

# THE PRESENT AND THE FUTURE OF CROSS BORDER POLICE AND CUSTOMS INFORMATION EXCHANGE BETWEEN THE EU AND THE WESTERN BALKAN REGION

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**Annotation.** International police cooperation is facing a new and serious challenge, as the fight against current emerging security threats (terrorism, foreign fighters, radicalization and extremism) in the world and in Europe requires a real time, non-bureaucratic information exchange among all countries' Law Enforcement Agencies (LEA) without geographical limitation.

The report aims to introduce briefly the methods of international police cooperation, focusing on the advantages and disadvantages of information exchange conducted by PCCCs within the European Union (EU) and in the Western Balkan region.

The main objective of the document is to ascertain, whether the current situation in the field of PCCCs in the Western Balkans fulfils the requirement of the above-mentioned criteria, such as the capability to conduct real time data exchange without geographical limits. To find this out, we will analyse the state of play, reveal strengths and weaknesses of the system, and will elaborate a way forward to an enhanced and effective information exchange, that can ensure the overall goal; to increase the efficiency of LEAs in their fight against terrorism and Transnational Threats (TNT).

**Keywords:** Cross-border information exchange, EU, Western Balkans, PCCC, SIENA, terrorism, transnational threat.

## INTRODUCTION

The report aims to introduce briefly the methods of international police cooperation, focusing on the advantages and disadvantages of information exchange conducted by Police and Customs Cooperation Centres within the European Union and in the Western Balkan region. The main objective of the document is to ascertain, whether the current situation in the field of Police and Customs Cooperation Centres in the Western Balkans fulfils the requirement of the above-mentioned criteria, such as the capability to conduct real time data exchange without geographical limits. To find this out, we are analysing the state of play, revealing the strengths and the weaknesses of the system, and are elaborating a way forward to an enhanced and effective information exchange, that can ensure the overall goal; to increase the efficiency of Law Enforcement Agencies in their fight against terrorism and Transnational Threats.

This report provides an analysis and evaluation of the current situation and future directions of international police information exchange conducted by Police and Customs

Cooperation Centres (PCCC) in the Western Balkans (WB). The methods used to conduct the analyses were the capabilities analysis and the PMESII<sup>1</sup> methodology.

The results of the analysis show that the operational environment is adequate to conduct real time (within 3 hours) information exchange in the WB, although current trends and security threats require conducting real time data exchange also with non-neighbouring countries, ergo without geographical limitation. Analysis of the legal environment has led to one of the key findings: the current environment is not in favour of promoting real time data exchange without geographical limitation. A further key finding of the document, deriving from the analysis of the current legal background and existing Information and Communication Technology (ICT) systems is the following: with minor legislative modifications and with the installation of a secured communication channel the current environment will also be appropriate for conducting international information exchange with non-neighbouring countries.

The report additionally formulates recommendations. The most relevant ones are:

- Organizing training courses for the staff,
- Organizing a staff exchange program,
- Increasing the use of internal and external communication channels to promote the tasks of PCCCs,
- Elaborating the amendment of the current legal background,
- Installing a secured communication channel.

## **I. INTERNATIONAL POLICE INFORMATION EXCHANGE IN GENERAL**

Cooperation and coordination are some of the key elements of the EU Integrated Border Management (IBM) concept<sup>2</sup>, which is a concept that is also widely used outside of the EU. Levels of cooperation and coordination follow the three IBM pillars; therefore, we can speak about intraservice, inter-agency and international cooperation. One of the crucial and indispensable elements of this cooperation is; communication and information exchange, without which IBM cannot be efficient.

Effective information exchange requires an adequate institutional and legal framework, procedures, human resources and infrastructure at each level, in each pillar. This background will assist police officers to exchange data among themselves, with other national LEAs (such

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<sup>1</sup> The PMESII method takes into consideration the following variables: Political, Military, Economic, Social, Infrastructure and Information.

