part in this center. In addition, by establishing Europol and Schengen Contact Points (Centres), public awareness raising on this issue will be ensured, and effective cooperation in the fight against international crime and

criminals will be instituted by preparing guidelines and training programs (www.emniyet.gov.tr)

On the other hand, however some achievements regarding the Turkish National Program were suggested, according to the 2009-Progress Report of EU regarding Turkey, no progress has been achieved at the cooperation of criminal and legal issues between Turkey and EU.

The IES Department performs the following tasks within the limits of international and national legislations:

- a) “Representing all Turkish law enforcement agencies among INTERPOL, Europol and member countries of these organizations,
- b) Taking necessary measures and steps to prevent international crimes, to monitor and arrest international criminals and to realize their extradition procedures,
- c) Ensuring effective and efficient international police cooperation with other countries and their law enforcement agencies,
- d) Submitting applications to the INTERPOL General Secretariat for issuing Red, Green, Yellow, Blue, Black, Orange, Modus Operandi Notices, Stolen Goods Bulletins,
- e) Ensuring strategic and technical cooperation with Europol, conducting studies to further the level of cooperative efforts and following all developments and changes within the Europol organization,
- f) Sending relevant information and documents received from INTERPOL General Secretariat, Europol and member countries to the related Turkish authorities,
- g) Organizing training activities on international police cooperation matters to increase awareness and promote the coordination among the Turkish law enforcement agencies,

- h) Exploring and following the legislative, structural and functional changes in Schengen Information System-SIS and S.I.R.E.N.E. Bureau,
- i) Informing Turkish relevant authorities on new kinds of international crimes and techniques and taking necessary measures in order to prevent negative effects of them” (Screening Chapter 24; Justice, Freedom and Security, Agenda Item 6A: Interpol, Europol and Sirene, Country Session: Republic of TURKEY, 13-15 February 2006).

Subject to the responsibilities given by the national laws and regulations, the IES Department ensures liaison with the various departments and law enforcement agencies in the country including but not limited to the followings:

- a) Related departments within the Turkish National Police Main Headquarters
- b) Local Police Departments located in 81 cities
- c) General Command of Gendarmerie
- d) Command of Coast Guard
- e) Undersecretary of Customs
- f) Ministry of Justice
- g) Ministry of Foreign Affairs
- h) Ministry of Culture and Tourism
- i) Turkish Liaison Officers abroad
- j) Foreign Liaison Officers in Turkey
- k) Local Public Prosecutor Offices
- l) Courts (Screening Chapter 24; Justice, Freedom and Security, Agenda Item 6A: Interpol, Europol and Sirene, Country Session: Republic of TURKEY, 13-15 February 2006)

At this point it can be seen that the cooperation among such a big and different types of institutions may create great difficulties for the Department of IES. Regarding one dimension of the problem, enforcing the department with some personnel and increasing its capacity through this way by creating sub departments may be helpful, but it may cause to decrease its flexibility.

Structure

The INTERPOL-EUROPOL-SIRENE (IES) Department consists of six divisions (see Organizational Structure of Department of Interpol – Europol – SIRENE). These divisions are as follows:

- a) International Anti-Smuggling Division,
- b) International Anti-Terror and Public Order Division,
- c) International Judicial Assistance Division,
- d) International Research Division,
- e) International Communication and Data Processing Division,
- f) Europol and SIRENE Division (Screening Chapter 24; Justice, Freedom and Security, Agenda Item 6A: Interpol, Europol and Sirene, Country Session: Republic of TURKEY, 13-15 February 2006)

Moreover, IES Department has a satellite within Istanbul City Police Department (P.D.). Istanbul is the biggest city in Turkey located at the crossroads of continents with a population of over 12 million and Istanbul P.D., among 81 city police departments, is the number one police department with which the IES Department corresponds on national level. In order to facilitate the coordination and comply with the Interpol Service Standards, an Interpol Division was established under Istanbul P.D. The organizational structure of the Interpol Division is similar to the IES Department and includes one division director, administrative bureau, anti-smuggling bureau, terror and public order bureau and judicial assistance bureau (Screening Chapter 24; Justice,

Freedom and Security, Agenda Item 6A: Interpol, Europol and Sirene, Country Session: Republic of TURKEY, 13-15 February 2006).

Organizational Structure

Turkish National Central Bureau (NCB) of INTERPOL

The International Criminal Police Commission was created in 1923 in order to facilitate cross-border police co-operation between member countries in the fight against international crime and criminals. This Commission changed its name to become the International Criminal Police Organization – INTERPOL in 1956. Today, INTERPOL is the world's largest international police organization with 187 member countries. INTERPOL's functions are all based on the following four core functions:

- a) Secure Global Police Communication Services (I-24/7),
- b) Operational database and data service of police,
- c) Police Operational Support Services,
- d) Training and Development (Screening Chapter 24; Justice, Freedom and Security, Agenda Item 6A: Interpol, Europol and Sirene, Country Session: Republic of TURKEY, 13-15 February 2006).

Turkey's application for membership to the International Criminal Police Organization - INTERPOL was admitted on 08.01.1930 just 7 years after the establishment of the Turkish Republic and since then the Turkish NCB has been actively working with INTERPOL Secretariat General and member countries.

The Turkish NCB had carried out its duties as a bureau when it was first established. Afterwards, rise in international criminality and developments in police cooperation urged the Turkish NCB to carry out its mission as a division. Later in 1988, the Turkish NCB was broadened to a department by a ministerial decree. Within the limits of its responsibilities given by the national laws and regulations, the Turkish NCB represents the Turkish competent authorities among member states of INTERPOL (including INTERPOL General Secretariat, Sub Regional Bureaus, and INTERPOL Units of

member states) (Screening Chapter 24; Justice, Freedom and Security, Agenda Item 6A: Interpol, Europol and Sirene, Country Session: Republic of TURKEY, 13-15 February 2006).

Among other duties, the Turkish NCB takes necessary measures for the prevention of international crimes, arrest and extradition of criminals on international level within the frame of national legislation, INTERPOL Constitution and General Regulations and international bilateral and multilateral treaties and conventions.

National Bureau of Turkey (NBT) for Europol

In the scope of EU harmonization efforts, the IES Department is in charge of strengthening international police cooperation and preparing and achieving the membership studies of Europol (in the area of police cooperation) (www.emniyet.gov.tr).

Europol is the EU law enforcement organization that handles criminal intelligence. Its aim is to improve the effectiveness and co-operation between the competent authorities of the EU member states in preventing and combating serious international organized crime and terrorism. The mission of Europol is to make a significant contribution to the EU's law enforcement action against organized crime and terrorism with an emphasis on targeting criminal organizations (www.emniyet.gov.tr).

Europol Management was authorized to enter negotiations on agreement with non-EU States and non-EU related bodies by the Council Decision of Ministers for Justice and Home Affairs dated March 27, 2000. In the scope of this Council decision, an initial seminar was organized by Europol on April 26-27, 2000 and 23 states -including Turkey and 3 international organizations- were invited (www.emniyet.gov.tr).

Afterwards, Europol membership studies have been commenced and Europol Bureau was established under the structure of the IES Department on 27 May 2002 by the approval of Ministry of Interior. After one year, Europol Bureau was broadened to a division by a second Ministerial Decree dated October 23, 2003. After negotiations with Europol, the frame of cooperation was considered to be on technical and strategic level due to the lack of legal provisions with regard to Automatic Processing of Personal

Data. Co-operation on operational level will be initiated after the completion of legal studies carried out by Ministry of Justice (www.emniyet.gov.tr).

Agreement on Cooperation between the European Police Office and the Republic of Turkey was signed on May 18, 2004 by Director General of Turkish National Police Mr. Gökhan Aydiner and Director of Europol Mr. Jurgen Storberg and came into force on July 28, 2004.

National Bureau of Turkey ensures the strategic and technical cooperation with Europol conducts studies to increase and develop the level of cooperative efforts and follows all developments and changes within the Europol organization (www.emniyet.gov.tr).

Article 12 of the International Convention for the Suppression of Counterfeiting Currency signed on April 20, 1929 (the Geneva Convention) mandates signing countries to designate a National Central Office in dealing with currency counterfeiting. Moreover, in the frame of ongoing relations with the EU, under the criteria of “financial control”, the EU mandated Turkey to establish a National Central Office that will work as a contact point regarding the matters of Euro counterfeiting. This office is supposed to coordinate the information exchange with the European Commission and the EU member countries (www.emniyet.gov.tr).

As a party to the above international convention and as a part of the EU harmonization efforts, the IES Department was designated as Turkish National Central Office (NCO) for combating currency counterfeiting (NCO) by a ministerial decree.

S.I.R.E.N.E.

Schengen cooperation aims to protect people and their property by reducing opportunities for this right to be abused. This involves enhanced cooperation between the law enforcement, customs and external border control authorities of all member states, necessitated by the abolition of internal borders. The main tools for tackling crime in the area of free movement are the Schengen Information System (SIS) and the S.I.R.E.N.E. Bureau, enabling cross-border searches to be made for wanted/missing persons and objects (www.emniyet.gov.tr).

