



# EuroCOP Policy Paper on the follow-up to the Stockholm Programme – A “Future Framework”

*Consolidating the EU as an Area of Freedom, Security and Justice*

## Introduction

In response to the European Commission’s Public Consultation on the “Debate on the future of Home Affairs policies: An open and safe Europe – what next?”, the **European Confederation of Police (EuroCOP)** has developed this policy paper. We have elaborated our position based upon EuroCOP Resolutions, position papers and the experiences of our members.

The next stage of creating an open and safe Europe will necessarily require a more coordinated, comprehensive and consistent strategy for European law enforcement. Europe’s police forces have begun building a common culture of policing based on the core values of respect for fundamental rights, respect for the principle of the rule of law, and transparency and accountability. Yet creating a culture of European policing will not happen overnight, and significant efforts are needed to strengthen cooperation, and build trust and solidarity between our European police forces. The diversity of European police forces offers significant potential for innovative approaches to fighting crime; however, we recognise that such differences have posed a challenge to enhanced police cooperation between Europe’s member states. As such the future framework should take into account the various needs and structures of the different European police forces and provide the necessary flexibility.

Trust between police forces needs to be mirrored by the public’s trust in those forces. Now more than ever, European law enforcement is under pressure to cope with the side effects of social instability brought on by the economic crisis. Without public confidence, the police will struggle to tackle this instability, threatening the fundamental basis of our democracy.

## About Us

EuroCOP serves as the voice of European police officers in Europe. It represents over half a million police officers in 25 European countries<sup>1</sup> dealing with issues ranging from cross-border police cooperation to a safer working environment for police officers on the street.

The idea of a European police union reaches back to 1953, when EuroCOP’s predecessor UISP was formed. Following a merger with SCOPE (Standing Committee of Police in Europe), EuroCOP was formally established in November 2002 and is currently based in Luxembourg. It is an independent, non-profit and secular organisation and has no affiliation with any government or political party. It is self-financed through contributions of its members.

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<sup>1</sup> Please find a full list of our Members in Annex 1.



## **Our Goals**

1. A Social Europe for the Police
2. Internal Security in Europe
3. Safety for the Police
4. Solidarity and Network building

## **Our Message**

The changing nature of threats facing European countries means that Europe's police officers are playing increasingly diverse roles. Asked to do more, with significantly less, police forces today are finding themselves ill-equipped and demoralised. We must address this now, as the confidence of Europe's police forces is inherently linked to the confidence of European citizens in a safe and secure European Union.

To help support European policing deliver the service Europe needs, we believe that the EU needs to push for smarter Schengen management, which means stronger enforcement and implementation. The EU should ensure the necessary tools and resources are available to police an area with open borders such as sufficient policing capacity, zero corruption, and adequate financial support. Furthermore, EuroCOP is seeking to stimulate EU-level discussion on police budgets, which have reached critically low levels during the recent economic recession, threatening police safety, capacity to deliver a high-level service and the overall security of the Union. Issues of police safety have highlighted the need for strengthened oversight of police rights. EuroCOP encourages the EU to advocate for police rights to ensure they are protected and operating within a respected environment.

As Europe's police forces strive to "work smarter," we believe that EU-level initiatives can ease challenges facing European member states. By working together we can conserve Europe's area of freedom, justice and security.

## **Contact**

Anna Nellberg-Dennis  
President, European Confederation of Police  
617, rue de Neudorf  
L-2220 Luxembourg  
Tel : +352 - 43 49 61 - 1  
Fax: +352 - 43 49 61 - 33  
E-mail: [contact@eurocop-police.org](mailto:contact@eurocop-police.org)

## Forging a common culture for law enforcement

While recognising the fundamental differences that exist among police forces in Europe, as well as the sovereign right of EU member states to govern law enforcement within their territories, EuroCOP believes that given today's realities, Europe needs to move closer to a common culture for law enforcement. This should be reflected in the future framework following on from the Stockholm Programme, and supported by a number of concrete proposed measures or activities in various areas such as minimum standards, training, communication, legislative implementation etc., as set out in the following sections of this paper.