<sup>2</sup> European Union, Justice and Home Affairs, 2768th Council Meeting, 4-5 December 2006, 15801/06, available at: [http://europa.eu/rapid/press-release\\_PRES-06-341\\_en.htm?locale=en](http://europa.eu/rapid/press-release_PRES-06-341_en.htm?locale=en) [accessed 14 October 2017]

as customs) and with other countries' law enforcement agencies. Legal and institutional frameworks, human resources and infrastructures vary by country, even within the EU, which results in different procedures, different institutional structure and authority. The variety of legal backgrounds, procedures and institutional authority seriously affect international information exchange and cooperation. It makes cross-border police cooperation more difficult, which leads to an inefficient fight against cross border criminality and TNT.

As a result of these differences, several channels are currently used for international police information exchange. Traditionally most of the players are conducting police related international information exchange with the help of International Police Cooperation Departments operated by the central level of the national LEA (eg.: National Police Headquarters) or Ministry of Internal Affairs (MoIA). Depending on the subject of the information exchange, these departments are divided into several units, such as SELEC<sup>3</sup>-, SIRENE<sup>4</sup> office, Europol/Interpol National Central Bureau etc. Our intention is not to decrease or even to question the importance of these channels, but we have to accept that speed is the greatest disadvantage, as information exchange can take weeks, sometimes months, due to the highly bureaucratic regulations, the strict and multiple level chain of command and overwhelmed staff.

## II. PCCCS WITHIN THE EU

Although PCCCs within the EU are not the main topic of this report, we would like to provide some general information that will help to familiarise the concept of PCCC information exchange.

New challenges, such as the abolition of (border) controls at the internal borders between Member States within the Schengen area (began in 1995), and the continuously changing environment gave rise to the need for a less-bureaucratic and quick information exchange channel at the end of the 20<sup>th</sup> century.

In response to the increased demand for real time and non-bureaucratic information exchange, "Police and Customs Cooperation Centres (PCCCs) have been established throughout the Schengen area as an important institution reinforcing mechanisms and

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<sup>3</sup> SELEC: Southeast European Law Enforcement Center, more information is available at: <http://www.selec.org>

<sup>4</sup> SIRENE: Supplementary Information Request at the National Entries, available at: [https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/schengen-information-system/sirene-cooperation\\_en](https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/schengen-information-system/sirene-cooperation_en)

procedures of cross-border law enforcement cooperation”<sup>5</sup> in the border regions, within neighbouring countries in 1999. Since then, 59 PCCCs are operating within the European Union (EU).

PCCCs became an important local tool in direct cross-border cooperation, information exchange by bringing together, in one place, all relevant security authorities of the countries and by using a simple procedure that ensures quick replies for the request. As the European Best Practice Guidelines for Police and Customs Cooperation Centres states: “As a tool of local collaboration PCCCs are thus ideally suited to the day-to-day needs of cross-border cooperation. [...] PCCCs bring together staff from the authorities responsible for security in a single location. The fact that staff from the agencies of different States work side by side with common objectives contributes to narrowing the gap between methods and administrative cultures and to a better understanding of the working procedures of each.”<sup>6</sup>

Within the European Union, “the PCCCs are established on the basis of bi- or multilateral agreements in accordance with Article 39(4) of the Convention implementing the Schengen Agreement (CISA). In these agreements, the contracting parties define the basis for their cross-border cooperation, including the tasks, legal framework, and procedures for establishing and operating the centres. PCCCs bring together staff from neighbouring countries and are closely linked to national bodies dealing with international cooperation”<sup>7</sup>.

The EU Council adopted [Hague Programme](#)<sup>8</sup> introduced the principle of "availability" as the guiding concept for law enforcement information exchange, which served as a push factor in the recognition of the PCCCs in the area of information exchange. This concept emphasizes that, if information is available to a Member State's (MS) LEA, it should also be accessible to other MS LEAs.

The so called Swedish Initiative<sup>9</sup>, an EU Council Framework Decision, provides a common legal framework and creates the rules for the effective and quick exchange of existing

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<sup>5</sup> Gruszczak, A. Police and Customs Cooperation Centres and their Role in EU Internal Security. In: Bossong, Raphael & Carrapico, Helena (eds.), *EU Borders and Shifting Internal Security*. Heidelberg u.a.: Springer, 2016, pp. 157-175.