The Schengen Information System (SIS) is law enforcement, customs and external border control database. It consists of a national system (N.SIS) in each Schengen member state and a central system (C.SIS). All national systems are connected on-line with the central system. Participating States provide entries -called alerts- on wanted and missing persons, lost and stolen property, and entry bans.

S.I.R.E.N.E. stands for “Supplementary Information Request at the National Entry” outlines the main task of the SIRENE Bureau established in all Schengen States, that is the exchange of additional or supplementary information on alerts between the states.

S.I.R.E.N.E. Bureau provide supplementary information on alerts and coordinate measures in relation to alerts in the Schengen Information System (SIS), and ensure that appropriate action is taken if a wanted person is arrested, a person who has been refused entry to the Schengen area tries to re-enter, a missing person found, a stolen car or ID document seized. It exchanges data, conducts database queries, coordinates cross-border operations, etc (www.emniyet.gov.tr).

The Schengen acquis (including the Schengen Agreement, the Schengen Convention, Decisions and Declaration of the Schengen Executive Committee), integrated into the framework of the European Union under the Amsterdam Treaty in May 1999, sets out a range of compensatory measures (common rules on external borders, visa, police and judicial cooperation and the establishment of the Schengen Information System (SIS)) agreed between those European countries that allow free movement of persons across internal borders. Each member state must uphold the principles of the Schengen acquits and the legal framework by introducing national legislation which allows people involved in border control, law enforcement and national security to work effectively (www.emniyet.gov.tr).

Since Turkey is not the party to the Schengen Agreement and not the member of European Union, there is not any specific activity conducted by the IES Department in terms of Schengen Information System. Turkey’s inclusion into the Schengen Information System (SIS) is subject to the completion of full membership to the EU and adoption of the Schengen acquis.

3.2 TURKISH NATIONAL PROGRAM

The following are the main objectives on which work is being initiated in 2001 to be completed mainly in the medium term (Executive Summary of the Turkish National Programme for The Adoption of the Acquis, Executive Summary of The National Programme, 2009, Article: 24, p.13):

Working on administrative reform in the field of justice and home affairs will be accelerated and coordination between competent Ministries and other public institutions will be strengthened. Also, border controls will be further strengthened and preparations will be made to fully implement the Schengen acquit. Besides these, working will be undertaken to harmonize the legislation and practices with the EU acquit on visa policy and in order to prevent illegal immigration, the EU acquits and practices on migration (admission, readmission, and expulsion) will be adopted. The EU acquit in the areas of organized crime, fraud and corruption, the illicit use and production of and trafficking in drugs, money-laundering, and judicial cooperation in civil and criminal matters will be adopted, and international cooperation in these areas will be further intensified.

In addition to the issues above, the capacity to fight against organized crime, fraud and corruption, the illicit use and production of and trafficking in drugs, money laundering, and police and judicial cooperation in criminal matters will be enhanced and work on the collection, storage, processing, analysis and exchange of relevant information on suspicious financial transactions will be accelerated and harmonization with relevant acquis will be completed and preparations will be made to participate in Europol.

In order to fully participate in the Schengen Information System (SIS) and in Europol, the EU acquis on the protection of individuals in the processing of personal data will be adopted and programs to inform and acquaint the public with the EU acquit and practices in the field of justice and home affairs will be prepared.

It is intended to participate as much as possible in MEDA and programs in the field of justice and home affairs such as Falcone, Odysseus, Grotius, Daphne, Oisin and

Stop, and in cooperative schemes such as the Action Plan Against Organized Crime, the Action Plan on the Fight Against Drugs, and the European Refugee Fund, with the assistance of EU member states. Existing accommodation facilities and social aid mechanisms for refugees will be further developed (Executive Summary of the Turkish National Programme for The Adoption of the Acquis, Executive Summary of The National Programme, 2009, Article: 24, p.13).

Lifting the geographical limitation to the 1951 United Nations Convention Relating to the Status of Refugees will be considered in a manner that would not encourage large scale refugee inflows from the East, when the necessary legislative and infra-structural measures are undertaken, and in the light of the attitudes of the EU member states on the issue of burden-sharing.

Therefore Turkey will achieve following goals in Medium Term:

- a) Perpetuate the efforts for public administration reform,
- b) Strengthen border control management,
- c) Align visa legislation implementation to that of the EU,
- d) Prevent illegal immigration by adopting EU legislation and implementation on immigration (admittance, re-admittance, expulsion),
- e) Enhance the capacity to fight organized crime, drug trafficking, corruption and money laundering,
- f) Adopt the EU legislation on corruption, fight against drugs, organized crime, money laundering,
- g) Cooperate with the EU and other relevant international organizations in the fields of criminal and civil law,
- h) Financial Control,
- i) Simplify the budgetary procedures,
- j) Extend the endorsements to all those who work in the budgetary process,
- k) Consolidate the widely dispersed nature of the legislation through a single framework law, so that the financial control system can become transparent and efficient (Executive Summary of the Turkish National Programme for The Adoption of the Acquis, Executive Summary of The National Programme, 2009, Article: 24, p.13):

When the success of this program and its achievements are checked, it is realized that the progress is not so attractive. However some achievements regarding the Turkish National Program were suggested, according to the 2009-Progress Report of EU regarding Turkey, no important progress has been achieved at the cooperation of criminal and legal issues between Turkey and EU.

3.3 TRANSFORMATION IN THE TURKISH LAW ENFORCEMENT INSTITUTION DURING THE EU HARMONIZATION PROCESS

The scheme of the general structure of Turkish Law Enforcement Institution is as seen below:

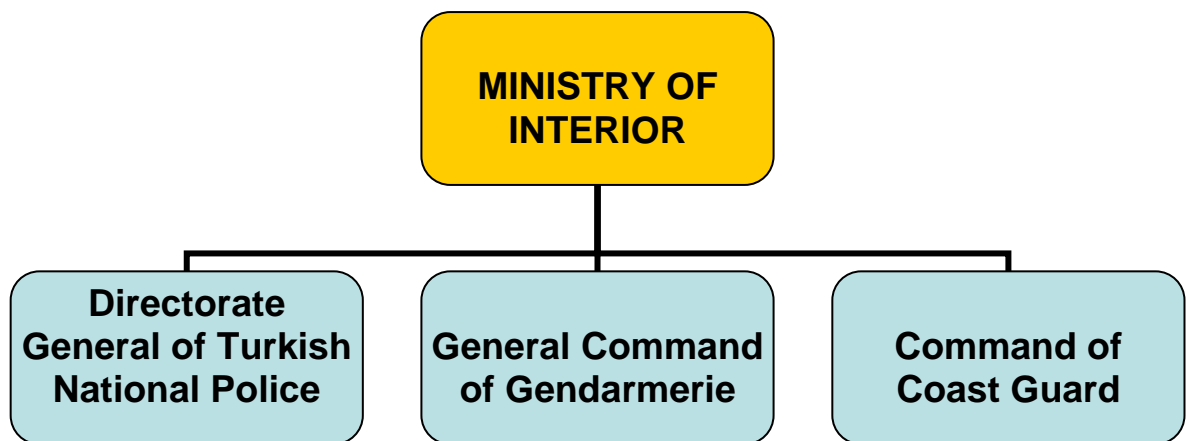


Figure 2.1: The General Structure of Turkish Law Enforcement Institution

Source: Screening Chapter 24; Justice, Freedom and Security, Agenda Item 6A: Interpol, Europol and Sirene, Country Session: Republic of TURKEY, 13-15 February 2006.

The Public Safety in Turkey is executed in accordance with the Law on Organization and Duties of the Ministry of Interior, Article 1 and 2, Article 29 (Screening Chapter 24; Justice, Freedom and Security, Agenda Item 6A: Interpol, Europol and Sirene, Country Session: Republic of TURKEY, 13-15 February 2006). Police, Gendarmerie, Coast Guard and Customs are defined as the criminal law enforcements. Investigations are made upon the order and instructions of the public prosecutors by these law enforcements.

