
CONDITIONS OF EUROPOL'S FORCE IN COMBATING TERRORIST THREATS

Tomasz Safjański*

** Business Prevention Center*

Wroclawska 10G/06; 01-493 Warsaw, Poland

www.profilaktykabiznesu.pl

Telephone: +48 518 993 645

E-mail: biuro@profilaktykabiznesu.pl

Abstract. Europol is the main platform of EU Member States crime intelligence cooperation, which use the information potential and experience of EU Member States national security agencies. The cooperation is vital for the public security of the EU area - understood as a form of multilateral international connections and channels of exchanging criminal information between national police forces, special services and other state and EU institutions responsible for public security. Europol has been present in policing for over 20 years, but its power to combat terrorism is still relatively unknown. In recent years there were many changes in the legal framework of Europol.

To enhance Europol's mandate as the EU's central law enforcement agency and enable it to respond more rapidly to emerging international terrorist threats and serious and organised crime, the European Commission proposed a new regulation being line with the Lisbon Treaty. The proposal aimed to place the Agency under a new legislative framework and enhance its role as the central hub for information exchange. The new Regulation entered into force on 13 June 2016 and is being applied since 1 May 2017.

The author presents the analyses of conditions influencing on Europol's force in combating terrorist threats. The issue is extremely complex due to Europol specific legal status, scope of operations and its location within the institutional system.

Keywords: Europol, crime intelligence, crime analysis, operational analysis, strategic analysis, terrorism, multiagencies, international cooperation.

INTRODUCTION

The establishment of Europol was foreseen in art. K 1 of the Treaty of Maastricht (Treaty on European Union signed on 7 February 1992, entered into force on 1 November 1993)¹. In 1998, the Europol Convention was ratified, and it entered into force in October of the same year². Europol received operational capacity and began official operations on 1 July 1999. Since the date Europol has had the authority to deal with terrorist activities. Over recent years the organisation's involvement in this area has changed.

The importance of the Europol's anti-terrorism force is the fact that it has its basis in the EU treaties. Pursuant to Art. 88 paragraph 1 of the Treaty on the Functioning of the European

¹ OJ of EU C 191 of 29 July 1992. Pursuant to this provision, the EU Member States have recognized as common interest the police cooperation for the purposes of preventing and combating terrorism, unlawful drug trafficking and other serious forms of international crime in connection with the organization of an EU-wide system for exchanging information within Europol.

² OJ of EU C 316 of 27 November 1995.

Union, Europol's mission is to support and strengthen actions taken by the police and other law enforcement authorities of the EU Member States (including special services), as well as their mutual cooperation in preventing and combating serious crime affecting two or more EU Member States, terrorism and forms of crime affecting a common interest covered by a EU policy³. In line with the treaty, any operational actions are carried out by Europol in liaison and in agreement with the authorities of the EU Member State or States whose territory is concerned. The application of coercive measures is the exclusive responsibility of the competent national authorities⁴.

Europe is currently facing a new form of international terrorism, which includes a significant number of Europeans travelling as foreign terrorist fighters to the conflict areas in Syria and Iraq, the intensive use of the internet and social media in propaganda and recruitment activities, and the terrorist attacks in EU Member States directed or inspired by jihadist terrorist organisations.

Jihadist actors can be both directed by Islamic State (IS) or merely inspired by IS ideology and rhetoric. Jihadist terrorists have been found to use a range of weapons to include bladed weapons, automatic rifles, explosives and vehicles, and are expected to continue to do so. Attacks can be both carefully prepared and carried out spontaneously. Terrorists acting in the name of IS have proven to be able to plan relatively complex attacks – including those on multiple targets - quickly and effectively. Jihadist terrorists are expected to continue using mostly low-tech smaller improvised explosive devices (IEDs) and improvised incendiary devices (IIDs) consisting of readily available products.

The influx of refugees and migrants to Europe from existing and new conflict zones is expected to continue. IS has already exploited the flow of refugees and migrants to send individuals to Europe to commit acts of terrorism, which became evident in the 2015 Paris attacks. IS and possibly other jihadist terrorist organisations may continue to do so⁵.