<sup>6</sup> European Union, *Best Practice Guidelines for Police and Customs Cooperation Centres*, 15 April 2011, 9105/1, available at: <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%209105%202011%20INIT> [accessed 14 October 2017]

<sup>7</sup> European Union, *Manual on Law Enforcement Information Exchange*, 23 April 2015, 7779/15, available at: <http://www.statewatch.org/news/2015/may/eu-council-manual-law-enforcement-information-exchange-7779-15.pdf> [accessed 14 October 2017]

<sup>8</sup> European Union, *The Hague Programme: Strengthening Freedom, Security and Justice in the European Union*, 13 December 2004, 2005/C 53/01, available at: <http://www.refworld.org/docid/41e6a854c.html> [accessed 14 October 2017]

<sup>9</sup> European Union, *Council Framework Decision on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union*, 18 December 2006,

criminal and intelligence information between EU Member States' LEAs, ensuring procedures for cross-border data exchanges are not stricter than those applying to exchanges at the national level. By 2015 all but three MSs had notified the transposition of the legal obligations into national law.<sup>10</sup>

The High Level Advisory Group on EU Internal Security (the so called Future Group) also paid special attention to the importance of PCCC in its report in 2008. The final findings of the report are as follows: “Instituted by bilateral or multilateral agreements between the States concerned, Police and Customs Cooperation Centres (PCCC) are support tools for direct cross-border cooperation that bring together in the same place officers of two, three or even four concerned countries. They represent an innovative approach to cross-border information exchange in crime fighting”<sup>11</sup>.

The Hague Programme and findings of the Future Group were later reiterated in the EU Council adopted [Stockholm Programme](#)<sup>12</sup> (2010-2015), which highlighted the need for coherence and consolidation in developing further law enforcement cooperation instruments in the EU.

Despite the above-mentioned programs, regulations and initiatives, PCCCs cannot be considered as a perfect solution, as information exchange is geographically limited to the neighbouring countries (in some cases limited just to the border area, e.g.: Germany), therefore currently it cannot ensure the achievement of the overall goal; to properly increase the efficiency of LEAs in their fight against Transnational Threats.

### III. PCCCS IN THE WESTERN BALKANS

#### 1. Background

Western Balkans countries<sup>13</sup> identified the need for a non-bureaucratic and quick international police data exchange channel soon after the creation of the first PCCCs in the EU. The necessary legal background was created quite quickly by the so-called Vienna convention,

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2006/960/JHA of (OJEU L 386), available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:386:0089:0100:EN:PDF> [accessed 14 October 2017]

<sup>10</sup> European Union [https://ec.europa.eu/home-affairs/what-we-do/policies/police-cooperation/information-exchange/eixm\\_en](https://ec.europa.eu/home-affairs/what-we-do/policies/police-cooperation/information-exchange/eixm_en)

<sup>11</sup> Future Group: Police cooperation - French contribution, 28 March 2008. available at: <http://www.statewatch.org/news/2008/jul/eu-futures-apr-police-cooperation-2008.pdf> [accessed 14 October 2017]

<sup>12</sup> European Union, The Stockholm programme: an open and secure Europe serving and protecting citizens, 04 May 2010, 2010/C 115/0, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:115:0001:0038:EN:PDF> [accessed 14 October 2017]

<sup>13</sup> WB countries: Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro, Serbia

the Police Cooperation Convention for Southeast Europe (PCC-SEE)<sup>14</sup>. Article 29. of the convention stipulates:

“(1) Common centres can be established to facilitate information exchange and cooperation between the law enforcement authorities of the Contracting Parties in the framework of this Convention.

(2) In the common centres, officers of the Contracting Parties shall cooperate side-by side in the framework of their respective competencies, in order to exchange, analyse, and pass on information, and also to play a supportive role in the coordination or cross-border cooperation as laid down in this Convention, irrespective of the official contacts, correspondence and exchange of intelligence through the National Central Units.”<sup>14</sup>

WB countries, Bulgaria and Romania ratified the convention in 2007 and in 2008<sup>15</sup>, while some EU countries (Austria, Hungary, Slovenia) joined between 2011 and 2012. From then on, Article 29 serves as a legal framework for the bi-, and multilateral governmental agreements. In these agreements, such as those we saw in the EU, the countries defined the basis for their cross-border cooperation, including the tasks, and procedures to be followed during PCCC information exchange. Therefore, the intergovernmental agreements are more detailed and more explicit in terms of defining the acceptable reasons for information exchange (exchangeable data, used databases, required forms, deadlines etc. Since the signing of the convention 28 PCCC were established in the PCC-SEE area, 12 of which can be found in the WB region.