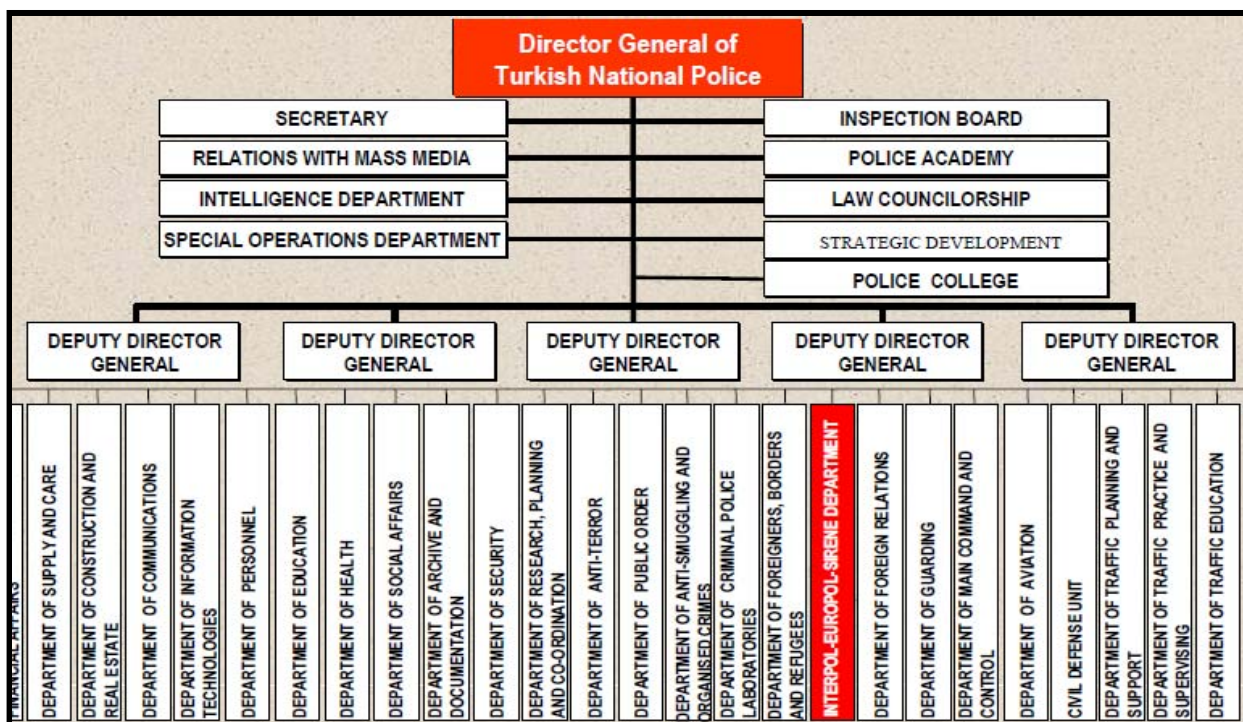


Figure 2.2: The General Structure of Turkish National Police Institution

Source: Screening Chapter 24; Justice, Freedom and Security, Agenda Item 6A: Interpol, Europol and Sirene, Country Session: Republic of TURKEY, 13-15 February 2006.

Turkey's application for the membership of INTERPOL was admitted on 08.01.1930. Interpol Ankara and it represents all Turkish Authorities within Interpol Organization. The department struggles in the area of all kinds of international crimes and provides effective and efficient cooperation between Turkey's and member states' law enforcement agencies. It also takes necessary measures in order to arrest criminals, wanted at international level by Turkish Judicial Authorities and finalizes extradition procedure and makes application to the General Secretariat of Interpol in request to issue Red, Green, Yellow, Blue, Black, Modus Operandi Notices, Stolen Goods Bulletins. Besides these, the department submits all kinds of information and documents, received from General Secretariat of Interpol and Interpol member countries, to the relevant Turkish Authorities and reveals the Turkish relevant authorities on new kinds of international crimes and methods and takes necessary measures in order to prevent negative effects of them and harmonizes the relevant Turkish legislation with EU Acquis related with Europol and Sirene (Screening Chapter

24; Justice, Freedom and Security, Agenda Item 6A: Interpol, Europol and Sirene, Country Session: Republic of TURKEY, 13-15 February 2006).

Regarding the aforesaid Turkish laws and legislations related with National Police, Coast Guard, Organization, Duties and Powers of The Gendarmerie, Customs Administration, Criminal Procedure, Province Administration and similar Public Safety issues and progress at these related with the harmonization of these to EU acquis, however EU Progress Reports in recent years have expressed some achievements, it is also remarkable that these progresses are not enough to mention about a successful harmonization process of Turkey to EU acquis at the moment (Turkey 2009 Progress Report, Commission Staff Working Document, Commission of the European Communities, Brussels, 14.10.2009, SEC(2009)1334).

Europol Membership Activities

Council Decision of Ministers for Justice and Home Affairs dated March 27, 2000,

- a) Participation to the initial seminar organized by Europol in 2000 and Europol Assessment Visit to Turkey in 2002,
- b) Mutual agreement on technical and strategic level,
- c) The agreement was signed on May 18, 2004 and entered into force on July 28, 2004 (Turkey 2009 Progress Report, Commission Staff Working Document, Commission of the European Communities, Brussels, 14.10.2009, SEC(2009)1334).

A new unit was established under the responsibility of Interpol Department as the Europol National Contact Point and the Regulation concerning this unit was approved on May 27, 2002. It has been transformed to Europol & SIRENE Division under the responsibility of Interpol-Europol-Sirene Department by Ministry of Interior on October 23, 2003. Interpol Department was assigned as the National Bureau by the Ministry of Interior on January 06, 2004, in line with the EU practices and with the contribution of all law enforcement units, to ensure communication, exchange of information and cooperation between Europol, Schengen, Interpol, OLAF and law

enforcement units which will be established within the EU (Screening Chapter 24; Justice, Freedom and Security, Agenda Item 6A: Interpol, Europol and Sirene, Country Session: Republic of TURKEY, 13-15 February 2006).

Appointment of liaison officers from the other law enforcement agencies to the Turkish National Bureau (Interpol-Europol-Sirene Department) was approved on March 02, 2004 and Interpol Department was renamed as Interpol-Europol-Sirene Department as of February 11, 2005 (Screening Chapter 24; Justice, Freedom and Security, Agenda Item 6A: Interpol, Europol and Sirene, Country Session: Republic of TURKEY, 13-15 February 2006).

Authorization of NBT to set up Sirene Office and implementation of Schengen Information System Network (SISNET) communication infrastructure with the Police Network at the Directorate General of Turkish National Police, Ministry of Interior, Preparation of guidelines, manuals and training curricula for the implementation of Schengen Convention particularly related to the Articles 40 and 41, arrangements on legislation, work flow systems between the Turkish Law Enforcements and necessary measures on the usage of personal data and exchange of information at international level following the enactment of Data Protection Law were performed (Screening Chapter 24; Justice, Freedom and Security, Agenda Item 6A: Interpol, Europol and Sirene, Country Session: Republic of TURKEY, 13-15 February 2006).

3.4 INSTITUTIONAL STRUCTURING AND TWINNING MECHANISM

Launched in May 1998, Twinning is one of the principal tools of 'Institution Building' assistance. Twinning aims to help beneficiary countries in the development of modern and efficient administrations, with the structures, human resources and management skills needed to implement the *acquis communautaire*. Twinning provides the framework for administrations and semi-public organizations' in the beneficiary countries to work with their counterparts within the EU. Together they develop and implement a targeted project aimed at supporting the transposition, enforcement and implementation of a specific part of EU *acquis* (www.abgs.gov.tr/files/Eslestirme/icisleri_bakanligi.doc).

3.5 TWINNING PROJECTS OF JUSTICE AND INTERNAL AFFAIRS OF THE GENERAL DIRECTORATE OF SECURITY AFFAIRS

Twinning projects are used by EU at a great variety of issues in order to achieve a successful harmonization process of candidate countries to EU legislations. So, some twinning projects have been proposed by EU to Turkey in order to harmonize the legislation of it to the union. But, when we make the analysis of progress reports in recent years, it is not possible to say that all these twinning projects are successful. The main problems regarding the twinning projects are focused on making the required changes and modifications at related regulations, legislations and laws (Burnett, 2006, pp.117).

According to the 2007 Progress Report of EU, however the twinning projects of Strengthening the Turkish National Monitoring Centre for Drugs and Drug Addiction, the establishment of reception, screening and accommodation centers for refugees/asylum seekers, Support to Turkey's Capacity in Combating Illegal Immigration and Establishment of Removal Centres for Illegal Migrants were started in the same year, it was expressed that, there is just a limited progress at the police cooperation between Turkey and EU. Because of the lack of Turkish legislations related with information security, it cause to the international cooperation and signing an optional agreement with Europol at this area (Turkey 2009 Progress Report, Commission Staff Working Document, Commission of the European Communities, Brussels, 14.10.2009, SEC(2009)1334). On the other hand, the same report dated 2007 summarized that important progresses have been achieved at the areas of combating against organized crimes, narcotics, migrant smuggling and human trafficking.

2003 TWINNING PROJECTS (Ministry of Interior)

Project No	Project Title	Proposals	Selected		Period (By Months)	Budget (€)
			PROJECT LEADER	PARTNER MS		
TR03-JH-01	Strengthening the Accountability, Efficiency and Effectiveness of the Turkish National Police.	Spain France	Spain		24	2.344.000

TR03-JH-02	Strengthening the Police Forensic Capacity	France (open to co-operate with another MS) United Kingdom (open to co-operate as lead MS) Germany	Germany	–	22-26	1.634.000
TR03-JH-03	Strengthening Institutions in the Fight against Trafficking in Human Beings	Italy Austria Germany	Germany	–	18	1.200.000
TR03-JH-04	Strengthening the struggle against money laundering, financial sources of crime and the financing of terrorism	Germany	Germany	–	22-26	1.225.000
Total Budget						6.403.000

Figure 2.3: TWINNING PROJECTS (Ministry of Interior)

Source: TWINNING PROJECTS - İçişleri Bakanlığı web sitesi, [www.abgs.gov.tr/files/ Eslestirme/icisleri_bakanligi.doc](http://www.abgs.gov.tr/files/Eslestirme/icisleri_bakanligi.doc), Access Date: 12.06.2010).

