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NOTE

from : French Presidency
to : Working Party on Police Cooperation

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Subject : Advanced technologies: relations between the first and third pillars

The creation of the single market and the EU's entry into the global Information Society are accompanied by the establishment under the first pillar of a regulatory framework intended to develop new communications networks and services, ensure their promotion in the context of the single market and guarantee the security and confidentiality of the flow of data they transmit.

Use of those technologies for criminal purposes and the emergence of cybercrime give rise to a growing demand for cooperation by experts in the first and third pillars.

In the context of the creation of the single market or the EU's entry into the Information Society, the first pillar is in particular responsible for taking technical or commercial decisions which could have an influence on the work of investigation services. Within the JHA Council, it is the task of the Working Party on Police Cooperation to examine matters connected with telecommunications and advanced technologies; it has therefore defined the technical specifications intended to safeguard the possibility of lawful interception of such services.

There has been interaction on several occasions between the proceedings of the Working Party on Police Cooperation and those of the relevant working parties of the Telecommunications Council or the Internal Market Council, in particular for the definition of communication protocols (particularly for the Internet), for the development of prepaid SIM cards, for the definition of the length of time data may be stored in the telecommunications sector, or for the identification of subscribers (universal directory), etc.

In order to create a synergy between the two bodies, it could be useful to establish flexible and pragmatic coordination. With a view to this, the French Presidency suggests creating an informal inter-pillar link within the Working Party on Police Cooperation. It would take the form of:

- a reminder by the Commission of the competent bodies under the first pillar;
- inclusion on the agenda for meetings of the Working Party on Police Cooperation of a progress report on initiatives and work under way under the first pillar (indicating the expert working party following them);
- an exchange of ideas on work under way within the two bodies.

An inter-pillar dialogue could thus be established.

France suggests that this experiment could take place during its Presidency.

A report could be drawn up at the last meeting of the Working Party on Police Cooperation.

The first exchange of views could be held on 26 October 2000.