The uniqueness of the Vienna convention comes from the variety of contracting countries. Some of them are EU Schengen Member states (Austria, Hungary and Slovenia). Some are EU non-Schengen Member states (Bulgaria and Romania), while others are non-EU member states (Moldavia and the WB countries). This serves as a connection point between the EU and the WB countries.

As we concluded before: the PCCCs within the EU cannot cope with the emerging need for information exchange, to conduct real time data exchange without geographical limitation. In this paper, we would like to find the answer, what is the situation in the WB region, whether the region is in a much more advanced (if at all) position comparing to the EU, whether the current legal framework and operational environment can ensure effective, real time, non-bureaucratic data exchange without geographical limitation.

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<sup>14</sup> Convention and its ratification available at:  
<http://www.pccseesecretariat.si/index.php?page=documentspcc&item=35>

<sup>15</sup> List of ratifications are available at: <http://www.pccseesecretariat.si/index.php?page=documentspcc&item=35>

## 2. Brief analysis of the current situation

The author of this report conducted field visits in the WB countries between March and April 2017, to elaborate a proper analysis regarding the current operational environment focusing on the internal and external situation. Questionnaires, interviews and empirical experience helped to analyse the internal situation. The analysis of the external situation is based on the outcome of a regional PCCC conference and workshop<sup>16</sup> which was organized prior to the field visit, with the participation of the representatives of PCC-SEE and WB LEAs, EU, Europol, German Federal Police and international organizations. The conducted analysis will help to find the answers to the before mentioned questions.

### 2.1 Short analysis of the internal situation

With the help of the capabilities analysis method<sup>17</sup> we identified the following main internal (within the police) factors:

#### **Human resources environment**

- (+) There are allocated staff who are capable for data, information exchange.  
Direct, personal contact with foreign law enforcement officers (incentive to conduct data exchange).
- (-) The number of staff is not adequate in PCCCs operating 24/7.  
Some of the staff have not received training in the field of information exchange.

#### **Communication environment**

- (+) Communication channels within the organization are established.
- (-) Lack of knowledge within the organization about the existence and using methods of PCCCs. (This results in a low number of information exchange requests.)  
Lack of communication among national PCCCs.

#### **Legal environment**

- (+) Appropriate legal environment is established (Vienna convention, intergovernmental agreements, Standard Operating Procedures).
- (-) Legal environment is not considered to be adequate for date exchange with non-neighbouring countries by some governments.

#### **Financial environment**

- (+) Budget for the staff and equipment is allocated by the respected ministries.
- (-) No allocated money for increasing the staff (to ensure operation 24/7).

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<sup>16</sup> More information is available at: <https://polis.osce.org/node/2016>

<sup>17</sup> Boyne, GA and Walker RM, Strategy content and public service organisations. *Journal of Public Administration Research and Theory* 14(2), 2004, pp. 231–252

### **ICT environment**

- (+) ICT system is operating appropriately.

Databases are available to the staff, therefore the ability to provide information exchange in real-time is ensured.

- (-) Most of the IT equipment are donations, therefore no spare parts in case of breakdown.

No case management system is in use.

No secured communication channel is in use.

### **2.2 Short analysis of the external situation**

Using the PMESII1 methodology the following main external (outside of the police) factors were identified and examined:

#### **Political factor**

- (+) EU Member States and EU Institutional support is strong to develop PCCCs in the WB region.

Full political support and commitment from the governments from the region.

#### **Timing is appropriate.**

- (-) Political situation changes regularly which results in variable relationships.

#### **Economical factor**

- (+) PCCC (customs) data exchange contributes to the economic growth of the country.