2004 TWINNING PROJECTS (Ministry of Interior)

Project No	Project Title	Proposals	Selected MS		Period (By Months)	Budget (€)
			PROJECT LEADER	PARTNER MS		
TR04-IB-JH-05	Development of a Training System for Border Police	Spain - Hungary (Consortium) France- The Netherlands (Consortium)	Spain	Hungary	18	1.540.000
Total Budget						

Figure 2.4: TWINNING PROJECTS (Ministry of Interior)

Source: TWINNING PROJECTS - İçişleri Bakanlığı web sitesi, [www.abgs.gov.tr/files/ Eslestirme/icisleri_bakanligi.doc](http://www.abgs.gov.tr/files/Eslestirme/icisleri_bakanligi.doc), Access Date: 12.06.2010).

2005 TWINNING PROJECTS (Ministry of Interior)

Project No	Project Title	Proposals	Selected MS		Period (By Months)	Budget (€)
			PROJECT LEADER	PARTNER MS		

TR 05 IB JH 01	An independent Police Complaints Commission and the Complaints System for the Turkish National Police and Gendarmerie	United Kingdom Austria - Germany Spain	United Kingdom	–	Max. 27	1.600.000
Total Budget						1.600.000

Figure 2.5: TWINNING PROJECTS (Ministry of Interior)

Source: TWINNING PROJECTS - İçişleri Bakanlığı web sitesi, [www.abgs.gov.tr/files/ Eslestirme/icisleri_bakanligi.doc](http://www.abgs.gov.tr/files/Eslestirme/icisleri_bakanligi.doc), Access Date: 12.06.2010).

2006 TWINNING PROJECT (Ministry of Interior - Turkish National Police)

Project No	Project Title	Proposals	Selected MS		Period (By Months)	Budget (€)
			PROJECT LEADER	PARTNER MS		
1st BATCH						
TR 06 IB JH 01	Support to the set up an Asylum and Country of Origin Information (COI) System	Sweden - Denmark - The Netherlands (Consortium) Germany	Germany	–	24	2.720.000
Total Budget						2.720.000

Figure 2.6: TWINNING PROJECTS (Ministry of Interior)

Source: TWINNING PROJECTS - İçişleri Bakanlığı web sitesi, [www.abgs.gov.tr/files/ Eslestirme/icisleri_bakanligi.doc](http://www.abgs.gov.tr/files/Eslestirme/icisleri_bakanligi.doc), Access Date: 12.06.2010).

2007 TWINNING PROJECT (Ministry of Interior - Turkish National Police)

Project No	Project Title	Proposals	Selected MS		Period (By Months)	Budget (€)
			PROJECT LEADER	PARTNER MS		
TR 07 IB JH	Strengthening the Turkish	The Netherlands Spain				

02	National Monitoring Centre for Drugs and Drug Addiction	Germany-Greece (Consortium)	Germany	Greece	24	1.923.000
TR 07 JH 03	The establishment of reception, screening and accommodation centers for refugees/asylum seekers	Germany The Netherlands-United Kingdom (Consortium) Denmark-Poland (Consortium)	The Netherlands	United Kingdom	18	1.200.000
TR07 IB JH 05	Support to Turkey's Capacity in Combating Illegal Immigration and Establishment of Removal Centres for Illegal Migrants	United Kingdom- The Netherlands-Greece (Consortium) Hungary	United Kingdom	The Netherlands-Greece	18	1.200.000
Total Budget						4.323.000

Figure 2.7: TWINNING PROJECTS (Ministry of Interior)

Source: TWINNING PROJECTS - İçişleri Bakanlığı web sitesi, [www.abgs.gov.tr/files/ Eslestirme/icisleri_bakanligi.doc](http://www.abgs.gov.tr/files/Eslestirme/icisleri_bakanligi.doc), Access Date: 12.06.2010).

3.6 THE AGREEMENT BETWEEN THE EUROPOL AND TURKISH SECURITY AGENCY

A breakthrough was made between Turkey and Europol in the field of European law enforcement cooperation by signing a cooperation agreement at the Turkish National Police Headquarters in Ankara on the date of May 18, 2004.

The scope of the agreement is to enhance cooperation between the two parties in fighting serious forms of organized crime such as terrorism, drugs, Euro counterfeiting, illegal migration, trafficking in human beings, stolen vehicles and financial crime which constitute the top priorities of Europol and member states. Although the present agreement does not allow the exchange of personal data, it is considered as a significant step forward in improving law enforcement cooperation in Europe (www.Europol.europa.eu/legal/agreements/Agreements/17686.pdf).

4. THE FUTURE OF THE EUROPOL

The future of Europol is linked to the expected developments in the EU concerning home affairs and justice. Within five years after the Treaty of Amsterdam had entered into force, Europol had to be enabled to facilitate and support the specific investigative actions of the competent authorities and to facilitate the co-ordination, also of operational actions of joint teams in which representatives of Europol play a supporting role. It becomes again clear, as stated Zanders (P. Zanders, "De Europese politie-eenheid: Europol", Handbook politiediensten, Kluwer Editorial, 1999, afl. 49,104) that only a supporting and not an independently executive competency were foreseen for Europol. Also with reference to the co-ordination role, it can be said that this is very important out of the European thought, but that the real impact right now is very limited, since a lot of police officers on the field still work bilaterally (Bruggeman, 2004, pp.57-71).

In the meantime, Europol had a slow and sometimes difficult start. Above all, there had to be sought for quality within the organization before the member states were willing to use Europol as a valuable instrument for international co-operation. It was especially a shame that the adoption of the Europol Information System was a long time coming, for all different kinds of reasons, and that it will only be operational now in 2005 (Bruggeman, 2004, pp.57-71).

It is remarkable that the creation of joint investigative teams is being watched with great reserves. Also, the legal preparation at a national level in some countries is still inadequate (Statewatch, UK is not complying with the EU framework on JITs, March 24th 2005). Nevertheless, one can note a trend that coordinating tasks can sometimes evolve into executive tasks. The recent confirmation by the Council that there was to a considerable extent an agreement on the participation of Europol in joint investigative teams, and on the right of Europol to ask the member states to start an investigation in specific cases, is a first but certain step on the road to a more executive Europol. All this in spite of the limitations which is especially in national law - are being initiated in the practice of the European instruments (Bruggeman, 2004, pp.57-71).

The current EU debate on the future of Europol addresses these questions selectively. While the lack of confidence in Europol among the member states is acknowledged, there has been no in-depth review of Europol's activities to date, nor any objective assessment of its shortcomings and weaknesses. Instead, the "debate" about the future of Europol is a blueprint for more powers and a wider remit based on two assumptions.

First, Europol's "cumbersome" legal framework is preventing it fulfilling its potential (a lack of "awareness" of Europol on the part of the member states is also cited). Second, that Europol needs yet more powers and a wider mandate to fulfill its potential. The circular nature of this argument is, of course, a recipe for Europol's continuous expansion (<http://www.statewatch.org/news/2006/may/eu-fop-future-of-Europol-06.pdf>).

4.1 FOP (FRIENDS OF PRESIDENCY) WORK TEXT

The FOP report sets out a blueprint for the future of Europol (<http://www.statewatch.org/news/2006/may/eu-fop-future-of-Europol-06.pdf>) starts by lamenting the position of "old age" Europol in comparison to "younger brother organizations" such as Eurojust (the EU prosecutions agency), FRONTEX (EU border police) and CEPOL (EU police college), arguing that they benefit from "state of the art legislation". What the FOP actually means is that these EU agencies, which were established by EU Council Decisions, can be developed without the approval of national parliaments. But Europol, which was established by Convention, cannot (<http://www.statewatch.org/news/2006/may/eu-fop-future-of-Europol-06.pdf>)

For the FOP, the time taken by national parliaments to ratify new powers for Europol in the protocols to the Convention is "clearly not tolerable". The "options paper" then goes on to present a significant expansion in Europol's powers across the board. At only one point does the FOP present more than one "option" on any given issue, putting forward two possible ways to phrase the Europol mandate. Many of the "concrete options" – there are 78 of them in the annex to the report – are not discussed or justified in the commentary (<http://www.statewatch.org/news/2006/may/eu-fop-future-of-Europol-06.pdf>).

4.2 AUTHORITY OF THE EUROPOL TOWERED FROM REACTIVE TO PROACTIVE AND TO INVESTIGATION

The first option for phrasing Europol's mandate is "combating serious crime affecting two or more member states, terrorism and forms of crime which affect a common interest covered by a Union policy". This would extend the current Europol mandate from 27 specific crimes to somewhere in the region of 40 (almost all criminality) and give Europol a role in national as well as cross-border investigations where "federal" or "EU crimes" are concerned. The second option, "serious international crime and terrorist offences affecting two [MS]", would maintain the status quo (<http://www.statewatch.org/news/2006/may/eu-fop-future-of-Europol-06.pdf>).

