

Minutes of the 4th Meeting of the Expert Working Group



PCC SEE

**Thursday, 16 September 2010
Hotel Holiday Inn
Mose Pijade 2, Skopje, Macedonia**

In attendance¹: Ms. Marija Anchevska, Ms. Carla Ciavarella, Ms. Vesna Dorevska, Mr. Corneliu Dragne, Mr. Pavle Dragović, Ms. Milena Dzhumayska, Mr. Kurt Hager, Ms. Zorana Katić, Ms. Jelka Klemenc, Ms. Katarina Lednik, Mr. Graham Leese, Mr. Nikoll Ndoci, Mr. Thomas Pepper, Ms. Snežana Petrović Arsovska, Mr. Steven Ryder, Ms. Emilija Sateva, Mr. Salvatore Siena, Ms. Camelia Simion, Mr. Borislav Stoitchkov, Mr. Peter Suranyi, Mr. Viorel Tentiu, Mr. Anton Travner, Mr. Sergej Uljanov, Ms. Biljana Veljović, Mr. Stanislav Veniger, Mr. Predrag Vujičić, Mr. Vladimir Vukotić.

The agenda of the meeting was as follows:

Welcome and Introduction

1. *Adoption of the agenda*
2. *Macedonian Chairmanship in Office*
3. *Data Protection*
 - a. *Statement of Readiness*
4. *Police Cooperation Convention Manual*
 - a. *State of Play*
 - b. *Decision on classification of PCC Manual*
5. *Joint Investigation Teams*
 - a. *Information on the project on Joint Investigation Teams*
 - b. *Possible establishment of a Working Group*

¹ In alphabetical order. Mr. Marko Knežević, representative of the Ministry of Security of Bosnia and Herzegovina, was not able to attend the meeting due to the cancellation of his flight. Ms. Pia Weber, representative from the Swiss Federal Office of Police, sent written comments and suggestions in advance, since she was not able to attend the meeting. The comments and suggestions were disseminated and presented to the participants.

6. *Overview of the Implementation Process*
 - a. *Table of Implementation Agreements*
 - b. *Establishment of Common Centres*
7. *Cross-border and Controlled Delivery Exercise*
 - a. *General project information on the Western Balkan Cross-border and Controlled Delivery Exercise*
8. *Hot Pursuit Exercise*
 - a. *General information on Hot Pursuit Exercise*
9. *Road Map for the Implementation of PCC SEE for the period from 2011 to 2015*
 - a. *Presentation*
 - b. *Comments by the Contracting Parties*
10. *Report on the progress and achievements of PCC SEE Secretariat in 2010*
11. *Draft Work Programme for PCC SEE Secretariat for 2011*
12. *Establishment of the Thematic Working Groups on*
 - a. *Forged and Fake Documents*
 - b. *Exchange of DNA within PCC SEE*
13. *Multiannual Security Strategy*
14. *4th Meeting of the Committee of Ministers*
 - a. *Report on the on-going preparations*
 - b. *Agenda for the 4th meeting of the Committee of Ministers*
15. *AOB*
 - a. *Signing of the Memorandum of Understanding by the Republic of Albania*
 - b. *Correction of the Memorandum of Understanding*
 - c. *Information on the Screening of the Moldovan Police-Related Legislation*

Opening:

Ms. Vesna Dorevska, Assistant Minister within the Ministry of Interior of the Republic of Macedonia and Chair of the Expert Working Group (hereinafter EWG), welcomed the participants to Skopje and expressed their honour to host the meeting. She emphasised the important role of the Police Cooperation Convention for Southeast Europe (hereinafter PCC SEE), considered to be a modern instrument for exchange of information between the Contracting Parties and efficiently contributing to the increase of police cooperation. She thanked PCC SEE Secretariat for the activities being carried out with the aim of fostering the implementation process. Mr. Anton Travner, Head of PCC SEE Secretariat and Co-chair of the meeting, welcomed the participants on behalf of PCC SEE Secretariat and expressed his gratitude to the Macedonian Chairmanship-in-Office for hosting the meeting. He also took the opportunity to thank the Contracting Parties and implementation partners for support in the implementation process.

1. The agenda was unanimously adopted.
2. Ms. Dorevska presented the main priorities of the Macedonian Chairmanship-in-Office, namely being:

