



# 100 Years of INTERPOL: its Position and Role within the European Union



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## Abstract

Despite INTERPOL's achievements through its global connection with and between all police forces, the current question is what place the largest international police organisation will take in police cooperation within the European Union. This question is indeed relevant given the European Union's increasing role in the regulation, policy and coordination in the field of European police cooperation. It has also become clear in recent years that the European Union has been striving for more strategic autonomy in this globalised world and more geopolitical independence. This has not only been the case in the areas of energy supply, climate and defence, but also in police cooperation. In my current positions as IINTERPOL Vice-President for Europe, but also as a person directly involved in European police cooperation (including through the chairmanship of the Europol Management Board and the chairmanship of COSI<sup>1</sup> during the Belgian Presidency of the Council of the European Union in the first half of 2024), I think it would be interesting to reflect on that in this article.

**Aim:** Opinion on the future role of INTERPOL in the European Union.

**Methodology:** The various regulations and actions regarding police cooperation within the European Union are examined from the perspective of how INTERPOL relates to them.

**Findings:** Despite the various initiatives developed within the European Union to establish internal European police cooperation both through the European agency Europol and its various European information systems, it is clear that INTERPOL remains a vital enabler of European police cooperation.

1 Standing Committee on Operational Cooperation on Internal Security.

**Value:** In the light of the willingness from the European Union to more strategic autonomy, also regarding police and security, and given the ongoing negotiations between EU and INTERPOL, it is clear that consideration must be given to the role that INTERPOL can still play within the EU.

**Keywords:** INTERPOL, European Union, police cooperation, Europol

## **International Police Cooperation: From Useful to Necessary**

In recent years, globalisation and cross-border crime have made cooperation with foreign police forces an increasingly important part of modern policing. The internationalisation of security issues has made it necessary for police forces to no longer regard international police cooperation as optional, but rather as a core task and a crucial factor in combating international crime and security phenomena.

The need for international police cooperation became even more apparent after the 9/11 terrorist attacks, and the successive terrorist attacks worldwide thereafter. In Europe, it also became clear that the issue of individuals from an EU Member State entering the Middle East conflict zone – with or without stolen or forged travel documents – and then returning to another EU Member State to commit attacks there, could only be tackled through intensive international police cooperation. Global geopolitical developments have brought about a migration wave, and it quickly became evident that EU Member States could not cope with what was soon considered a ‘migration crisis’ only through their sovereignty (or even only at EU level), especially when it emerged that there was even the slightest risk of foreign terrorist fighters mixing in the migration flows. Human smuggling associated with these migratory movements is also being organised internationally and has already resulted in numerous victims on different sea routes worldwide. The impact of internationally organised crime on our legal structures and economy has become even more apparent in recent years with the Sky ECC investigation, in which encrypted communication devices were decrypted and the extent of organised crime was clearly uncovered. The use in the virtual world of forms of communication that are barely detectable to the police, and the manifest rise of cybercrime in all its forms cause countries to reach their limits in their tackling of information and communications technology-related crime.

This does not mean that the need for international information exchange only became clear in recent decades. That would detract from the merits of the predecessors who initiated the creation of the International Criminal Police

Commission (ICPC) in 1923, renamed INTERPOL in 1956, the year the first Interpol Constitution was adopted. Overall, the evolution of INTERPOL, currently still the only police organisation connecting countries worldwide, has been running in parallel with the evolution of international police cooperation in global from ‘useful’ tool for law enforcement to necessary element in the fight against organised crime and terrorism.

The evolution of international crime has been reflected in the way INTERPOL has functioned over the years and in the aims the police organisation has pursued. In 1923 and in the first decades of its existence, cooperation was mainly focused on arrests and extraditions, forensic analysis of fingerprints and crime phenomena that still required the most attention at that time such as counterfeit money, false and stolen passports and forged cheques. Important symbolic dates in INTERPOL’s history illustrate how international police cooperation continued to develop and how the needs of police forces were met through various tools and services. The first international radio network in 1935 fulfilled the need for cross-border communication and the first Red Notice in 1967 the need for structured cooperation in the tracking of criminals and fugitives. Of course, the ever-growing globalisation called for increased possibilities for international information exchange. The launch of the I-24/7 communication system in 2002 is a perfect illustration of this.