However, in "exceptional cases", suggest the FOP group, "Europol should not be prohibited from assisting [in cases] which are only related to one member state", again suggesting that Europol should have a hand in national investigations (a proposition that is repeated later in the FOP report). In its commentary the FOP group proposes seven particularly controversial extensions to Europol's remit. First, it suggests the addition of "major events with a public order were policing impact" to the Europol mandate, a clear departure from "serious organized crime". Second, it proposes that Europol should "act as service provider for EU information systems in the area of internal security" (<http://www.statewatch.org/news/2006/may/eu-fop-future-of-Europol-06.pdf>).

Specifically, it is proposed that Europol could host "a general EU-wide DNA database that is not limited to the forms of crime under Europol's mandate" (a "PNR" database of information on air travelers is also suggested).

Third, it proposes the "integration of [national] police databases to enable/simplify the flow of information to Europol". Fourth, it proposes wider access to its own information system, suggesting that "Europol should be able to act as a black-box facilitator for all data exchange via and processed by Europol" (<http://www.statewatch.org/news/2006/may/eu-fop-future-of-Europol-06.pdf>).

Fifth, citing the "principle of availability", under which it is proposed by the EU that agencies in one member state should be able to access *all* law enforcement data in all the others, the FOP suggests that "Europol should get access to the IT systems of the

member states on the same footing... (e.g. regarding DNA, fingerprints, etc.). Sixth, “Europol should be in a position to coordinate (not lead) a JIT” (joint investigation team), suggesting it should run cross-border investigations rather than simply assisting them as agreed in the protocol to the Convention. Seventh, “as a long-term option, the role of Europol in the fight against the Euro counterfeiting and possibly EU crimes (to be defined) should be reinforced by granting Europol investigative (but not coercive) competences (following the model of OLAF [the European Commission’s anti-fraud office] with regard to the fight against defrauding the Communities’ financial interests” (<http://www.statewatch.org/news/2006/may/eu-fop-future-of-Europol-06.pdf>)

Directive 95/46/EC is the reference text, at European level, on the protection of personal data. It sets up a regulatory framework which seeks to strike a balance between a high level of protection for the privacy of individuals and the free movement of personal data within the European Union (EU). To do so, the Directive sets strict limits on the collection and use of personal data and demands that each member state set up an independent national body responsible for the protection of these data. European Parliament and Council Directive 95/46/EC of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (EU Official Journal L 281 of 23.11.1995).

The Directive aims to protect the rights and freedoms of persons with respect to the processing of personal data by laying down guidelines determining when this processing is lawful. The guidelines relate to: the quality of the data: personal data must be processed fairly and lawfully, and collected for specified, explicit and legitimate purposes. They must also be accurate and, where necessary, kept up to date; the legitimacy of data processing: personal data may be processed only if the data subject has unambiguously given his/her consent or processing is necessary (<http://www.statewatch.org/news/2006/may/eu-fop-future-of-Europol-06.pdf>):

- a) For the performance of a contract to which the data subject is party or,
- b) For compliance with a legal obligation to which the controller is subject
or,
- c) In order to protect the vital interests of the data subject or,

- d) For the performance of a task carried out in the public interest or,
- e) For the purposes of the legitimate interests pursued by the controller.

Special categories of processing: it is forbidden to process personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, and the processing of data concerning health or sex life. This provision comes with certain qualifications concerning, for example, cases where processing is necessary to protect the vital interests of the data subject or for the purposes of preventive medicine and medical diagnosis (<http://www.statewatch.org/news/2006/-may/eu-fop-future-of-Europol-06.pdf>).

Information to be given to the data subject: the controller must provide the data subject from whom data are collected with certain information relating to himself/herself (the identity of the controller, the purposes of the processing, recipients of the data etc.).

The data subject's right of access to data: every data subject should have the right to obtain from the controller: confirmation as to whether or not data relating to him/her are being processed and communication of the data undergoing processing; the rectification, erasure or blocking of data the processing of which does not comply with the provisions of this Directive in particular, either because of the incomplete or inaccurate nature of the data, and the notification of these changes to third parties to whom the data have been disclosed (<http://www.statewatch.org/news/2006/may/eu-fop-future-of-Europol-06.pdf>).

Exemptions and restrictions: the scope of the principles relating to the quality of the data, information to be given to the data subject, right of access and the publicizing of processing may be restricted in order to safeguard aspects such as national security, defense, public security, the prosecution of criminal offences, an important economic or financial interest of a member state or of the European Union or the protection of the data subject.

The right to object to the processing of data: the data subject should have the right to object, on legitimate grounds, to the processing of data relating to him/her. He/she should also have the right to object, on request and free of charge, to the processing of

personal data that the controller anticipates being processed for the purposes of direct marketing. He/she should finally be informed before personal data are disclosed to third parties for the purposes of direct marketing, and be expressly offered the right to object to such disclosures (<http://www.statewatch.org/news/2006/may/eu-fop-future-of-Europol-06.pdf>).

The confidentiality and security of processing: Any person acting under the authority of the controller or of the processor, including the processor he, who has access to personal data, must not process them except on instructions from the controller. In addition, the controller must implement appropriate measures to protect personal data against accidental or unlawful destruction or accidental loss, alteration, unauthorized disclosure or access.

The notification of processing to a supervisory authority: the controller must notify the national supervisory authority before carrying out any processing operation. Prior checks to determine specific risks to the rights and freedoms of data subjects are to be carried out by the supervisory authority following receipt of the notification. Measures are to be taken to ensure that processing operations are publicized and the supervisory authorities must keep a register of the processing operations notified (<http://www.statewatch.org/news/2006/may/eu-fop-future-of-Europol-06.pdf>).

Every person shall have the right to a judicial remedy for any breach of the rights guaranteed him by the national law applicable to the processing in question. In addition, any person who has suffered damage as a result of the unlawful processing of their personal data is entitled to receive compensation for the damage suffered. Transfers of personal data from a member state to a third country with an adequate level of protection are authorized. However, they may not be made to a third country which does not ensure this level of protection, except in the cases of the derogations listed. The Directive aims to encourage the drawing up of national and Community codes of conduct intended to contribute to the proper implementation of the national and Community provisions (<http://www.statewatch.org/news/2006/may/eu-fop-future-of-Europol-06.pdf>).

Each member state is to provide one or more independent public authorities responsible for monitoring the application within its territory of the provisions adopted by the member states pursuant to the Directive. A Working Party on the Protection of Individuals with regard to the Processing of Personal Data is set up, composed of representatives of the national supervisory authorities, representatives of the supervisory authorities of the Community institutions and bodies, and a representative of the Commission (<http://www.statewatch.org/news/2006/may/eu-fop-future-of-Europol-06.pdf>).

Standard Contractual Clauses for the Transfer of Personal Data to Third Countries

Commission Decision 2004/915/EC of 27 December 2004 amending Decision 2001/497/EC as regards the introduction of an alternative set of standard contractual clauses for the transfer of personal data to third countries.

The European Commission has approved new standard contractual clauses which businesses can use to ensure adequate safeguards when personal data are transferred from the EU to third countries. These new clauses will be added to those which already exist under the Commission Decision of June 2001 (Official Journal L 385 of 29.12.2004).

Commission Decision 2001/497/EC of June 15, 2001 on standard contractual clauses for the transfer of personal data to third countries under Directive 95/46/EC (Official Journal L 181 of 04.07.2001). This Decision sets out standard contractual clauses to ensure an adequate level of protection of personal data transferred from the EU to third countries. The Decision requires member states to recognize that companies or bodies which use these standard clauses in contracts relating to the transfer of personal data to third countries ensure an "adequate level of protection" for the data.

According to the 2007 Turkey Progress Report of EU, it was expressed that, there is just a limited progress at the police cooperation between Turkey and EU. Because of the lack of Turkish legislations related with information security, it cause to the international cooperation and signing an optional agreement with EUROPOL at this

area (Turkey 2007 Progress Report, Commission Staff Working Document, Commission of the European Communities, Brussels, 06.11.2007, SEC(2007)1336).

4.3 EUROPOL ACHIEVEMENTS FACTORS ON THE ANALYSIS COLLABORATION

For successful achievement of an AWF in EUROPOL it is important that related member states they have adequate personnel providing support to AWF and they must not see any legal problem transmitting the data's of the actual prosecutions (it is necessary to take advice of the authorized prosecutor). Also they must give priority to fight against the field of crime shall be analyzed and also they must submit data's provided from the investigation for the use of AWF (Busuioc, Curtin, and Groenleer, (2010). *Living Europol: Between Autonomy and Accountability*, ECPR Fifth Pan-European Conference on EU Politics, Porto, Portugal, June 24-26, 2010).