- (-) Cooperation between police and customs is not adequate.

#### **Social factor**

- (+) Social environment is supportive, as citizens benefit from information exchange.

- (-) A possible threat derives from the misuse of information exchange, which can lead to losing civil reputation.

#### **Infrastructure**

- (+) There is a will to cooperate with PCCCs from the private sector.

Europol developed secured communication system is available.

- (-) Not available databases from authorities, agencies, associations, companies etc. outside of the police.

#### **Information**

- (+) Network for sharing information about the work and function of the PCCCs exists.

- (-) Lack of communication among different PCCC on an international level.

Inadequate information about the work and existence of PCCC outside of the police/custom family.



### 3. Detailed situation in the Western Balkans

#### 3.1. Staff and training

Both the allocated **staff** and the established infrastructure associated with the allocated budget provide the necessary sustainability and ensure the long-term functioning of the operation of PCCCs in the WB region.

As a main rule, the number of staff is adequate to fulfil the primary task, to exchange information, albeit, in some places, where the data exchange does not require full engagement, staff are used to conduct regular border police activities (e.g.: passport control, second line control etc.).

We only met with a lack of staff in the case of PCCCs operating 24/7. Implementation of a new, national rotational system can serve as a solution to this problem. National PCCCs can share the operational hours among each other, informing their counterparts, which PCCC is on duty during a certain period of time. This system provides the opportunity to cover the country 24/7 with PCCCs operating 8-12 hours.

As a general rule, **training** on information exchange was not provided to the staff, staff learnt to conduct their tasks on an autodidact way. The evaluation showed that the lack of training has not had a serious impact on the quality of the work, albeit that it has led to delays in some cases. The lack of training has a negative impact primarily on the staff, as they are not fully aware of the aim of their job, their role in the organization and within the PCCC family. As a result of this, they cannot properly identify their personal goals, which can result in conflicts with the organizational goals. This can lead to lethargy and apathy, which can jeopardize the effectiveness of the data exchange at a later stage.

During the conducted interviews, training needs on data protection, information exchange, EU and national legislation were identified. As staff are working together with foreign colleagues, coming from different cultural backgrounds, cultural awareness and stress management training courses were also among the identified training needs.

To ensure real time data exchange, staff should understand the goals, and the reasons behind an information request. To help this common understanding, **staff exchange** and study visit programs were also identified as a need. They can help to understand the differences between various legal and working environments, police organization structures, the nature of the request and contribute to building networks. This could have a positive impact on the information exchange process.

### 3.2. Communication

Established internal (intranet, circulars) and external (coordination meetings, homepage, Focal Point system, established channels) communication channels are considered to be a significant advantage. Unfortunately, these channels are not used for the promotion of PCCC activity, which results in a lack of awareness among regular police officers and governmental entities (outside of the police) about the existence and advantages of the PCCCs. This, in turn, leads to the humble number of information exchange requests. To increase the number of information exchange requests requires the effective use of the above-mentioned communication channels for promotional purposes. The staff of PCCC Trebinje initiated and conducted an awareness raising campaign in 2016, which could serve as a best practice. The number of information exchanges significantly increased, as a result of the awareness raising activity.

**Table 1.** Number of conducted information exchange at PCCC Trebinje  
(Source: Regional PCCC Workshop, Mavrovo, 2017.<sup>18</sup>)

Member of the Centre	2015	2016	2017 (till 01 <sup>st</sup> of June)
Bosnia and Herzegovina	25	102	112
Montenegro	17	61	37
Serbia	0	74	106
<b>TOTAL</b>	<b>42</b>	<b>237</b>	<b>255</b>

During the evaluation of the communication environment, the lack of internal communication among national PCCCs was identified as a gap, staff have no information about the activity, results, problems and successes of other PCCCs in the country. It causes isolation and deprives the staff of the opportunity to learn best practices, to improve their activities learning from others. The use of already existing internal communication tools and the creation of new ones, such as newsletters (like the EU PCCC newsletter<sup>19</sup>) was identified as an urgent need to solve this internal communication problem.