The clear shift in IS's strategy of carrying out special forces-style attacks in the international environment, with a particular focus on Europe, as well as the growing number of foreign terrorist fighters, demonstrates the new challenges facing the EU Member States and Europol as such⁶.

³ Treaty on the Functioning of the European Union (consolidated version), OJ of EU C 115 of 09.05.2008 (TFEU).

⁴ Art. 88, *ibidem*.

⁵ EU Terrorism Situation and Trend Report (TE-SAT) 2017, p. 5 -10.

⁶ <https://www.europol.europa.eu/about-europol/european-counter-terrorism-centre-ectc> [access: 22.11.2017].

Assuming that one of the elements that determines the effectiveness of the combating terrorism is to obtain information about a planned or performed terrorist act, it is important to consider what is the role of Europol's activities in this regard. Hypothetically, the actions of Europol should allow in reconnoitring and prevention of terrorism threats, since the primary role of this EU agency is to inspire EU Member States to exchange criminal information and share intelligence concerning the danger. Theoretically as a result of Europol criminal intelligence activities there should be more opportunities for cross-border cooperation between EU Member States in the field of joint anti-terrorism undertakings. And how is it in practice?

During the preparation of the article a research problem was formulated and it took the form of a question: can Europol - in the current context of legal, organizational, and political aspects – be effective in combating terrorist threats?

The basic techniques of document analysis, source materials and dogmatic legal analysis were used to obtain empirical material. Author conducted statistical analysis of the EU Terrorism Situation and Trend Reports (TE-SAT) published in period 2007-2017.

Purpose of the article is to present the main elements of Europol's force in combating terrorist threats and to analyse its impact on the security in EU.

Methods of research included: critical analysis of scientific literature, comparative analysis of documents and source materials, and own experience as former Europol insider.

SUPERVISION AND CONTROL OVER THE ACTIVITIES OF EUROPOL

Dogmatic analysis of law regulations requires us to recognise Europol as a *sui generis* EU agency specialized in cooperation between EU Member States in the fight against cross-border threats, in particular organized crime and terrorism. The legal basis for Europol operation is the 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 ⁷.

⁷ OJ of EU L 135 of 24 May 2016.

Europol similarly to other EU agencies (e.g. Frontex⁸, Eurojust⁹) is financed from EU budget¹⁰. However, in international relations Europol represents itself, not the EU. In addition, Europol was created on the basis of the Convention, which was a classic international agreement. Thus, Europol originally had the status of an international organization operating at the intergovernmental level. All other EU agencies were created on the basis of acts of secondary EU law. Dogmatic legal analysis indicates that Europol has been a subject of public international law. Europol in EU Member States has the legal capacity and capacity to act within their territories. The attributes of Europol's legal personality on the international level are: maintaining international relations (including the right of active and passive legation), contracting, taking responsibility for violations of the law, the use of the immunities and privileges. However from operational point of view Europol representatives do not have the basic powers of the classical special services (e.g. wiretapping, secret observation), police forces (e.g. detention, interrogation, securing forensic evidence, luggage checks, cargo checks at ports or airports). These competences are exclusive to the competent national authorities.

The model of control and supervision of Europol is connected with its powers. From an institutional point of view, control and supervision of Europol are divided. As to external control the following bodies should be distinguished: Council of the European Union, European Parliament, European Commission, European Court of Justice, European Data Protection Supervisor, national parliaments, national supervisory authorities. Manifestation of internal control is control exercised by Management Board of Europol.

In the system of control and supervision of Europol, the supreme position of the EU Council and the European Parliament should be indicated, which stems from the fact that these institutions are empowered to define the structure, function and scope of its activities and tasks. Consent of the EU Council and the European Parliament is required to finance Europol. Europol submits an annual report to the European Parliament, to the Council, to the Commission and to national parliaments on the basis of information provided by the individual Member States.

The different mechanisms of legal control and supervision of Europol shall be considered appropriate to the nature of the powers of the agency. However, combined together, these mechanisms reduce the effectiveness of Europol's operational activities. This system

⁸ It coordinates operational cooperation between EU Member States in the field of management of external borders.

⁹ Responsible for proper coordination cooperation between public prosecutors in EU Member States, including supports criminal investigations of serious cross-border crimes.