Before the project commencement Participative State must achieve first data transmission preparedness while the above requirements are available. This will accelerate submission of the data's to EUROPOL after the approval of the Europol Administrative Board and the analyze results become obtainable in a short time. Europol is requiring from the concerned State to fill out a form named also applicability work (feasibility study) which is questioning above conditions before they participate an AWF (Busuioc, Curtin and Groenleer, (2010). *Living Europol: Between Autonomy and Accountability*, ECPR Fifth Pan-European Conference on EU Politics, Porto, Portugal, June 24-26, 2010).

Intensive communication must be Between the Europol and National Units, and between the National Unit and Local Units and finally between specialist officers providing coordination for AWF at national level during the entire project process.

4.4 MEASURES TO STIMULATE AWARENESS LEVEL OF THE EUROPOL

Department of Public Order is responsible as authorized national unit from the discreteness related to the Europol recognition level. Further to that, all other

responsible security units are also in charge to contribute to this process. Model applied by the Department of the public order for recognition level is:

First Step is receiving information from the various security departments within the country. These departments contain a unit for the subjects related to Europol and a liaison officer assigned for this duty. These units are transmitting information prepared by Europol and already available in the national unit regularly to the liaison units. With this open and comprehensive information policy concerned units can address easily to information base of the liaison units and they will be able to follow comprehensively their duty.

Second Step is giving information within the framework of the related subject. Training of the personnel shall be working or available personnel working with Europol was always remaining in the first plan within the cover of the authorization of the Department of Public Order. Now and in the future specialization training of the Public Order Police and forwarding information about the specialization on Europol will be on the center of gravity.

Third Step is transmission of the information electronic environment. Various digital platforms are submitted for the use of the security units. All these discreetness are towered by the Department of the Public Order to the personnel coming from peripheries and for the personnel coming from abroad as well as to its personnel.

In the final report of EU regarding the year harmonization of Turkey in 2009 it is stated that, no progress can be reported on judicial cooperation in criminal and civil matters. During the reporting period 1,761 requests for mutual legal assistance on criminal matters were received by Turkey, of which 251 were processed. A further 1,898 requests falling within the ambit of judicial cooperation on civil matters were received in the same period and 662 of them were processed. The number of Turkish officials appointed as contact points increased from two to five. Turkey has not yet signed the Council of Europe Convention against Cybercrime. No steps have been taken to sign a cooperation agreement with EUROJUST (Turkey 2009 Progress Report, Commission Staff Working Document, Commission of the European Communities, Brussels, 14.10.2009, SEC(2009)1334).

4.5 EUROPOL AND THE POLICING OF INTERNATIONAL TERRORISM

Terrorism was not formally added to Europol's mandate until 1998; terrorism was among the international criminal problems that motivated the creation of the police organization. The Europol Convention of 1995 already mentioned "the urgent problems are arising from terrorism, unlawful drug trafficking and other serious forms of international crime" as justifying the need for enhanced police cooperation by means of information exchange between Europol and the member states ([http://www.projuris.org/konvencije/organizovani percent20kriminal_6.html](http://www.projuris.org/konvencije/organizovani%20kriminal_6.html)).

Since the formation of Europol, terrorism has clearly gained in importance as one of the organization's mandates. Although Europe has had considerable experience with terrorism since the 1970s, the events of 9/11 have served as an important catalyst in the development of new terrorism legislation in the EU (Boer, M. 2003, pp.99) and a prioritization of counter-terrorism among Europe's police organizations, including Europol (Anderson, M. 2002, pp.227-238) Immediately following the attacks of 9/11, a Europol Operational Centre was created to provide a 24-hour service for the exchange of information. (Fijnaut, 2004, pp.122).

On September 20, 2001, the Council of the Ministers of Justice and Home Affairs adopted several measures to combat terrorism on the basis of proposals by Europol and the Council General-Secretariat (Council of the European Union [CEU], 2001). A few months later, on November 15, 2001, a specialized counter-terrorism unit, the Counter-Terrorism Task Force (at some point called the Task Force Terrorism) became fully operational at the Europol headquarters. This specialized unit consists of terrorism experts and liaison officers from police and intelligence services of the EU member states. The Counter-Terrorism Task Force is assigned to: (a) collect all relevant information and intelligence concerning the current terrorism threat in the European Union; (b) analyze the collected information and undertake operational and strategic analysis; and (c) formulate a threat assessment, including targets, modus operandi, and security consequences. (Fijnaut, 2004, pp.122).

A year after its creation, the Counter-Terrorism Task Force was incorporated into Europol's Serious Crime Department (<http://www.statewatch.org/news/2005/may/eu->

terr-action-plan-may05.pdf). but after the terrorist bombings in Madrid on March 11, 2004, the Task Force was re-established as a separate entity. There is currently 15 Europol staff working permanently on terrorism matters in addition to 10 experts who are seconded from member states to the Counter-Terrorism Task Force and 22 analysts from the Serious Crime Department who have been assigned to counter-terrorism duties. Among the most concrete results of the Counter-Terrorism Task Force to date are the production of several threat assessments concerning the presence of terrorist groups in Europe and an overview of existing counter-terrorism security measures in the EU (Peers, 2003, pp.227-244).

Assessing the terrorist threat in Europe, Europol maintains two so-called “analysis work files.” The analysis work file “Islamic Terrorism,” active since 1999, focuses on Islamic fundamentalist terrorism, whereas the analysis work file “Dolphin” focuses on all other terrorist groups and activities. Other Task Force activities include assessments on the financing of terrorism, various analyses of information concerning terrorist movements in Europe, and the establishment of an Arabic-to-English translation system for the evaluation of Arabic intelligence (Scheppelle, 2004 pp.89-148).

The events of 9/11 also influenced the EU’s formal policy decisions against terrorism. Among the most important of the newly instituted EU policies are the so-called “framework decisions” on terrorism and related matters, such as joint investigation teams and mutual legal assistance, that were agreed upon by the Council of the European Union in June 2002 . The Council framework decisions define terrorist offences as various criminal activities, such as attacks upon a person’s life, kidnappings, the destruction of public facilities, the seizure of means of public transportation, as well as threats to commit any of these acts, when they are committed with the aim of seriously intimidating a population, unduly compelling a government or international organization from performing or abstaining from any act, and/or seriously destabilizing or destroying the fundamental structures of a country or of an international organization. In matters of police cooperation, the framework decisions call for an improvement of cooperation among the counter-terrorist units of the EU member states. To this end, joint investigation teams can be set up by the security forces of two or more EU member states for a specific purpose and for a limited period. Among the requirements, the

leader of the team operating in any one EU country must be from that country, and the team must always operate according to the laws of the member state in which it operates. A newly introduced European Arrest Warrant allows for the handing over of wanted persons directly from one member states' judicial authority to that of any other EU state (<http://europa.eu.int/eur-lex/lex/JOYear.do?year=2002>).

The 2002 framework decisions also suggested an elaboration of Europol's counter-terrorism mandate and international cooperation activities. The police organization is now formally allowed to maintain relations with police and security forces outside the EU. Europol entertains cooperative relations with Interpol and with FBI as well as police of other non-EU states, some of which now have liaison officers at the Europol offices in The Hague (interview). Europol, conversely, maintains a liaison office in Washington, DC, created as a result of a cooperation agreement between Europol and the United States that was first adopted a few weeks after September 11, 2004. The agreement was renewed after the March 2004 terrorist bombings in Madrid, Spain, when the EU drafted a new "Declaration on Combating Terrorism" that reaffirmed the 2002 framework decisions (<http://europa.eu.int/eur-lex/lex/JOYear.do?year=2002>).

According to the 2009 harmonization Report of EU related with the achievement with Turkey, as regards the fight against terrorism, implementing legislation has been adopted to identify transactions suspected of being related to terrorist financing. The Financial Crimes Investigation Board (MASAK) received 228 reports of suspicious transactions in 2008 compared with 144 in 2007. A Counter-terrorism Troika took place in September allowing for an exchange of views and for a better mutual understanding of Turkey's and the EU's concerns. However, Turkey has not ratified the International Convention for the Suppression of Acts of Nuclear Terrorism and the Council of Europe Convention on the Prevention of Terrorism. Compliance with the nine special recommendations by the FATF (Financial Action Task Force) on financing of terrorism, particularly on freezing and confiscation of terrorist assets and on wire transfers, is limited) (Turkey 2009 Progress Report, Commission Staff Working Document, Commission of the European Communities, Brussels, 14.10.2009, SEC(2009)1334).

5. CONCLUSION

Europol, was created by a convention signed by all member states in 1995 and began operations in 1999. An important predecessor to Europol was the Trevi Group, created by the member states in the 1970s as a part of European Political Cooperation. Trevi was an intergovernmental forum with no role for the Commission or European Parliament. The member states' interior ministries and security services used the Trevi Group to coordinate national counterterrorism efforts that had cross-border implications. Trevi established secure communication links between member states to share intelligence on terrorism and sponsored the exchange of information on training and equipment and investigative methods. Like the Berne Group, Trevi had no formal requirement that states share relevant intelligence; furthermore, it had no permanent secretariat or staff and did not engage in independent analysis of intelligence (Occhipinti, *The Politics of EU Police Cooperation*, p. 32, and Rachel Woodward, "Establishing Europol," *European Journal on Criminal Policy and Research* 1:4 (1994), pp. 7-33)

Evaluation of the Europol is determined by the past decrees and decisions of the EU Justice and Home Affairs commission. EU Commission on their session on the date of November 28 and 29, 2002 made a decision of a protocol on the change of the Europol Agreement.