- **The future framework should provide the next steps towards a common culture for law enforcement.**

### INCREASING TRUST AND SOLIDARITY IN EUROPE THROUGH MINIMUM STANDARDS FOR POLICING

Some may question whether the EU needs another Stockholm programme; EuroCOP believes this is needed now more than ever. Trust and solidarity should be the founding principles of the follow-up to the Stockholm programme, but they are principles which are currently at stake due to the financial, and what some may call, democratic crisis. An increasing gap is visible between the level of trust in government and institutions between Europe's northern and southern countries. A gap can also be perceived between the levels of trust in political parties.<sup>2</sup>

#### **EuroCOP's experience**

*"On a micro-level, the state of policing in Europe reflects these divergent tendencies within the EU. The issues faced by our members range on the one hand from a lack of basic policing equipment (uniforms, vehicles), vehicles not being repaired, and a full recruitment stop in Spain – to a 3% increase in wages in Germany on the other hand. Despite these extremes, through continued dialogue and support, solidarity should be preserved and promoted."*

Based on the experiences from our members, EuroCOP believes that the set-up of minimum standards for policing within the EU would contribute to increased trust and solidarity among member states. It recognises member states' sovereignty in this matter, but would like to see a future framework reference minimum standards as one of the soft measures which the EU can undertake – for example using the Open Method of Coordination which is used in other policy areas.

Minimum standards should be set in the area of training (see page 4), health and safety (where police are currently exempted from the requirements of the EU Framework Directive 391 on Safety and Health at Work), equipment (to facilitate cross-border police cooperation), staffing levels (given that reduced staffing levels indirectly affect other member states in particular in the Schengen area), police budgets (as a minimum percentage of GDP) and quality of service (given that citizens need to expect a minimum level of police service throughout the Union). The EU has already moved forward in terms of mutual recognition and now needs to take the next step towards minimum standards.

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<sup>2</sup> Eurobarometer data between 2006-2012, as presented on <http://blogs.lse.ac.uk/euoppblog/2013/07/22/the-growing-economic-and-ideological-breach-between-northern-and-southern-eu-countries-is-pushing-europe-towards-a-perfect-storm/>

- **The EU should move from mutual recognition of internal security measures to providing minimum standards for law enforcement in the areas of training, health & safety, equipment, staffing levels, police budgets, and quality of service – to meet future European policing needs.**

## **EUROPEAN TRAINING OPPORTUNITIES FOR POLICE OFFICERS AT ALL LEVELS**

EuroCOP fully supports the development of a European Law Enforcement Training Scheme (LETS) as proposed by the Commission. It welcomes the idea of proposing a standard EU level of knowledge and skills for all law enforcement officials on the EU dimension of law enforcement. While this is currently under discussion, other issues related to training still need to be further emphasised in the future framework, most notably: the need to train officers across all ranks, as police officers experience the international dimension of crime on a day to day basis and should be better aware of international cooperation. At the moment, the Stockholm programme promotes contacts between senior officials of the Member States through structures such as COSI, Europol, and CEPOL, all of whom centre on high-level interaction. EuroCOP would therefore support the development of exchange programmes, which seek to enhance in an active and practical manner, interaction between police officers, both between training centres, as well as between operational police units.

Second, there is a need to train officers' language skills at all levels, to facilitate communication, and to include this in the standard curriculum for trainee officers. Third, the need to extend the 'Erasmus'-like exchange programme for law enforcement currently provided by CEPOL to officers from all levels and to provide additional funding for so-called twinning projects not just with third countries, but also within the EU.

### **EuroCOP's experience**

*"A survey among EuroCOP's members has shown that training on a national level is declining. In Belgium, for example, the number of candidates entering the police academy reduced from 1,500 to 1,300 with the result that retiring officers are no longer replaced. In Finland, the drive to keep the unemployment rate among Police College graduates at a low level has led to sharp reductions in the number of training places for new cadets, down by 72% between 2010 and 2012.<sup>3</sup>"*

- **EuroCOP welcomes the development of European training schemes and exchange programmes, and calls for these to be extended to officers across all ranks. 1/3 of all European police officers should receive some form of European training by 2020 and English courses should be a standard part of the law enforcement training curriculum.**

## **A COMMON FRAMEWORK FOR EUROPEAN POLICING ENSHRINED IN THE EUROPEAN POLICE CODE OF ETHICS SHOULD BE MADE BINDING UNDER EU LAW.**

EU citizens should be able to trust that wherever they find themselves in the Union, they can expect the same high standard of policing. The professionalism, integrity and accountability of European police forces in protecting citizens from crime and allowing them to exercise their fundamental rights peacefully should be to the same high level across the EU.

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<sup>3</sup> EuroCOP Members' Survey, September 2013.

Europe's police forces are our guardians of democracy. As such EU citizens must be able to trust European police forces to safeguard their fundamental rights in a publically accountable and independent manner.

This can be achieved by establishing common European principles and guidelines for the overall objectives, performance and accountability of the police when maintaining European security and protecting citizens' democratic rights in societies governed by the rule of law.

