Editorial

Police Cooperation in the European Union, Supported by Strengthening the EU Internal Security’s External Dimension

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1 Introduction

Even with the most recent changes adopted by the Lisbon Treaty, EU member states retained their sovereignty in police cooperation policies where none of the (executive) police powers\(^1\) have been granted to the EU by the Treaty

\(^{1}\) It is important to mention that the Europol has the power to invite member states to start an investigation, to support offer analytical support to a member state on the spot and enrich the analytical ability of the member state in criminal investigation (Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA). Also, the Europol may monitor the internet and inform the member state and online service providers about referrals on violent extremist online content materials or other kinds of web contents which imply potential elements of a criminal offence (Europol’s European Union Internet Referral Unit – EU IRU – has assessed and processed for the purpose of referral towards concerned internet service providers over 11000 messages across some 31 online platforms in 8 languages. The content had been put out by criminals to spread violent extremist online content materials. 91.4\% of the total content has been successfully removed from the platforms by the social media and online service providers.). For more, see: https://www.europol.europa.eu/newsroom/news.europol-internet-referral-unit-one-year.
on the European Union and the Treaty on the Functioning of the European Union. The EU implements its powers by the principles of subsidiarity and proportionality, which means that the EU operates in areas where goals are more easily achieved at the Union level than at the national or regional levels. Police cooperation within the EU represents a package of political, legislative, organisational, systemic, and operational measures. Powers and duties are divided between EU institutions and agencies, on the one hand, and its member states and competent authorities on the other. We cannot overlook that the fact that EU police cooperation has a complex system of rules and actions that require competent bodies to have a broad knowledge of the EU acquis, national legislations, and the legislations of individual states that directly participate.

The development of police cooperation in the past quarter century went in the direction of continuous improvement of the exchange of police information and data collected in pre-trial criminal proceedings, as well as analytical support to the competent authorities of the member states, but not in the direction of transferring investigative and police powers to the authorities of other member states or EU institutions. The trend of EU police cooperation will go further in the direction of simplifying the rules and access to information, raising interoperability of the systems, efficient use of existing systems and bottom-up approach, thereby achieving better quality instruments of cooperation. This is something that is clearly needed, because of the need which has been mentioned at the conference on preparing the Stockholm Programme shows\(^2\) the key acquisition achievement of the EU is the Committee on Internal Security (COSI),\(^3\) whose task is to coordinate the actions of the competent authorities of member states, including the field of police cooperation. Because of this challenging task, the eyes of member states and EU institutions and agencies are focused on this committee. Whether police cooperation can continue to successfully develop at the EU level will depend largely on the performance of this committee and adopted measures that will ensure greater protection for EU citizens. The development of the EU Policy Cycle\(^4\)

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\(^2\) Stockholm Programme – An open and secure Europe serving and protecting citizens (Official Journal C 115 of 4 May 2010).

\(^3\) Article 71 of the Treaty on the Functioning of the European Union (TFEU) establishes a Standing Committee on Internal Security (COSI) within the Council. COSI is composed of members of the competent national ministries who are assisted by the permanent representatives to the European Union of the EU countries in Brussels and by the Secretariat of the Council.

\(^4\) The Council Conclusions of 8 and 9 November 2010 on “The Creation and implementation of an EU Policy Cycle for organised and serious international crime” in order to tackle the most important criminal threats in a coherent and methodological manner through optimum