¹⁰ Art. 58 of the Regulation (EU) 2016/794.

involves too many elements, and consequently criminal intelligence activities are prone to be revealed.

LEGAL COMPETENCES OF EUROPOL REFERRING TO COMBATING TERRORISM

The Agency deals with terrorism and international serious crime such as cybercrime, drug smuggling and people trafficking and currently has 1,000 staff members within its headquarters in The Hague, the Netherlands. Pursuant to Regulation (EU) 2016/794, Europol has the following primary tasks:

- collect, store, process, analyse and exchange information, including criminal intelligence;
- notify the EU Member States, via the national units (ENU), without delay of any information and connections between criminal offences concerning them;
- coordinate, organise and implement investigative and operational actions to support and strengthen actions by the competent authorities of the EU Member States, that are carried out jointly with the competent authorities of the EU Member States or in the context of joint investigation teams, where appropriate, in liaison with Eurojust;
- participate in joint investigation teams, as well as propose that they be set up;
- provide information and analytical support to EU Member States in connection with major international events;
- prepare threat assessments, strategic and operational analyses and general situation reports;
- develop, share and promote specialist knowledge of crime prevention methods, investigative procedures and technical and forensic methods, and provide advice to EU Member States;
- support EU Member States' cross-border information exchange activities, operations and investigations, as well as joint investigation teams, including by providing operational, technical and financial support;- provide specialised training and assist Member States in organising training, including with the provision of financial support, within the scope of its objectives and in accordance with the staffing and budgetary resources at its disposal in coordination with the European Union Agency for Law Enforcement Training (CEPOL);

- cooperate with the Union bodies established on the basis of Title V of the TFEU and with OLAF, in particular through exchanges of information and by providing them with analytical support in the areas that fall within their competence;

- provide information and support to EU crisis management structures and missions, within the scope of Europol's objectives;

- develop Union centres of specialised expertise for combating certain types of crime falling within the scope of Europol's objectives, in particular the European Cybercrime Centre;

- support EU Member States' actions in preventing and combating forms of crime included within Europol's mandate (listed in Annex I to Regulation (EU) 2016/794) which are facilitated, promoted or committed using the internet, including, in cooperation with EU Member States, the making of referrals of internet content, by which such forms of crime are facilitated, promoted or committed, to the online service providers concerned for their voluntary consideration of the compatibility of the referred internet content with their own terms and conditions¹¹;

- provide strategic analyses and threat assessments to assist the Council and the Commission in laying down strategic and operational priorities of the EU for fighting crime and assist in the operational implementation of those priorities¹²;

- provide strategic analyses and threat assessments to assist the efficient and effective use of the resources available at national and EU level for operational activities and the support of those activities¹³.

Substantial part of Europol's tasks is performed by liaison officers who are staff members of national institutions. They are not subordinated to Director of Europol, who does not have the authority to control their activities. It seems to be some kind of organizational weakness as comes to Europol's force in combating terrorist threats.

EUROPOL ANTI-TERRORISM CAPACITY

Europol is the main platform of EU Member States crime intelligence cooperation, which use the information potential and experience of over 300 national security agencies.

The starting point in the process of combating terrorism threats is always information. Europol is continually adapting the latest advances in technology to hone its advanced

¹¹ Art. 4. 1 of the Regulation (EU) 2016/794.

¹² Art. 4.2, *ibidem*.

¹³ Art. 4.3, *ibidem*.

analytical capabilities. Europol is continually assessing these capabilities and the technology behind them so as to ensure that its analysts are always working with state-of-the-art tools. These activities are financed from the budget, which was raised to 114 623 613 EUR¹⁴.

That way, Europol's analysts can use the latest techniques and methods, among other things, to identify links between international investigations. Therefore systems and databases managed by Europol (Information System, Europol Analysis System, dedicated databases e.g. Europol Bomb Database System) should have been valid source of information in terms of internal security.

The primary role of Information System (EIS) is to detect links between criminal information introduced by the EU Member States and Europol. EIS functionalities include search, visualization and linking of information. The latter is based on cross-checking, which automatically detects information about the same objects (persons, means of transport, means of communication, addresses). The system allows for the determination of any common element in different cases (investigations) and to exchange them in a safe and reliable manner. For this reason, EIS is used primarily for supporting investigations.