The intensified need for international police cooperation in day-to-day police work has certainly been reflected in the rise in international information exchange. A thorough and transparent international information exchange is indispensable for tackling cross-border crime and terrorism and the start and end point of efficient international police cooperation. The statistics of my parent organisation, the Belgian Federal Police, have conclusively proven the growing importance of this. In 2012, the Belgian Police exchanged about 80,000 messages with foreign countries. In 2016, the year of the terrorist attacks in Brussels, this number had already increased to around 215,000 messages annually. With the constantly growing internationalisation of security issues, more than 500,000 international messages have been processed by the Belgian police in 2023 so far. This impressive surge is obviously linked to the fact that criminal and terrorist organisations have increasingly been cooperating internationally. The Sky ECC investigation identified criminal organisations by decrypting their communication assumed to be secret. This investigation aimed at destabilising criminal organisations mainly engaged in international drug trafficking, the laundering of criminal assets and infiltration into legal structures through active and passive corruption. This investigation alone led to a 25% increase in international information exchange in Belgium.

This ‘global communication connection’ through INTERPOL’s secure I-24/7 communication system, the Notices and Diffusions system, and automatic access to its 19 specialised databases is, in my view, precisely the core task of this organisation. If international information exchange is the start and end point of efficient international police cooperation, INTERPOL plays a key role in enabling this international exchange between the 195 Member States and through their National Central Bureaus (NCBs). Following the terrorist attacks in Paris and Brussels in 2015 and 2016, most European countries were confronted with a first major increase in international information exchange. During this period, in addition to the Red Notices requesting the arrest of persons, Belgium entered no less than 1,600 Blue Notices and Diffusions with a view to locating persons linked to terrorism for further investigation and dismantling terrorist organisations. The integration of all this information into the INTERPOL databases combined with the battlefield information generated by active countries in the conflict zone formed the basis for a successful ‘Global Coalition against Daesh’ coordinated by INTERPOL. This proves that this organisation can respond to current trends and urgent needs of its Member States through its global connection.

## **From National Sovereignty to a Greater Role for the European Union in Police Cooperation**

In the past, internal security policy and related laws and regulations were pre-eminently the responsibility of national governments. The extent to which a country, region or supranational partnership could call itself ‘sovereign’ was strongly connected with the extent to which it could determine its internal security itself. However, this national ‘security model’ came under increasing pressure towards the end of the 20th century due to the growing globalisation, as a result of which this exclusive national orientation proved no longer tenable.

Since the Maastricht Treaty in 1992,<sup>2</sup> EU Member States have transferred some of their powers in terms of internal security to the European Union through EU treaties. Besides the fact that Europe already had its own database for Schengen alerts (SIS II) and new SIS regulations optimising these alerts,<sup>3</sup> Europol became a truly European agency financed by European funds. In addition, the ‘Swedish Framework Decision’<sup>4</sup> was adopted laying down the principles according

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2 Treaty on European Union.

3 Regulations EU 2018/1860, EU 2018/1861, EU 2018/1862.

4 Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union.

to which police information should be exchanged between EU Member States. Through this EU legislative initiative, the autonomous exchange of all available and accessible police information between the EU and the Schengen-associated countries was enabled and encouraged.

The entry into force of the Lisbon Treaty<sup>5</sup> gave the European Union an even more prominent and policy-making role in cross-border police cooperation, with the European Commission as main legislative initiator.

With the Lisbon Treaty, the role of the EU Member States in police cooperation has partly become a receiver's role, or at least the EU regulations have become more binding on the Member States. These regulations often need to be not only transposed into national law but also implemented in the concrete police organisation and its day-to-day operation.

Because of all these regulatory and organisational initiatives at EU level, the European Union has increasingly been at the forefront of shaping and optimising European police cooperation. This was even more concretised by anchoring Europol's legal basis through the Europol Regulation.<sup>6</sup> The agency has progressively evolved into the most important criminal information hub within the EU. Operational cooperation between Europol and the Member States has been further reinforced in recent years, and a raising amount of relevant information was received from the Member States. This led to the launch of coordinated joint investigations supported by Europol. Europol has become an ever more indispensable agency for European police forces in supporting cross-border investigations into serious and organised crime and terrorism.