- **EuroCOP calls for the European Union to establish a common framework for policing in the European Union by ratifying the Council of Europe Recommendation for a European Police Code of Ethics and incorporating it into the acquis.<sup>4</sup>**

#### **FURTHER PROMOTION AND EVALUATION OF INFORMATION EXCHANGE MECHANISMS**

There are various initiatives which exist at EU level to promote information-sharing between law enforcement authorities. However, in line with the European Parliament draft report on the mid-term review of the Stockholm programme, EuroCOP believes that the current landscape of different instruments, channels and tools is complicated, leading to inefficient use of the instruments available.<sup>5</sup>

Obtaining relevant information quickly at the time when it is needed is essential. While tools for information exchange have improved significantly over the years, a practitioners' perspective is needed in order to make better use of available tools for cross border information exchange. Systems should be able to be easily integrated within national IT infrastructures and the development of existing tools, enhancing their efficiency, should take priority over the development of new tools.

- **EuroCOP would support the inclusion of the Prüm decision and the Swedish Initiative, adopted under the former third pillar, into the framework of the Lisbon Treaty.**
- **In addition, EuroCOP would support the setup of a working group on the practical aspects of European Information Exchange for Law Enforcement. This group would include experienced practitioners, potentially under COSI guidance, to identify shortcomings and areas for development.**

#### **AVOIDING EXCESSIVE ADMINISTRATIVE BURDEN**

The future framework should take into account the existing administrative burden on law enforcement and the need to balance these tasks with operational police work. In the Netherlands for example, the same crime needs to be reported and entered into three different systems, a procedure which takes 1.5 hours to complete. New EU initiatives should replace, rather than complement national systems where appropriate, to avoid excessive administrative burden.

- **Across all areas in the follow up to the Stockholm programme, concerns around administrative burden should be taken into account.**

<sup>4</sup> Recommendation Rec(2001)10 of the Committee of Ministers to Member States on the European Code of Police Ethics (Adopted by Committee of Ministers on 19 September 2001 at the 765<sup>th</sup> meeting of the Ministers' Deputies)

<sup>5</sup> Draft report on the mid-term review of the Stockholm Programme, European Parliament (2013).

## The ASFJ in a new political and economic context

### TAKING THE AUSTERITY-SECURITY NEXUS INTO ACCOUNT

The capacity of national police forces to counter criminality is being seriously compromised because of the severity of the public expenditure cuts on police pay and budgets throughout the EU. While the extent of police budget cuts and austerity vary widely across the EU, the EU's open borders mean that decreases in Member States' internal security budgets have a knock-on effect on security within the wider region.

#### *EuroCOP's experience*

*"In the Czech Republic, for example, the average salary of a police officer in 2012 was below the 2007 salary level. The number of police officers has declined from 46,072 in 2005 to 38,559 police officers in 2012, adding significant work pressure. Czech police are not paid overtime hours up to 150 hours a year. The negative effects are especially visible in the availability of police services to citizens - fewer police officers on the streets, who secure public order and road safety. With even more complex administrative procedures, the time to solve cases is limited. One of the effects is that police do not have sufficient human and technical capacity to deal with emerging threats, such as cybercrime.<sup>6</sup>"*

- **The future framework should therefore include considerations on Europe's financial situation and its impact on EU internal security.**
- **Through the Internal Security Fund, resources should be reallocated according to Member States' policing needs.**
- **Additionally, European funding opportunities for national police forces should be presented in a clear and comprehensible manner.**

### STRONGER POLITICAL LEADERSHIP NEEDED TO DELIVER ON BOTH INTERNAL AND EXTERNAL SECURITY PROVISIONS OF THE SCHENGEN AGREEMENT

EuroCOP supports all the rights deriving from an area of freedom, security and justice ambitions of the EU's Schengen agreement; however, there is a need for the EU and national governments to deliver the political commitment towards the dual focus of the Schengen treaties – internal policing and external border controls. In today's economically challenged times, social imbalances within and between member states and EU border countries are becoming ever more evident.

Internally, the potential for social unrest has never been more prevalent, and Europe's police forces are charged with keeping citizens safe in this fractious environment. Now more than ever we depend on governments' commitment to ensuring domestic security in order to prevent the spread of potential social discontent across Member States. In a borderless area, EU citizens must be able to trust all Member States to accept their share of the responsibility for internal security and fighting crime. The same is true for the external dimension of EU Home Affairs policy, which remains a core means of identifying and addressing potential threats to European security comprehensively.

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<sup>6</sup> Ibidem.