### 3.3 Legal background

An advantage is that an appropriate legislative background to conduct real-time information exchange has been adopted in each country. This background (Vienna Convention, intergovernmental agreements, internal regulations, SOPs and directives) is adequate for real

<sup>18</sup> More information is available at [https://www.l](https://www.linkedin.com/pulse/regional-workshop-real-time-data-exchange-gabor-kemeny-ll-m-)

[inkedin.com/pulse/regional-workshop-real-](https://www.linkedin.com/pulse/regional-workshop-real-time-data-exchange-gabor-kemeny-ll-m-)

<sup>19</sup> A sample of PCCC Newsletter No 6. is available at: [http://www.anvutrentino.it/wp-content/uploads/2015/11/2015\\_55\\_articolo-polizia-estera-ANVU-Newsletter-No-6\\_UK.pdf](http://www.anvutrentino.it/wp-content/uploads/2015/11/2015_55_articolo-polizia-estera-ANVU-Newsletter-No-6_UK.pdf)

time data exchange, as it ensures the possibility of an immediate answer (in 3 hours) if it is requested. SOPs are regulating the process of data exchange, although it was not the aim, the established SOPs are quite identical, which can later help the non-neighbouring data exchange too.

Different national interpretations of the Vienna Convention were identified as a hindrance for non-neighbouring information exchange. According to some interpretations, such as in Slovenia, the convention itself is adequate to conduct information exchange without further legislative acts (ratifying bi-, trilateral agreements), therefore the current situation allows the PCCCs to exchange information within the PCC-SEE region regardless of the geographical position. Other countries (e.g.: Serbia, former Yugoslav Republic of Macedonia) emphasize: the Vienna Convention is not detailed enough, the national parliament ratified text is vague and only partially mentioning the PCCC information exchange, therefore an amendment of the convention is required, which must be ratified by the national legislative authority.

Although this gap was identified, all parties agree that, the proper amendment of the Vienna convention can solve the problem, and it can help to facilitate real time information exchange without geographical limitation within the PCC-SEE region. The countries and Secretariat of PCC-SEE agree on the need for amendment, however it is not currently on the agenda.

### 3.4 Technical background

The provided infrastructure, available police and national databases and most of all the advantages provided by a common workplace (personal, direct relationship between the law enforcement officers from different countries) are helping to facilitate data exchange in real time.

The analysis found that **Information and Communications Technology** is appropriate at the PCCCs. Offices are equipped with the necessary (although not new) ICT devices, necessary databases are available, all of which are ensuring real-time data exchange. Several IT devices have been donated; therefore, the equipment is not systematized resulting in a lack of spare parts. It can lead to longer term breakdowns, which could affect the information exchange.

Getting access to, and using **databases outside of the LEAs** was identified as an essential need too. Interest from the private sector (e.g.: logistic and transportation companies) to share databases with PCCCs was also identified, as shared databases result in quicker and smoother border crossings for public transportation, cargo and logistic companies. On the other hand, governmental organizations, institutions (hospitals, transportation ministry etc.) are reluctant to

share their databases with police, which slows down the speed of information exchange. Effective coordination and the before mentioned awareness raising activity can enhance the cooperation between LEAs and governmental entities.

Lack of a **secured communication channel** among foreign LEAs was also identified as a gap. Although information exchange is currently conducted on paper, this method will be inadequate during information exchange between non-neighbouring countries. Countries are in favour of using the Europol developed and maintained Secure Information Exchange Network Application (SIENA), which ensures secured, end-to-end encryption during information exchange. Providing access to the SIENA system for PCCCs in the EU and in the WB is in the interest of Europol<sup>20</sup>, since at the end of 2016, “more than 30% of SIENA cases and up to 10% of SIENA messages are [...] generated by PCCCs, showing the huge potential of SIENA for PCCCs in Europe. In addition, an OSCE led project is focusing on the use of SIENA by PCCCs in the Western Balkan area.”<sup>21</sup> Due to these circumstances no political or professional complications can be foreseen during the installation of the system. Sustainability is ensured, as Europol is providing the SIENA to the countries free of charge.