The Europol Analysis System (EAS) is an operational information system that hosts data contributed by Europol's stakeholders. With it, information can be managed centrally, and the use of a wide range of analytical tools ensures that analytical capabilities are as effective as possible. From technical point of view EAS is based on analysis work files (AWF), which serve collecting operational and personal data for the purposes of analysis. AWF's provide a comprehensive operational information for the analysis of criminal activities. AWF can be considered in two dimensions. In terms of technical means tool the parameters of the database (in this sense the following terms are used interchangeably "analytical database", "analytical work files", "working files", "working files for analysis", "analysis files"). In terms of tactics, AWF is a basic form of Europol's operational activities in the area of criminal intelligence, implemented by application of criminal analysis and targeted exchanged of information (in this sense is used the term "analysis project"). The abbreviation AWF is commonly used for all the terms.

EBDS is a database of seized explosive devices. Data are collected in a structured manner in the form of text and multimedia (e.g. images and diagrams of electronic devices). Operation of the database is pursuant to European law enforcement, in particular in the scope of special

¹⁴ Statement of revenue and expenditure of the European Police Office for the financial year 2017 (2017/C 84/35), OJ of EU C 84/167 of 17 March 2017.

pyrotechnic units, constant access to all data related to explosive devices, pyrotechnic materials or their components.

Cooperating states obliged themselves to transfer certain information in connection with terrorist threats. Europol's task is the systematization and then subjecting the collected information to criminal analysis processes. Intelligence resulting from information processing, depending on its nature, is provided to the EU Member States as operational support in the prevention, diagnosis or detection of terrorist threats.

The overall concept of operational support is founded on the assumption that Europol on the basis of information contribution from the EU Member States, thanks to criminal analysis, creates a strategic diagnosis of risks associated with terrorism, the so-called TE-SAT (The EU Terrorism and Situation and Trend Report)¹⁵. Then, the strategic diagnoses are used to draw up the analytical projects (AP) with the participation of EU Member States¹⁶. The examples of such projects are: AWF Dolphin¹⁷ and AWF Islamic Terrorism¹⁸ aiming at exploring the identified risks at the tactical level. As a result of operational analysis, Europol achieves tactical reconnoitring related to specific features of terrorism, terrorist organizations or individual terrorists operating in certain EU Member States. Intelligence can be an impetus for the security services of EU Member States to initiate investigations or police operations. With the use of this type of material, security services of the EU Member States shall take measures related to direct combating of established terrorist organizations. This takes place also with the

¹⁵ The annual report drawn up by Europol on the basis of data transferred from the EU MS and partner countries (among others: Russian Federation, Norway, Switzerland, Iceland, USA, Colombia, Turkey, Interpol, Eurojust). The report provides the most comprehensive, open analysis of the current level of terrorist threat to the area of the European Union.

¹⁶ The analytical project (AP) is a tactical and forensic venture carried out by Europol based on the analytical work files (AWF), which consists of the targeted use of criminal analysis and exchange of information and intelligence to support investigations carried out in the EU MS against the same or similar threats. Projects are based on the assumption that criminal cases or investigations conducted against international terrorist organisations in different national jurisdictions often have various types of linkages between them (subjective, objective and mixed).

¹⁷ The project aimed at combating terrorist groups identified by the EU Council as posing a serious threat to the EU MS (participating states: Austria, Belgium, Czech Republic, Denmark, Greece, France, Finland, Germany, Spain, Ireland, Hungary, Italy, Lithuania, Latvia, Malta, Netherlands, Portugal, Sweden, United Kingdom).

¹⁸ The project is aimed at combating crime related to the activities of Islamic extremist terrorist groups or organizations (participating states: Austria, Belgium, Czech Republic, Cyprus, Denmark, France, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal).

involvement of Europol's operational capacity, among others: through further exchange of information, expert support and task forces actions (e.g. CCTF¹⁹, Taskforce Fraternité²⁰).

Effectiveness of Europol's operational support in combating terrorism threats is dependent on cumulative use of its intelligence products and services suitable for the operational situation. The use of individual services (e.g. project Check the Web)²¹ in isolation from each other greatly reduces the effectiveness of Europol. An important assumption is the fusion of all measures that can be jointly used to neutralize the threat.

