

Minutes of the 1st Meeting of the Expert Working Group



PCC SEE

Friday, 6 March 2009

**Conference Room 501, Palace of Serbia
Bulevar Mihajla Pupina 2, Belgrade, Serbia**

The first official meeting of the Expert Working Group took place on Friday, 6 March 2009.

In attendance: Mr. Aepli Pierre, Ms. Dorevska Vesna, Mr. Dragne Corneliu, Mr. Hager Kurt, Ms. Katić Zorana, Mr. Lecari Fredolin, Ms. Lednik Katarina, Ms. Mav Ajda, Mr. Ndoci Nikoll, Mr. Pepper Thomas, Mr. Pešto Ermin, Mr. Pettersen Bjorn, Mr. Potzel Dieter, Mr. Pulov Iliya, Mr. Romšek Jože, Ms. Schrotter Barbara, Mr. Stijović Miodrag, Mr. Travner Anton, Mr. Van de Rijt Wouter, Mr. Veniger Stanislav, Mr. Vukadin Dragan, Mr. Zehner Patrick and Ambassador Zore Gregor.

The agenda of the meeting was as follows:

1. *Adoption of the agenda*
2. *State of play:*
 - a. *Accession of Bulgaria*
 - b. *Memorandum of Understanding*
 - c. *PCC SEE Secretariat homepage / newsletter*
3. *Action plan*
4. *Communication strategy*
5. *PCC SEE Manual*
6. *Rules of Procedures*
7. *3rd Police Cooperation meeting in Bosnia and Herzegovina*
8. *Work programme for 2009*
9. *Data Protection – Mutual evaluation*
10. *AOB and Conclusions*

Opening:

Ms. Zorana Katić, chairing of the meeting, welcomed the participants on behalf of the Ministry of Interior of Serbia, emphasizing the importance of enhancement of international police cooperation. Mr. Anton Travner, co-chairman of the meeting, welcomed the participants as well.

Mr. Anton Travner, Acting Head of the Secretariat, introduced the Police Cooperation Convention for Southeast Europe Secretariat (hereinafter: Secretariat) and the Secretariat related matters of concern to the Expert Working Group. The provisions of the Police Cooperation Convention for Southeast Europe (hereinafter: Convention) provide a legal framework both for the setting-up of effective border security systems and for comprehensive police cooperation among the Contracting Parties (hereinafter: CPs). The Convention constitutes the most important international agreement in Justice and Home Affairs in Southeast Europe. The role of the Expert Working Group (EWG, Art. 33/2) is to “*observe application and implementation of the Convention*” and to make recommendations to the Committee of Ministers.

1. The agenda was unanimously adopted by the participants and they agreed that under the last topic on the agenda – AOB – the next meeting of the Expert Working Group will be discussed as well as the next meeting of the Committee of Ministers.

2/a Mr. Nikoll Ndoci from the Convention Depositary country (Albania) reported on the accession of Bulgaria to the Convention and the date (25 February 2009) of entry into force of the Convention.

2/b The Memorandum of Understanding (hereinafter MoU) was presented by Mr. Anton Travner.

Mr. Anton Travner presented the financial structure of the Secretariat: It is financed currently by Austria, Slovenia, Liechtenstein, Switzerland and DCAF. The financial contributions from the CPs will be used strictly for the implementation purposes and not for the running costs of the Secretariat itself.

Conclusions:

1. Participants agreed that the amount of 10'000 Euros is an acceptable amount for individual country contributions.

2. All financial matters will be discussed bilaterally between the Acting Head of the Secretariat and respective officials from the Contracting Parties.

3. Participants agreed that all amendments and suggestions regarding the text of the MoU should be submitted within 7 days.

4. If all CPs agree with the proposed sum of 10'000 Euros, the MoU will be multilateral, otherwise alternatives will be sought, including bilateral agreements. The issue will be subsequently revisited.

2/c Ms. Ajda Mav delivered a presentation on the Secretariat's corporate identity and website.

Conclusion: Participants welcomed the website. Ms. Ajda Mav announced the date of the website launch: 23 March 2009.

3. Mr. Anton Travner presented the draft Action plan.

Mr. Anton Travner emphasized that the implementer of the Action plan are the Contracting Parties. The Secretariat merely provides support.