The lack of a **Case Management System (CMS)** was also identified, as a factor that slows down the administration of the information exchange. With the current number of requests, it is not endangering the real-time information exchange, however in case of an increasing number of requests, it can slow down the information exchange, as the staff has to deal with the complicated, paper-based administration. One sustainable solution can be provided by SIENA CMS, which is accessible for each SIENA end-user.

### 3.5 Political and social background, support

Our analysis corresponds with the final findings of N. Gerspacher: Today’s security-driven policy environment has an impact on international police cooperation, the “political dimension is once again on the rise, as police strategies are aimed at terrorist groups”<sup>22</sup>. This political influence was also articulated during the Western Balkan PCCC conference and workshop<sup>16</sup> organized in October 2016. An outcome of the event was the significant **support from Germany, the EU and Europol** to help improve real-time information exchange in the

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<sup>20</sup> European Union, Police and Customs Cooperation Centres (PCCC) - European Dimension (IMS V / action 7) 14 January 2016, 5131/16, available at: <http://data.consilium.europa.eu/doc/document/ST-5131-2016-INIT/en/pdf> [accessed 14 October 2017]

<sup>21</sup> European Union, Renewed Information Management Strategy (IMS) - 5th action list - State of play, p11, 14 October 2016, 13258/16, available at: <http://www.statewatch.org/news/2016/oct/eu-council-ims-state-of-play-13258-16.pdf> [accessed 14 October 2017]

<sup>22</sup> Gerspacher, N.. The history of international police cooperation: a 150-year evolution in trends and approaches. *Global Crime*, 9(1-2), 2008, pp.169-184.

region. As a proof of the commitment, Albania was involved in a German Federal Police led ISF<sup>23</sup> project, aimed at establishing a SIENA connection at the PCCCs to facilitate information exchange without geographical limitations. This and the previously mentioned Europol support shows; there is a certain need from EU Member States and EU Institutions to cooperate with WB countries, and to share information with them.

As a result of the field visit and conference, **national political support** from WB governments was expressed. There is political will to cooperate with the EU through the use of SIENA and conduct data exchange with non-neighbouring, PCC-SEE countries through PCCCs.

We must mention one of the most important political factors, the regularly changing regional political situation in the WB, which can jeopardize the international police information exchange. Relationships between the WB governments are frequently changing, friendly states become non-friendly and vice versa. As all of the countries are official candidates for accession to the European Union, EU policy and actions (EU progress reports, lobby, negotiations) in this field can monitor the situation and mitigate this risk.

Furthermore, looking back over the last two years, we can state, the **timing** for developing the capacities of PCCCs is perfect, as the current geo-political situation requires urgent action and information exchange to monitor the flow of migrants, screen returning foreign fighters, and exchange TNT related information as fast as possible to ensure the security of the state and of the region. As we learnt from this document, PCCCs serve as an effective tool to achieve this goal.

**Members of the society** are also supportive. As the final beneficiaries of the data exchange, the outcome of the information exchange is often tangible and visible to them (e.g.: use of PCCC information exchange on missing persons, family members, stolen cars etc. results quicker localization and effective police measures). Concerns were only raised in relation to the misuse of personal data. This must be monitored and excluded with proper legislation and effective internal oversight.

### **3.6. Customs data exchange**

To discuss and analyse the utmost importance of police and customs cooperation is not the subject of this paper, however it must be mentioned briefly, since the positive effect was

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<sup>23</sup> European Union, Outcome of the 6th Annual Conference on Police and Customs Cooperation Centres (PCCCs) on 7 and 8 September 2015, Europol, The Hague, The Netherlands, 23 October 2015, 13285/16, available at: <http://data.consilium.europa.eu/doc/document/ST-13285-2015-INIT/en/pdf> [accessed 14 October 2017]

identified during the analysis of the economic factor. We met with police-customs information exchange only on the border with Bulgaria, on the Bulgarian-Serbian Border (PCCC Kalotina) and on the Bulgarian - former Yugoslav Republic of Macedonia border (PCCC Deve Bair-Gyuesevo). Depending on the countries, customs information exchange is conducted in two ways: police and customs officers are sitting together in one office and exchanging information (PCCC Kalotina) and the other, where police officers are exchanging customs data when it is requested (PCCC Deve Bair-Gyuesevo). Although the first solution serves the inter-agency cooperation better, as an economic factor, both ways ensure economic growth (increase of revenue) to the respective country.