In 2016 Europol created the European Counter Terrorism Centre (ECTC), an operations centre and hub of expertise. The ECTC has 39 staff members and 5 seconded national experts (January 2016).

The ECTC focuses on:

- operational support to Member States in investigations;
- tackling foreign fighters;
- sharing intelligence and expertise on terrorism financing (through the Terrorist Finance Tracking Programme and the Financial Intelligence Unit);
- online terrorist propaganda and extremism (through the EU Internet Referral Unit);
- illegal arms trafficking;
- international cooperation among counter terrorism authorities.

The ECTC's principal task is to provide operational support to Member States in investigations, such as those following the Paris, Nice and Brussels attacks. It cross-checks live

¹⁹ CTF was created in the aftermath of attacks of 11 September 2001 in the USA. Operational activities were undertaken from 15 November 2001. CTF was active to the end of 2002. It was relaunched in October 2004 as CTF2 following the attacks of 11 March 2004 in Madrid. CTF 2 includes representatives of the police and special services of the EU MS who are seconded to Europol headquarters. The main tasks of CTF 2 comprises the collection of information and intelligence about terrorist threats and carrying out the targeted operational and strategic analyses, indicating the potential targets, threats, harm and implications for the security of the EU MS. CTF2 is much more efficient and useful than CTF1. Its actions are aimed at strengthening cooperation in situations of major terrorist attacks, including the emphasis on the development of best practices. For example, after the attacks in London, CTF2 launched the 24/7 operation center, sent contact officers to Scotland Yard in London and to the Joint Situation Center (SitCen) and prepared a strategic assessment of the situation, which received positive assessment by the British authorities.

²⁰ Set up after the Paris attacks, Europol set up under which it assigned up to 60 officers to support the French and Belgian investigations. By early 2016, the two countries had provided Europol with many terabytes of information, resulting in 800 intelligence leads and more than 1 600 leads on suspicious financial transactions.

²¹ Check the Web is a project for controlling the Internet, in which Europol collects information on Islamic extremist websites and declarations of terrorist organizations published there. Check the Web was created in order to cooperate in the prevention of radicalization and recruitment to terrorist groups using the Internet. The main element of the project is a special web portal for exchanging information in the field of counter-terrorism. The portal includes three main areas: 1) a list of contact points involved in the Check the Web in the EU MS; 2) a list of websites of Islamic extremists, 3) a list of declarations of terrorist organizations. All Europol National Units (ENU) have the access to the portal Check the Web.

operational data against the data Europol already has, quickly bringing financial leads to light, and analyses all available investigative details to assist in compiling a structured picture of the terrorist network.

The ECTC's specialist teams of analysts and experts collate operational information from law enforcement from all Member States as well as from third parties. The teams work on this information to establish the wider EU perspective on counter terrorism for both operational and strategic goals.

The ECTC works closely with other operational centres at Europol, such as the European Cybercrime Centre (EC3) and the European Migrant Smuggling Centre (EMSC).

As regards Europol several methods of combating terrorism may be specified, most of them are similar to each other. A significant part of these methods is the use of information or data management. The system seems to be coherent from data management point of view. An example of activities that EU Member States cannot effectively do without Europol's support are strategic analysis for risk prediction as comes to terrorism.

CONCLUSIONS

Europol's anti-terrorism activities are based mainly on criminal intelligence processes, including the collection, processing, analysis, evaluation and interpretation of data. Europol also provides a well-functioning apparatus for the swift and secure exchange of information.

It is true that anti-terrorism intelligence cooperation within Europol framework at the beginning has given a new impetus to strengthening combating this kind of threat. But the truth is also that EU Member States have slowed this impetus by starting peculiar games with each other and Europol, that have resulted in limited contributions of sensitive information to Europol. Good example of this game is strong use of direct cooperation between liaison bureau officers (ENU's)²², which in fact constitutes the practice of bypassing Europol's central intelligence functions. In this way the bulk of intelligence passing between ENU's and Europol is managed by liaison bureau officers without finding way into IS or EAS²³. Without sensitive crime information Europol is not able to produce effective anti-terrorism intelligence.