So, not only were more information systems developed within the European Union in recent decades, but also, shortly after the terrorist attacks in Europe in 2015 and 2016, the need arose to interconnect all these existing systems and those yet to be created. The aim was to interconnect databases primarily used for border control, asylum and migration with those used for law enforcement. As a result, two EU regulations<sup>7</sup> were adopted establishing a framework for the

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5 Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community.

6 Regulation EU 2016/794 of the European Parliament and the Council of 11 May 2016 on the European Union Agency for law enforcement Cooperation (Europol).

7 Regulation (EU) 2018/1861 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation (EC) No 1987/2006.

Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU.

interoperability of EU information systems. This included the creation of a European search portal, the integration of a European Entry/Exit system to enhance the efficiency of border checks, and the implementation of ETIAS.<sup>8</sup> The latter will allow advance security checks on visa-exempt nationals travelling to the Schengen area with a view to obtaining a travel authorisation.

Besides all these initiatives to promote the security of European citizens, it is becoming increasingly evident that the European institutions have been striving for more strategic autonomy on the geopolitical chessboard of this globalised world. The war in Ukraine has fuelled the sense of need for more autonomy in energy and defence, but this evolution cannot be ignored in the field of police cooperation either. The EU external policy on this cooperation has also manifested itself, for example, in the strategic and operational cooperation agreements that Europol has been concluding with third countries, systematically connecting them to the European secure communication channel SIENA.<sup>9</sup> The recent EU directive on information exchange<sup>10</sup> even recommends the use of SIENA as the ‘default channel’ to exchange police information.

## **INTERPOL’s Lasting Significant Influence within the European Union**

The legitimate question therefore arises as to how INTERPOL will relate to all these initiatives developed within the European Union. What will be INTERPOL’s future role in line with the EU’s striving for greater strategic autonomy, including in the field of international police cooperation and police information management? How do Europol and INTERPOL relate to each other, and how can the INTERPOL databases and communication channels be integrated into this European structure?

Despite the various initiatives developed within the European Union to establish internal European police cooperation both through the European agency Europol and its various European information systems, it is clear to me that INTERPOL remains a vital enabler of European police cooperation.

Although the EU institutions and Member States have been developing a more autonomous form of European police cooperation as part of their strategic independence, INTERPOL still remains the only organisation that connects 195

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8 European Travel Information and Authorisation System.

9 Secure Information Exchange Network Application.

10 Directive EU 2023/977 on the exchange of information between the law enforcement authorities of the Member States and repealing Council Framework Decision 2006/960/JHA.

countries worldwide and manages the only international database for alerts outside the Schengen area. It also has 19 historical and specialised databases of paramount importance (consulted no less than 16 million times a day worldwide), not least for protection of the European Union's external borders. For this protection, the possibility for every border post at EU's external borders to have direct access to INTERPOL's Nominal database and the Stolen and Lost Travel Documents database is invaluable. The importance of the latter database should not be underestimated, as objective representations and threat analyses have very clearly shown that identity fraud is an important *modus operandi* for criminal and terrorist organisations to enter the European territory.

Consequently, it is necessary to integrate the INTERPOL databases SLTD<sup>11</sup> and TDAWN<sup>12</sup> in the implementation of the Interoperability Regulations of the European Union. Realising a 'one stop search' portal without integration of these databases would lead to duplication of work for police forces and border posts in particular. Moreover, for the security of the external borders, it would be appropriate for the EU to already support the Member States that do not yet have direct access to these databases.