- Improving the conditions in the area of data protection. The Republic of Macedonia will dedicate special attention to rectifying the current situation. The Contracting Parties were advised to do the same in their respective countries in order to begin with the mutual evaluations in this area as soon as possible;
- Fostering the project on Joint Investigation Teams. The Republic of Macedonia expects to contribute to a more efficient fight against trans-border crime and organised crime. Ms. Dorevska noted that it is an honour the implementation of this project will take place during of the Macedonian Chairmanship;
- Facilitating the negotiations and signing of bilateral and multilateral implementation agreements envisaged in PCC SEE, particularly Art. 14 and 15. The Republic of Macedonia expects signing of implementation agreements in the area of cross-border surveillance and controlled delivery by the end of 2010;
- Facilitating the negotiations of the content of the Road Map for the implementation of PCC SEE for the period 2011 – 2015. This strategic document is considered very useful, providing a summary of activities that need to be undertaken in for the full implementation of PCC SEE;
- Fostering the Cross-border and Controlled Delivery Exercises. The Republic of Macedonia wishes to speed up the activities in this field and thus finds this exercise of great importance. It was reiterated that this will be the first time police officers from one Contracting Party enter the territory of the other Contracting Party and conduct police operations on the basis of PCC SEE;
- Convening a training course for national central units. The aim of such training is to harmonise the manner of work, modus operandi, of all Contracting Parties;
- Establishing a long term sustainable system for exchange of information and data on falsified travel documents. Having in mind this issue is very important and considering the need for regular exchange of information, the Republic of Macedonia committed to promote this activity and
- Organising the fourth meetings of the Expert Working Group and Committee of Ministers.

3. Discussion was held on the current state of play in the area of data protection in the Contracting Parties. The representatives from the Contracting Parties reported on the possible timeframe for performing mutual evaluations in this area and the provisions that have been adopted to date. The Contracting Parties were reminded that, according to the Rules of Procedure in the Area of Data Protection, the process of evaluations begins with a written statement of readiness submitted to PCC SEE Secretariat. Given the Republic of Albania and Moldova gave verbal statements on their readiness by the end of 2010, they were invited to follow this prerequisite.

Discussion arose whether the assessment in the area of data protection made by Europol should be considered equal and sufficient to replace the evaluation under PCC SEE. Different opinions were expressed and it was agreed that additional discussions should be held before accepting a decision.

Conclusion: Two Contracting Parties, namely the Republic of Albania and Moldova, have expressed their readiness to begin with evaluations in the area of data protection by the end of 2010. Significant steps have been taken towards fulfilling the necessary preconditions in the remaining Contracting Parties, which will be ready for the evaluations in the forthcoming year. It was commonly accepted that duplication of efforts should be avoided when evaluating data protection.

4. Mr. Thomas Pepper, Senior Advisor at PCC SEE Secretariat, briefly informed the participants regarding the state of play of the Police Cooperation Convention Manual (hereinafter PCC Manual). The PCC Manual has been transmitted to the national authorities of the Contracting Parties and the Republic of Albania has already translated the document. He encouraged the other Contracting Parties to follow this example.

Discussion continued towards finding a common position on the classification level of the document. The prevailing opinion, expressed by four Contracting Parties, was that the entire PCC Manual should be classified as restricted. Bulgaria reiterated its opinion from the EWG meeting in Sofia that the classification of the Manual is unnecessary, since it contains only guidelines and practical information and pointed out that the classification of the document will limit its future use in the everyday activities. The Republic of Macedonia expressed certain restrictions according to their national legislation if classifying only part of the document, namely the chapter on Undercover Operations, whereas the Republic Moldova did not have an official position.

Various options were weighed among the participants, however no decision was adopted.

Conclusion: The Expert Working Group, according to its mandate, is expected to adopt a decision on the classification level of the PCC Manual and propose the adoption of such a decision to the Committee of Ministers at their upcoming meeting. Therefore, it was agreed that the Contracting Parties will send their official positions to PCC SEE Secretariat, latest by 1 October 2010, in order to adopt the decision through silent procedure.

5. Mr. Travner presented the project on Joint Investigation Teams (hereinafter JITs), co-financed by the European Commission. Mr. Steven Ryder, representative from Europol, shared information on the JIT expert network, set up in 2005, and Ms. Carla Ciavarella, representative from UNODC, shared their experience on JITs in the area of trafficking in human beings.

Ms. Jelka Klemenc, representative from the Slovenian Ministry of Interior, presented the Slovenian project on JITs, mainly focused on JITs in the area of trafficking in human beings, which can be seen as a continuation of the project carried out by PCC SEE Secretariat. The Slovenian Ministry of Interior is currently waiting to receive confirmation that their application is approved by the European Commission. Mr. Graham Leese, representative from FRONTEX, offered the Slovenian Mol assistance. . Also Mr. Salvatore Siena, representative from CEPOL, while presenting the CEPOL learning activities on JiTs, envisaged the possibility for CEPOL, if necessary, to support the project under the training aspects.

Conclusion: The participants welcomed both projects and agreed that JITs are important for the region. It was agreed that the establishment of a Working Group on JITs should be postponed.

6. Mr. Stanislav Veniger, Senior Advisor at PCC SEE Secretariat, reported on the progress in the area of bilateral and multilateral implementation agreements since the last meeting of the EWG.

Discussion continued on the draft Rules of Procedure for the Establishment and Functioning of Common Centres.