Conclusions: Participants agreed that all written remarks should be submitted within 14 days. The Secretariat will harmonize the document with the remarks and prepare a final version, which will subsequently be sent to the CoM for adoption.

4. Mr. Anton Travner presented the Communication Strategy.

Conclusion: Participants endorsed the document unanimously.

5. Mr. Thomas Pepper presented the PCC SEE Manual.

The draft version of the manual, including the forms for Data and Information exchange, were discussed and will be sent to the participants after the conference.

Conclusion: Participants endorsed the draft PCC SEE Manual.

6. Mr. Anton Travner presented the Rules of Procedure (hereinafter RoP). He presented the background of the document, as well as its content and form.

It was established that RoP is a very important and necessary document in the implementation process.

Conclusions: Participants agreed that all written remarks should be submitted within 14 days. The Secretariat will harmonize the document with the remarks and prepare a final version, which will subsequently be sent to the CoM for adoption.

7. 3rd Police Cooperation Workshop (hereinafter PC WS) was presented by Mr. Kurt Hager. Mr. Hager informed the participants about the draft agenda and emphasized the specific focus on Police Operations and Special Investigation Methods. The Austrian Ministry of Interior will send a formal letter to the Ministry of Security in Bosnia and Herzegovina in order to thank the Minister for his commitment to organize the PC WS. The ideal date would be the 40th week (28 September – 2 October 2009). The Secretariat will assist Bosnia and Herzegovina with applying for EU financial support and organizing the workshop. Specific and precise presentations on matters of substance are expected.

Conclusion: Participants welcomed the conducting information of the 3rd Police Cooperation Workshop in Bosnia and Herzegovina.

8. Mr. Anton Travner presented the Work Programme for 2009. He stated that it is a living document and it will be changed if more funds will be available and therefore more activities will be carried out.

Conclusions: Participants welcomed the Work Programme for 2009. Participants agreed that all written remarks should be submitted within 7 days. The Secretariat will harmonize the document with the remarks and prepare a final version.

9. Mr. Anton Travner presented the discussion paper on data protection and the mutual evaluation.

It was agreed that data protection was one of the most important issues and should be very high on the future agendas.

Conclusions: Participants unanimously decided to proceed with option B of the Mutual Evaluation. Quote:

“The second option would be that the states carry out a mutual evaluation following the example of EU (Schengen).”

The Evaluation would be divided into two parts:

1. *Creation of the Questionnaire on Data Protection and the preparation of national responses to it and*
2. *Actual mutual -on spot- evaluation.*

For the successful on spot evaluation, following the example and practice of the EU, a formation of an Evaluation team (exceptionally two Evaluation teams) is a fundamental necessity. All Contracting Parties would be represented in this team. The function of the Evaluation team(s) will be to visit all Contracting Parties and execute an evaluation on Data Protection within the observed country. All members of the Evaluation team(s) are to be experts in the area of Data Protection in their respective countries. It is also necessary to appoint the team leader(s).

On the basis of the answers to the Questionnaire on Data Protection and the findings from the evaluation missions the Secretariat would prepare a mutual overview of the state of play on the Protection of personal data in all the Contracting Parties, with the support of experts from Contracting Parties. On the basis of this overview the Ministries of Interior would be able to evaluate which countries fulfil the conditions from Article 31 of the Convention and furthermore would be able to adopt a conclusion which shall allow the start of the exchange of information among particular Contracting Parties in accordance with the Convention”.

After the completion of the Mutual Evaluation the CoM will adopt a decision on the start of exchange of information, including the exchange of personal data among CPs which fulfil all the conditions under Article 31 of the Convention.

10. A discussion regarding the venue and date of the next EWG and CoM meeting was held.

Conclusions:

1. The 2nd EWG meeting will take place in Slovenia, three weeks prior the meeting of the Committee of Ministers, and will be organized by the Secretariat.
2. Participants agreed with the proposal that the next CoM meeting be held on the margins of the ministerial meeting of the Brdo process. Would that not be possible, it will be held either on the margins of the EU Western Balkans TROIKA meeting or in Sarajevo, Bosnia and Herzegovina in autumn 2009.

Ms. Zorana Katić and Mr. Anton Travner thanked all the participants for their participation and feedback. Participants thanked the Secretariat for the organization of the event and for the activities.