According to this protocol, functions of the Europol due to the 3rd Article of the Europol Agreement is enlarged toward to the possibility to start preliminary investigation in the member states and participate to the joint investigation groups with a supportive function. This protocol is opened to signature for the acknowledgement. Germany is acknowledged the protocol at the end of the 2003. (Busuioc, Curtin and Groenleer, (2010). *Living Europol: Between Autonomy and Accountability*, ECPR Fifth Pan-European Conference on EU Politics, Porto, Portugal, June 24-26, 2010)

Justice and Home Affairs EU Commission on their other session on the date of 27 and 28 November 2003 decided to make some other amendments on the protocol agreed and over the Europol Agreement. For example;

- a) Creating the possibility of enlargement Europol authorization toward to other fields of crime regarding to commission decision. (Elimination of the necessity of approval),
- b) Possibility to make direct contact between the authorized bodies of the member states and Europol within the conditions determined by the related state,
- c) Creating possibility of direct access to Europol information system by the authorized bodies of the member states,
- d) Facilitate access to data's registered in the files by the analyst participators and fast opening of the data files,
- e) Providing Experts from the third states for to participate to the analyst group of the member states and brings new possibilities to these officials such as providing possibility of obtaining information about the registered data (Busuioc, Curtin and Groenleer, (2010). *Living Europol: Between Autonomy and Accountability*, ECPR Fifth Pan-European Conference on EU Politics, Porto, Portugal, June 24-26, 2010).

However despite of all these good wishes and efforts made by the EU council for Europol, approach of the certain member states to make Europol a European FBI is not supported because of the sovereignty concerns.

Europol is in a perfect position to play a coordinating and facilitating role for transnational investigations within the EU. But it also includes some handicaps including bureaucracy for example. In case these problems will be solved by member states and EU institutions in the future, Europol could evolve to become a communication platform to support specific police units in the different member states who feel the need to communicate more easily in order to cooperate more easily (Ibid).

Europol could be granted more operational competences for the criminal phenomena that have an outspoken European nature, as for example the forgery of the Euro, taking into account the necessary conditions of an adequate European judicial framework. Although this will remain a dream for several years, three models can be further examined:

- a) the joint investigation team model,
- b) the "corpus juris" model and,
- c) the European criminal law model (Busuioc, M., Curtin, D. And Groenleer, M. (2010). *Living Europol: Between Autonomy and Accountability*, ECPR Fifth Pan-European Conference on EU Politics, Porto, Portugal, June 24-26, 2010).

It is clear that the EU keeps on believing in the principle of sovereignty and in solid partnerships, supported by new organisations and initiatives. The political belief in the future of Europol remains strong, notwithstanding the fact that Europol apparently has difficulties in obtaining its politically and legally assigned position (Busuioc, Curtin and Groenleer, (2010). *Living Europol: Between Autonomy and Accountability*, ECPR Fifth Pan-European Conference on EU Politics, Porto, Portugal, June 24-26, 2010).

The European co-operation remains a learning process during which fundamental changes and adaptations of the treaty are regularly being made, while not always realising enough depth in the existing partnerships and possibilities for co-operation.

The tendency to harmonise the regulations, combined with the more far-reaching competencies of Europol and Eurojust and the changes in the decision-making procedure for the aspects of police and judicial co-operation in all respects shows a Europe that is moving fast towards a “Europeanised” approach of crime (Busuioc, Curtin and Groenleer, (2010). *Living Europol: Between Autonomy and Accountability*, ECPR Fifth Pan-European Conference on EU Politics, Porto, Portugal, June 24-26, 2010).

The collection and analysis of intelligence is increasingly important for the EU. European governments require timely and accurate intelligence in order to deal effectively with many of the security threats they face including terrorism, the failure of state institutions in the developing world, and the proliferation of weapons of mass destruction. One important mechanism for obtaining such intelligence is sharing with other countries.

Since the 1990s the EU has created or extended three institutions to encourage and facilitate intelligence sharing among its members—the Berne Group, which brings together the security services of all of the member states, Europol, which collects, shares, and disseminates intelligence on threats such as organized crime and terrorism, and the EU Military Staff that analyzes intelligence on overseas developments (Busuioc, Curtin and Groenleer, (2010). *Living Europol: Between Autonomy and Accountability*, ECPR Fifth Pan-European Conference on EU Politics, Porto, Portugal, June 24-26, 2010).

The objective of these institutions is to facilitate sharing of relevant intelligence by replacing the patchwork of ad hoc and bilateral intelligence sharing developed among the member states since the 1970s. These institutions serve the useful functions of creating technical mechanisms for the diffusion of intelligence between national authorities, including organizing regular meetings of ministers and officials, creating common intelligence databases, and sharing information on security practices such as counter-terrorism (Busuioc, Curtin, and Groenleer, (2010). *Living Europol: Between Autonomy and Accountability*, ECPR Fifth Pan-European Conference on EU Politics, Porto, Portugal, June 24-26, 2010). But these institutions do not tackle the problem of defection. The European Union has constructed intelligence-sharing institutions that are anarchic—they include technical mechanisms for facilitating the efficient sharing of intelligence, but do not intrude on the member states' autonomy to decide what intelligence to share or not to share.

One solution to this would be to integrate authority over intelligence at the European level. The member states might agree to add elements of hierarchy to their intelligence sharing by creating a European organization with a policymaking function of coordinating each country's intelligence effort and a monitoring function of ensuring member state compliance with promises to share intelligence.

There are important barriers to such integration. Member states that are now reluctant to share fully with each other are wary of delivering authority to a European agency. And moves in this direction will bring to the fore distributional conflicts about how such an agency would be structured and who would set its priorities and pay for its activities. Such problems can be overcome (Busuioc, Curtin and Groenleer, (2010).

Living Europol: Between Autonomy and Accountability, ECPR Fifth Pan-European Conference on EU Politics, Porto, Portugal, June 24-26, 2010).

The EU has been very effective in solving such bargaining and enforcement problems in other issue areas, such as the liberalization of intra-European barriers to trade and the creation of a single European currency. But doing so in the area of intelligence sharing is unlikely. The reason is that the EU lacks a leading or dominant state that would be willing and able to take the lead in negotiating and managing a more centralized intelligence effort. More likely is a continuation of the current pattern of multispeed cooperation on intelligence. Multispeed cooperation involves sub-sets of member states developing specific intelligence sharing arrangements outside of the formal structures of the European Union (Busuioc, Curtin, and Groenleer, (2010). *Living Europol: Between Autonomy and Accountability*, ECPR Fifth Pan-European Conference on EU Politics, Porto, Portugal, June 24-26, 2010).

The members of the EU have good reasons to want to engage in intelligence sharing. Common policies, including the development of a single economy and common foreign policy, mean that the member states increasingly face similar threats to their internal and external security. It is not surprising, then, that they have developed institutions such as the Club of Berne, Europol, and the Military Staff to facilitate the exchange of intelligence. But full and effective intelligence sharing requires that participants either hold a strong degree of trust in other participants' promises not to defect, or the creation of effective rules and institutions designed to counter concerns about such defection (Busuioc, Curtin, and Groenleer, (2010). *Living Europol: Between Autonomy and Accountability*, ECPR Fifth Pan-European Conference on EU Politics, Porto, Portugal, June 24-26, 2010).

The available evidence indicates that mistrust is a substantial barrier to full sharing in the EU. The member states have insisted that intelligence sharing remain voluntary, have declined to create European institutions with the capacity to monitor and punish violations of promises to share, and in their public comments suggest that the trust among them is too low to allow full sharing.

European institutions for intelligence sharing are not designed to stop defection. The focus in the development of these institutions has been on building technical mechanisms—databases, regular meetings, and liaison arrangements—that will facilitate sharing among member states. The expectation behind this approach is that member states should share a great deal of their intelligence with their partners. But on many occasions the member states do not perceive it as in their interests to engage in such sharing on a regular basis because of worries about defection (Busuioc, Curtin and Groenleer, (2010). *Living Europol: Between Autonomy and Accountability*, ECPR Fifth Pan-European Conference on EU Politics, Porto, Portugal, June 24-26, 2010).

Considering all these thoughts related with the development and future concepts of Europol, adaptation of Turkish Law Enforcement into European Union Europol system attracts great importance, regarding combating against organized serious crimes and terrorism.