Nevertheless, during the currently ongoing negotiations between the EU and INTERPOL – which will amend the existing cooperation agreement between Europol and INTERPOL and thus be crucial as a framework for the mutual exchange of personal data – data protection, ensured at European level by the Law Enforcement Directive,<sup>13</sup> has often proved to be challenging. Here, we have noted a tension between the procedures of a global police organisation facilitating the cooperation in the spirit of sovereign Member States collaborating with each other based on trust, and the cooperation organised in a larger multilateral context such as the European Union. For example, in accordance with the ETIAS Regulation, a notification must not be sent to the country that owns the information if a hit is detected on the basis of that information. It is a duality between a trust-based cooperation between national sovereign Member States, and a philosophy of data protection that seeks to protect citizens from the violation of their privacy. In this regard, it will be necessary for INTERPOL, when reviewing its regulations on data processing, to take into account as much as possible the data protection principles globally pioneered by the European

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11 Stolen and Lost Travel Documents database.

12 Travel Documents Associated with Notices database.

13 Directive EU 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, direction of prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data.



Union, and the understanding within the European Union that European data protection rules cannot be imposed so easily on other countries and continents. As for data protection, there is no equal level playing field worldwide.

A major point to consider as to INTERPOL's role in the European Union is its relationship with the European agency Europol, which has evolved into the main criminal information hub and operational support centre in our European region. How can both organisations be complementary and provide added value to police forces in the field and in their judicial investigations? It also goes without saying that a European agency relates differently to its mission within the law enforcement community than an intergovernmental organisation that primarily relies on its own constitution and rules of data processing. INTERPOL still operates from a philosophy of national sovereign states cooperating and sharing information with each other on a voluntary basis (previous attempts to strengthen INTERPOL's status within the United Nations were unsuccessful) while Europol is embedded within the EU institutions and its activities are aligned with the strategy and policy of the European Union and its institutions.

Nevertheless, both organisations have parallel tasks: both are criminal information hubs, provide operational support to Member States, connect Member States through their respective communication channels SIENA and I-24/7, and perform strategic analyses. It would therefore be naive to think that both Europol and INTERPOL would not pursue their own ambitions, yet the Member States they serve, among others, should make every effort to ensure that both do not end up competing each other as no police officer in the field would benefit from this.

This can only be achieved by striving for maximum complementarity between both organisations, which is only possible if both organisations respect each other's strengths and core tasks while being wary of duplication. Whereas Europol's main strengths are strategic and operational analyses based on information gathered and operational support in the form of joint investigations and actions based on Operational Action Plans and EMPACT<sup>14</sup> initiatives, INTERPOL stands out for its global connectivity, its Notices and Diffusions system and its 19 specialised databases. On the basis of these core tasks, more complementarities can be pursued in the future. For example, for the benefit of the law enforcement community, could the ambition not be to interconnect their respective communication channels SIENA and I-24/7? In terms of geographical complementarity, could INTERPOL's global connection not be used to give it a greater role in the external policy of the EU institutions and Europol

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14 European Multidisciplinary Platform Against Criminal Threats.



in particular, despite the EU institutions' striving for more strategic autonomy? Also, with regard to innovation, more cooperation should be made possible. The EU (the Innovation Lab and the Innovation Hub) is investing in a wide area of innovation topics. There are certainly areas where Europol and the INTERPOL innovation centre in Singapore can work more closely together. According to some innovation experts of the Member States, 80% of the work done by Europol and INTERPOL in those areas is overlapping with each other. So also, here there is certainly room for improvement.

In any case, we look forward to the outcome of the currently ongoing negotiations between the European Union and INTERPOL. It would be particularly regrettable for the police community if in the European Union we did not maximise the strengths characterising both Europol and INTERPOL. It may be a difficult exercise, but it will be definitely useful in view of all the global international challenges ahead to which we can only respond with intense international cooperation.

## **Laws and Regulations**

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Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union

Directive EU 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, direction of prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data

Directive EU 2023/977 on the exchange of information between the law enforcement authorities of the Member States and repealing Council Framework Decision

Regulation EU 2016/794 of the European Parliament and the Council of 11 May 2016 on the European Union Agency for law enforcement Cooperation (Europol), Official Journal of the European Union, 24 May 2016, L 136/53

Regulation (EU) 2018/1860 of the European Parliament and of the Council of 28 November 2018 on the use of the Schengen Information System for the return of illegally staying third-country nationals

Regulation (EU) 2018/1861 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation (EC) No 1987/2006

Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU Treaty on European Union

### **Reference of the article according to APA regulation**

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