²² Europol national unit should be set up in each Member State (ENU). The national unit should be the liaison link between national competent authorities and Europol, thereby having a coordinating role in respect of Member States' cooperation with Europol, and thus helping to ensure that each Member State responds to Europol requests in a uniform way. To ensure a continuous and effective exchange of information between Europol and the national units, and to facilitate their cooperation, each national unit should designate at least one liaison officer to be attached to Europol.

²³ A. James, *Understanding police intelligence work*. Vol. 2. Policy Press, 2016, p. 45.

It is difficult to establish real effects of the anti-terrorism intelligence actions taken by Europol. In most EU Member States, it is impossible to make a clear distinction, if results of anti-terrorism operations were obtained through crime intelligence cooperation within Europol, or resulted from direct cooperation between the competent national services.

The most important condition of effectiveness of Europol's anti-terrorism force is the number and the quality (accuracy, relevance) of the criminal information. The main providers of criminal information and the recipients of intelligence derived from the analyses carried out by Europol are the EU Member States. Europol is not able to effectively carry out its anti-terrorism tasks without the proper information contribution from national services. Europol operates in proportion to the commitment of the Member States. The quality and format of the operational data received from the Member States are not as good as they should be. Another problem is the lack of feedback from Member States. Without the transfer by Member States of data to analysis conducted on the basis of analytical work files, without seeking the assistance of Europol and use the right tools assigned to it, Europol will not be effective in the field of anti-terrorism intelligence. The situation is partly the result of still limited trust of practitioners in the organization, who reluctantly provide information to Europol. The situation can be compared to the “vicious circle” because without adequate information Europol has limited ability to provide the necessary support²⁴.

In fact, the information dependence of Europol on the Member States is to be considered as complete. Therefore, the results of anti-terrorism operations are dependent on the full multiagency cooperation between the Member States, which is crucial for the overall Europol intelligence activity. Without the Member States information contribution, Europol is not able to meet the expectations placed upon it by the EU Council, the European Commission and the Member States²⁵.

The most important obstacle to the Europol's force in combating terrorist threats effectiveness is still limited confidence of practitioners (officers) to such cooperation who reluctantly provide information for operational criminal analysis purposes. It is impossible that practitioners can be trusted in the transferring highly sensitive data of counterterrorism in multilateral cooperation²⁶. Europol is unable to provide information that would prevent the

²⁴ T. Safjański, Barriers to the Operational Effectiveness of Europol, *Internal Security* no. 1/2013, p. 60.

²⁵ T. Safjański, *Europejskie Biuro Policji Europol: geneza, główne aspekty działania, perspektywy rozwoju*, Warsaw: Wolters Kluwer, 2009 p. 432-442.

²⁶ O. Bureš, Europol's Fledgling Counterterrorism Role, *Terrorism and Political Violence* 20(4), p. 498-517.

terrorist attack. As comes to operational criminal analysis, Europol can only track the flow of terrorist finance and links between terrorist suspects and criminal sources of (illegal) firearms and counterfeit documents after the terrorist attack.

In my opinion Europol's force in combating terrorism threats can be effectively developed only on the area of strategic criminal analysis. It means that Europol can only produce strategic insights into terrorism. Europol is located at the junction of three levels: national, European and international. This makes it possible to integrate anti-terrorism strategic intelligence from the three levels of cooperation. For this reason, I can see the justification for the existence of ECTC as highly-specialized strategic intelligence hub.

In order to ensure Europol's effectiveness as a hub for strategic intelligence, EU Member States should be more involved in providing Europol with the data necessary for it to fulfil its objectives. EU Member States should pay particular attention to providing data relevant to the fight against terrorism threats considered to be strategic and operational priorities within relevant policy instruments of the Union, in particular the priorities set by the Council in the framework of the EU Policy Cycle for organised and serious international crime. Member States should also endeavour to provide Europol with a copy of bilateral and multilateral exchanges of information with other EU Member States on crime falling within Europol's objectives. When supplying Europol with the necessary information, EU Member States should also include information about any alleged cyber-attacks affecting Union bodies located in their territory. At the same time, Europol should increase the level of its support to EU Member States, so as to enhance mutual cooperation and the sharing of information.