Within this scope, Turkey's application for the membership of INTERPOL was admitted on January 08, 1930. Interpol Ankara represents all Turkish Authorities within Interpol Organization. Turkish Law Enforcement Institution struggles in the area of all kinds of international crimes and provides effective and efficient cooperation between Turkey's and member states' law enforcement agencies and takes necessary measures in order to arrest criminals, wanted at international level by Turkish Judicial Authorities and finalizes extradition procedure, makes application to the General Secretariat of Interpol in request to issue Red, Green, Yellow, Blue, Black, Modus Operandi Notices, Stolen Goods Bulletins, submits all kinds of information and documents, received from General Secretariat of Interpol and Interpol member countries, to the relevant Turkish Authorities, reveals the Turkish relevant authorities on new kinds of international crimes and methods and takes necessary measures in order to prevent negative effects of them, harmonizes the relevant Turkish legislation with EU Acquis related with Europol and Sirene. Regarding the adaptation of Turkish Law Enforcement Institution into Europol, Council Decision of Ministers for Justice and Home Affairs dated March 27, 2000 and Participation to the initial seminar organized by Europol in 2000 and Europol Assessment Visit to Turkey in 2002 (www.emniyet.gov.tr).

Mutual agreement on technical and strategic level was prepared and the agreement was signed on 18 May 2004 and entered into force on July 28, 2004. A new unit was established under the responsibility of Interpol Department as the Europol National Contact Point and the Regulation concerning this unit was approved on May 27, 2002. It has been transformed to Europol & SIRENE Division under the responsibility of Interpol-Europol-Sirene Department by Ministry of Interior on October 23, 2003 (www.emniyet.gov.tr).

Interpol Department was assigned as the National Bureau by the Ministry of Interior on January 06, 2004, in line with the EU practices and with the contribution of all law enforcement units, to ensure communication, exchange of information and cooperation between Europol, Schengen, Interpol, OLAF and law enforcement units which will be established within the EU. Appointment of liaison officers from the other law enforcement agencies to the Turkish National Bureau (Interpol-Europol-Sirene Department) is approved on March 02, 2004. Interpol Department was renamed as Interpol-Europol-Sirene Department as of February 11, 2005 (www.emniyet.gov.tr).

In accordance with adaptation process, authorization of NBT to set up Sirene Office, Implementation of Schengen Information System Network (SISNET) communication infrastructure with the Police Network at the Directorate General of Turkish National Police, Ministry of Interior, preparation of guidelines, manuals and training curricula for the implementation of Schengen Convention particularly related to the Articles 40 and 41, arrangements on legislation, work flow systems between the Turkish Law Enforcements and necessary measures on the usage of personal data and exchange of information at international level following the enactment of Data Protection Law were achieved (www.emniyet.gov.tr).

In order to speed up the process and for the achievement of the progress, strengthening the National Bureau of Turkey (NBT) to enable it to perform its law enforcement duties in line with EU requirements includes vital importance. Also, in accordance with National Program (July 24, 2003) following the entry into force of the Law on Personal Data Protection, necessary administrative measures relevant to the Schengen Information System will start to be implemented along with continuing efforts to align with the EU acquis in this field. Work can be launched on the communication

infrastructure of the Schengen Information System Network (SISNET) within the Ministry of Interior, Directorate General for Public Security (Turkish National Police) (www.emniyet.gov.tr).

After Turkey's adoption of the Schengen Acquis, the administrative capacity will be increased by establishing a unitary centre within a single structure comprising the Europol and Schengen Contact Points (Center) and the Interpol Centre enabling a more effective and productive work environment for co-operation and coordination between all law-enforcement units which will take part in this center. In addition, by establishing Europol and Schengen Contact Points (Centres), public awareness raising on this issue will be ensured, and effective cooperation in the fight against international crime and criminals will be instituted by preparing guidelines and training programs.

The success of this adaptation program has vital benefits for the counterterrorism efforts and combating of Turkish Law Enforcement Institution against organized serious crimes. Because it will enable Turkish Law Enforcement Institution to have successful cooperation with EU member states and also international institutions, so that it will be possible to receive intelligence. Intelligence requirements and sharing it with other related states and institutions is the first and most important step. Because of these reasons, Europol is a great chance for Turkey regarding its counterterrorism activities.

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APPENDIX

APPENDIX 1

AGREEMENT ON COOPERATION BETWEEN THE EUROPEAN POLICE OFFICE AND TURKEY

The European Police Office (referred to as “Europol”) and the Republic of Turkey, individually referred to as a “Party” and together referred to as the “Parties”, considering that it is within their common interest to enhance their cooperation in the area of law enforcement, Considering that nothing in this agreement shall prejudice or otherwise affect or impact upon the provisions of any Mutual Legal Assistance Treaty, working law enforcement relationship, or any other agreement or arrangement for the exchange of information between the Republic of Turkey and any member state of the EU, Considering that the Council of the European Union has authorized Europol to conclude a cooperation agreement with Turkey on 27 March 2001 have agreed as follows:

Article 1 - Purpose

The purpose of this Agreement is to enhance the cooperation of the Member states of the European Union, acting through Europol, and the Republic of Turkey in preventing, detecting, suppressing, and investigating serious forms of international crime within the respective competence of each Party, according to their constitutional acts, in particular through the exchange of strategic and technical information, as mentioned in Article 3. This Agreement does not authorize the transmission of data related to an identified individual or identifiable individuals.

Article 2 - Framework of cooperation

The Parties shall cooperate in accordance with the provisions of this Agreement provided that Europol acts within its legal framework and the Republic of Turkey observes its national legislation and international obligations.

Article 3 - Exchange of expertise

In order to realize the purpose laid down in Article 1 of this Agreement the Parties shall cooperate in the following ways:

- I. Exchange of strategic and technical information of mutual interest;
- II. Exchange of law enforcement experience including the organization of scientific and practice-oriented conferences, internships, consultations and seminars;
- III. Exchange of legislation, manuals, technical literature and other law enforcement materials; and Training.

Article 4 - Competent authorities

- a) For the purposes of cooperation in accordance with the present Agreement the Republic of Turkey will determine its competent authorities responsible for implementation of this Agreement, including the point of

contact through which these competent authorities should have contact with Europol. These bodies are listed in Annex 1 to this Agreement.

- b) The Republic of Turkey will notify Europol of any changes to the list of the competent authorities listed in Annex 1 to this Agreement within 30 days after the date of making such changes.
- c) The point of contact designated by the Republic of Turkey and Europol shall consult each other regularly on policy issues and matters of common interest for the purpose of realizing their objectives and coordinating their respective activities.
- d) When appropriate, consultation shall be arranged at the required level between representatives of the law enforcement authorities of the Republic of Turkey and Europol responsible for the areas of criminality to which the agreement applies, to agree upon the most effective way in which to organize their particular activities

Article 5 - Request for assistance

Cooperation within the framework of this Agreement will be carried out on the basis of requests for assistance, or on the initiative of one of the Parties, if this Party presumes that such assistance is of interest to the other Party.

A request for assistance will be provided in writing. If any doubts emerge related to the authenticity or the contents of the request, an additional confirmation may be requested.

Article 6 - Execution of requests

- a) The requested Party shall take all necessary measures to ensure a prompt and complete execution of the request. The requesting Party shall be immediately notified about any circumstances that may hamper the execution of the request or considerably delay its execution.
- b) The requested Party shall have the right to ask for any further data it considers necessary to duly execute the request.
- c) At the request of the Party requesting assistance, the requested Party shall take all necessary measures to ensure confidentiality of the fact that the request was made, the contents of the request and any annexed documents, as well as the fact that it has provided assistance. The requested Party shall inform the requesting Party if it is not possible to execute the request while preserving its confidentiality. The requesting Party shall decide whether it is acceptable to execute the request under these conditions.
- d) The requested Party shall inform the requesting Party of the results of the execution of the request at its earliest convenience.

Article 7 - Confidentiality

Each Party shall take the measures necessary to protect the information received from the other Party, which are equivalent to those applied by the submitting Party to ensure its confidentiality. The correlation of such protection measures shall be determined by mutual consent between the Parties.

The measures for the protection of information may be changed by the receiving Party upon request of the Party which submitted the information, or with its written consent, with due regard to the applicable regulations on confidentiality of the receiving Party.

The Party providing the information may stipulate conditions on its further use. Such conditions on the usage of information may only be eliminated with the written consent of the providing Party.

Information received in accordance with the present Agreement shall not be used without the consent of the providing Party for purposes other than those for which it was provided.

Article 8 - Participation in meetings

Representatives of the Parties can hold working meetings and consultations to examine ways of strengthening and enhancing the efficiency of the cooperation based on the present Agreement.

Article 9 - Expenses

The Parties shall bear their own expenses which arise in the course of implementation of the present Agreement, unless otherwise agreed on a case by- case basis.

Article 10 - Settlement of disputes

All disputes which may emerge in connection with the interpretation or application of the present Agreement shall be settled by means of consultations and negotiations between representatives of the Parties.

Article 11 -Amendments to and termination of the Agreement

This Agreement may be amended by mutual consent between the Republic of Turkey and Europol. Europol may only give its consent to amendments after the unanimous approval of such amendments by the Council of the European Union.

Article 12 - Entry into force

The present Agreement shall enter into force on the following day of the receipt of the last notification by which the Parties inform each other that their respective legal requirements for its entry into force have been completed. Done at Ankara this eighteenth day of May, two thousand and four, in duplicate, in the Turkish and English language, each text being equally authentic.