- EuroCOP calls upon the European institutions to strengthen its efforts to ensure the full and effective implementation, enforcement and evaluation of the Schengen agreement as part of the future framework.
- EuroCOP welcomes the recently agreed increase in funding for EU Home Affairs policy. To support member states in their efforts to enhance the EU's internal and external security, funding should be more evenly distributed according to needs, especially to those countries that could be considered vulnerable - either due to their geographical position or economic status. Solidarity should underpin the rationale for the redistribution of funds.
- In addition, European internal security funding should not just be used for technological equipment, IT systems etc., but also focus on employing the necessary resources to control these assets, including increased policing capacity.
- Furthermore, EuroCOP supports continued EU initiatives for capacity building in 3rd countries, which are essential to enhancing solidarity, promoting European and international standards, as well as boosting security.
- Finally, EuroCOP supports increased operational cooperation in the following areas: border control and immigration, the fight against organised crime (including terrorism), as well as financial crimes (tax evasion, money laundering).

#### **IMPROVING COMMUNICATION ON ASFJ TO LAW ENFORCEMENT**

Despite the number of initiatives which exist at EU level, many police officers are not aware of these initiatives and the possibility to call on them when needed. EuroCOP calls on the Commission to develop, together with member states, targeted communications materials to inform police officers of the existing framework, including practical information on (and not limited to) European training and exchange opportunities, civilian police missions, Joint Investigation Teams, instruments for intelligence sharing, etc. Communicating ASFJ should be a central part of the follow up to the Stockholm programme.

- **Given the lack of awareness among police officers of the current Stockholm programme, and its perceived failure in terms of providing trickle-down effects, EuroCOP suggests increasing communications efforts and empowering officers with knowledge on the ASFJ as well as its opportunities and challenges.**

#### **THE IMPLEMENTATION AND ENFORCEMENT OF EXISTING AND FUTURE LEGISLATION FOR AN OPEN AND SAFE UNION NEEDS TO BE MADE A PRIORITY.**

The Stockholm Programme reflects Member States' vision for the future of European, freedom, security and justice, which balances the fundamental needs of its peoples: effective law enforcement strategies, individual rights, rule of law and international protection. EuroCOP fully supports that vision and acknowledges the steps that Europe has made towards realizing its goals over the past few years.

EuroCOP applauded the timeline and structure outlined in the European Commission's Action Plan Implementing the Stockholm Programme<sup>7</sup> put in place to deliver such an ambitious programme; however, we were disappointed that the implementation of the Stockholm programme's priorities has

<sup>7</sup> COM (2010) 171 Final, Communication from the Commission to the European Parliament, The Council, the European Economic and Social Committee and the Committee of the Regions Delivering an area of freedom, security and justice for Europe's citizens



not been achieved evenly across all member states, with some countries not fulfilling their agreed responsibilities as fully as others.

**EuroCOP's  
experience**

*“For example, the European Commission has referred Spain to the EU's Court of Justice for not fully applying the EU Directive that establishes basic rules on protecting workers' health and safety to members of the Civil Guard ('Guardia Civil'). Spain is considered to be in breach of Article 7 of Directive 89/391/EEC, which requires employers to provide necessary staff and equipment to ensure that preventive and protective actions, such as risk assessments, can be carried out. While this is not a piece of internal security legislation, Spain's non-compliance with health and safety measures for the Civil Guard clearly affects the security situation.”*

- **In order to develop the future framework for an open and safe Europe, more efforts are required to evaluate and enforce the implementation of EU legislation.**
- **The goals and implementing guidelines of the EU Internal Security Strategy should be incorporated within the future framework creating a European area of freedom, security and justice.**

## **SUPPORTING THE ROLE OF THE EUROPEAN PARLIAMENT AND NATIONAL PARLIAMENTS**

With the changes brought forward by the Lisbon Treaty, the European Parliament now holds a more important role as co-legislator in the EU ASFJ. As a democratic body directly representing EU citizens, the EP is well positioned to provide further legitimacy and accountability to EU decision-making in these fields.

In particular in relation to policing, it has the responsibility to hold the Council and Commission accountable in AFSJ decision-making, and to protect fundamental rights as laid down in the Treaties and the now legally binding EU Charter of Fundamental Rights.<sup>8</sup>

*“Police are a central element of a democratic society. Indeed one element in defining such a society is a police force that 1) is subject to the rule of law, rather than the wishes of a powerful leader or party 2) can intervene in the life of citizens only under limited and carefully controlled circumstances and 3) is publicly accountable.”<sup>9</sup>*

- **EuroCOP believes that the European Parliament as well as national parliaments should be involved in the development of the future framework, and calls on the Commission and Council to fully internalise the full reach and scope of EP powers in the AFSJ domain in all future deliberations.**

<sup>8</sup> The 'Lisbonisation' of the European Parliament: Assessing progress, shortcomings and challenges for democratic accountability in the area of freedom, security and justice, [CEPS](#), September 2013.

<sup>9</sup> Gary T. Marx, *Police and Democracy*, [MIT](#), 1995.