In conclusion, Europol does not have the appropriate capacity for implementation anti-terrorism activities. Due to the costs of obtaining criminal information related to terrorism threats and its sensitivity the combating of the threats is based on direct relationships between the anti-terrorist services of EU Member States. This fact contradicts the general idea of multilateral cooperation within Europol. Definitely anti-terrorism operations cannot be effectively coordinated by ECTC.

The evaluation seems to be confirmed by Denmark, which is excluded from Europol as of 1 May 2017²⁷. This fact undermined Europol's ability to support Member States in the fight against terrorism²⁸.

²⁷ Respecting the result of the December 2015 vote, in which people rebuffed more integration of security operations.

²⁸ Denmark made over 70.000 inquiries into the EIS database in 2015.

It is necessary to build in EU stronger anti-terrorism intelligence network in the field of operational criminal analysis using synergy potential of EU Member States. A key criterion for the construction of new anti-terrorism intelligence structure or redefining the existing Europol structure should be functionality, which provides a focus on the result as far as identification, localization and neutralization of terrorism threats to public security is concerned, not the political visibility of cooperation.

REFERENCES

1. Bureš O., Europol's Fledgling Counterterrorism Role, *Terrorism and Political Violence*, 20(4).
2. James A., *Understanding police intelligence work*. Vol. 2. Policy Press, 2016.
3. Safjański T., *Europejskie Biuro Policji Europol: geneza, główne aspekty działania, perspektywy rozwoju*, Warsaw: Wolters Kluwer, 2009.
4. Safjański T., Barriers to the Operational Effectiveness of Europol, *Internal Security* no. 1/2013.
5. Safjański T., The Problem of Supervision and Control over the Activities of Europol - Selected Aspects, *Internal Security* no. 2/2012.
6. *EU Terrorism Situation and Trend Report (TE-SAT) 2017*.
7. Convention based on Article K.3 of the Treaty on European Union, on the establishment of a European Police Office, *Europol Convention* (OJ of EU C 316 of 27 November 1995).
8. Statement 2017/C 84/35 of revenue and expenditure of the European Police Office for the financial year 2017 (OJ of EU C 84/167 of 17 March 2017). 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 (OJ of EU L 135 of 24 May 2016).
9. Treaty on European Union, signed at Maastricht on 7 February 1992 (OJ of EU C 191 of 29 July 1992).
10. Treaty on the Functioning of the European Union (OJ of EU C 115 of 09.05.2008).
11. <https://www.europol.europa.eu/about-europol/european-counter-terrorism-centre-ectc> [access:22.11.2017]
12. <http://www.europeum.org/data/articles/kvorninglassen-the-impact-of-the-upcoming-danish-exit-from-europol.pdf> [access:22.11.2017]

EUROPOLO ANTITERRORISTINIŲ OPERACIJŲ VYKDYMO SĄLYGOS

Tomasz Safjański

Verslo prevencijos centras, Lenkija

Santrauka

Straipsnio tikslas yra susiteminti žinias apie Europolo slaptą veiklą siekiant kovoti su tarptautiniu terorizmu. Straipsnyje pateikiama keletas Europolo veiklos pavyzdžių, kuriomis Europolas remia ES valstybių narių atitinkamų tarnybų pastangas kovoje su terorizmu ir jo prevencijos srityje. Taip pat autorius įvertina šias veiklas, ką nėra lengva padaryti, atsižvelgiant į ypatingą Europolo slaptų veiklų prigimtį ir svarbą, ir jo vietą ES institucinėje sistemoje.

Pagrindinės sąvokos: Europolas, nusikalstamumo žvalgyba, nusikalstamumo analizė, operatyvinė analizė, strateginė analizė, terorizmas, daugialypė veikla, tarptautinis bendradarbiavimas

Tomasz Safjański*, PhD in law science, Business Prevention Center, research director. Former Head of Europol National Unit (HENU). Research interests: criminal law, criminology, state security, international law enforcement cooperation.

Tomasz Safjański*, teisės mokslų daktaras, dirba tyrimų direktoriumi Verslo prevencijos centre. Anksčiau vadovavo Europolo nacionaliniam padaliniiui Lenkijoje. Tyrimų sritys: baudžiamoji teisė, kriminologija, valstybės saugumas, tarptautinis teisės saugos institucijų bendradarbiavimas.