Conclusion: It was agreed that the Contracting Parties will send all updates in the area of bilateral and multilateral agreements to PCC SEE Secretariat. PCC SEE Secretariat will send the Agreement and the Rules of Procedure for the Establishment and Functioning of the Common Contact Centre in Giurgiu between the Republic of Bulgaria and Romania to the Contracting Parties, which can be used as an alternative to the Rules of Procedure prepared by PCC SEE Secretariat.

7. Mr. Pepper presented the Cross-border and Controlled Delivery exercises that will be performed in the Southeast European region. The overall objective of the project, performed in all Contracting Parties, lies in the advancement and intensification of cross-border cooperation between the Contracting Parties in the field of combating organised crime, the encouragement and harmonisation of tactical and technical field of cross-border surveillance between the countries and the development of international cooperation in criminal matters in general.

8. Mr. Pepper introduced the Hot Pursuit exercises that will be performed in the Southeast European region. The exercises will be performed in 2011 in all Contracting Parties along their borders. The aim of the exercises will be to find the legal gaps, problems and obstacles in this area.

9. Mr. Travner opened the discussion regarding the Roadmap for the implementation of PCC SEE for the period from 2011 to 2015. The questions of human resources and budgets were raised in fulfilling the deadlines provided in the document.

Conclusion: The participants unanimously agreed the Road Map is an important strategic document, however further deliberations on the content, especially the priorities and deadlines, are needed before introducing it to the Committee of Ministers for adoption. Therefore, the Contracting Parties are invited to send written proposals, comments and suggestions for amendments to PCC SEE Secretariat.

10. Mr. Travner reported on the progress and achievements of PCC SEE Secretariat in 2010.

11. Mr. Travner briefly presented the Work Programme for PCC SEE Secretariat for 2011. Mr. Kurt Hager, representative from the Austrian Federal Ministry of Interior, suggested PCC SEE Secretariat should focus more on the activities that bring the legal basis to a practical level, whereas the Contracting Parties should focus on the completion of evaluations in the area of data protection as well as negotiating and signing bi- and multilateral implementation agreements.

Conclusion: The participants accepted and welcomed the Work Programme for PCC SEE Secretariat for 2011. The Work Programme will be amended, if necessary, in accordance with the outcomes of this meeting and sent to the Contracting Parties for approval.

12. Proposals for the establishment of two Thematic Working Groups, the first on exchange of information regarding forged and fake travel documents within PCC SEE and the second on the exchange of DNA within PCC SEE, were presented by Mr. Travner.

Conclusion: The Expert Working Group adopted the Decision on the Establishment of a Thematic Working Group on Exchange of Information regarding Forged and Fake Documents within PCC SEE, whereas the Decision on the Establishment of a Thematic Working Group on Exchange of DNA within PCC SEE was not adopted. It was rather agreed that a meeting for experts should be convened in 2011, which will decide whether a need for establishing the latter exists.

13. Discussion continued towards the necessity of preparing a multiannual security strategy for the Southeast European region. Mr. Predrag Vujičić, representative from the Regional Cooperation Council, briefly presented the strategy on justice and home affairs to be endorsed in February 2011. Opinions were expressed that many strategies are already prepared and introducing a new one could cause overlapping.

Conclusion: At least one CP is not in favour of this kind of approach. Therefore, the participants agreed preparation of such a strategy should be postponed and further deliberations are necessary before adopting a decision.

14. Ms. Dorevska presented some brief details on the forthcoming meeting of the Committee of Ministers and presented the draft agenda.

Conclusion: It was agreed the agenda will be amended and the discussion on the multiannual security strategy in the Southeast European region will be replaced with discussion on fostering the implementation process. The Contracting Parties adopted the amended agenda.

15. AOB

a. Mr. Nikoll Ndoci, representative of the Republic of Albania, informed the PCC SEE Secretariat that the Republic of Albania does not yet have an official position whether they will sign the Memorandum of Understanding at the meeting of the Committee of Ministers on 19 October 2010.

Conclusion: Mr. Ndoci will submit information regarding the signing of the Memorandum to PCC SEE Secretariat.

b. A clerical error has been made in the Memorandum of Understanding, namely the last sentence in the document, where it should be written "eight original copies" instead of "nine original copies".

Conclusion: A decision should be made on the procedure for amending the Memorandum. Ms. Milena Dzhumayska, representative of the Republic of Bulgaria, informed on the position of the Bulgarian Foreign Ministry that the error should be amended through exchange of verbal notes and took the assignment to consult again on national level the possibility of adopting the amendment as a Decision at the meeting of the Committee of Ministers or signing an Annex to the Memorandum, where the error will be notified at the Committee of Ministers, and inform PCC SEE Secretariat. The Contracting Parties reported on the entry into force of the

Memorandum, however they were kindly requested to send a written notification on the entry into force to PCC SEE Secretariat.

c. Mr. Travner informed the participants on the meeting to be held on 21-24 September 2010 in the Republic of Moldova, aimed to screen the national police-related legislation.