As PCCCs are contributing to one of the strategic goals of the governments, namely to increase revenue, the operation of the PCCCs are ensured, therefore sustainability is granted. This factor, increasing the revenue, will also soon contribute to enhancing the cooperation between customs and police authorities.

Although the economic effect of the police-customs cooperation is indisputable, we have to agree with Hobbing, who concludes in his study<sup>24</sup>; effective fights against terrorism and organized criminal activities cannot be successfully conducted without the involvement of customs authorities, without police-customs information exchange.

## CONCLUSION

Police and Customs Cooperation Centres are serving an important role in cross border information exchange within the EU and in the Western Balkans. The advantages of the PCCCs come from the non-bureaucratic procedure, which ensures quick and effective information exchange. Despite the multilateral, intergovernmental agreements, initiatives, directives and guidelines, the use of PCCCs are still limited geographically. Geographical limitation hampers effective information exchange, resulting in ineffective police measures during the fight against cross border criminality and Transnational Threats. This is neither the aim of the EU, nor the WB countries.

Although we believe the Vienna Convention provides the adequate legal background for PCCC data exchange without geographical limitations, as it does not restrict the information exchange to neighbouring countries but to Contracting Parties in Article 29.<sup>14</sup>, political will from some countries requires the amendment of the convention. This amendment can be

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<sup>24</sup> Hobbing, P. Customs cooperation in the area of freedom, security and justice. Brussels, Belgium: Centre for European Policy Studies, 2011.

elaborated and accepted without serious complications using the well-tried decision-making mechanism of PCC-SEE.

When an adequate legislative background is in force, the Europol developed SIENA system can be installed and used for data exchange, thereby creating a quick, real time information exchange network in the whole PCC-SEE region.

Six EU countries will benefit from this network, while the other 22 will be kept out. This will be the time, when the excluded ones will have to decide between two alternatives if they want to provide effective security to their citizens. They can join the family of PCC-SEE, or start to push the EU to implement the same measures, not by creating numerous ineffective regulations, but an effective and operational one.

## RECOMMENDATION FOR THE WB REGION

Concluding from the results of the above introduced analysis, we make the following recommendations on the field of **staff and training**:

Rotational system in the operational hours among national PCCCs shall be introduced.

Training courses for the staff of PCCCs on data protection, national-international information exchange, EU, regional and national legislation, cultural awareness and stress management shall be organized.

Staff exchange program and study visits shall be organized for the staff, to get familiar with different legal and working environments.

On the field of **communication and ICT** officials shall focus on:

To increase the use of internal and external communication channels to promote the tasks of the PCCCs and to organize awareness raising activities to increase the number of information exchange requests,

To organize joint meetings for the staff of national PCCCs, to publish newsletter about the successes, problems and solutions with the aim of creating personal contacts among the PCCCs.

To install the SIENA system to ensure secured communication during information exchange and to install the SIENA CMS to decrease the administrative workload of the staff.

To get access to important databases outside of the LEAs (e.g.: logistic and transportation companies, governmental organizations, institutions) to increase the efficiency of investigations.

On the field of **legislation** officials shall focus on to elaborate the amendment of the Vienna Convention, to create a legal background for information exchange without geographical limitation (within the PCC-SEE region).

Regarding to the **Police-Customs cooperation** authorities shall focus on to increase the cooperation between police and customs authorities, to ensure increased revenue and successful investigations in the field of returning foreign fighters, TNT and organized crime.

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## ES IR VAKARŲ BALKANŲ REGIONO KEITIMASIS INFORMACIJA PASIENIO POLICIJOS IR MUITINĖS VEIKLOS SRITYJE: DABARTIS IR ATEITIES PERSPEKTYVOS

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### Santrauka

Tarptautinis policijos bendradarbiavimas susiduria su nauju ir rimtu iššūkiu, nes kova su šiuo metu atsirandančiomis grėsmėmis saugumui pasaulyje ir Europoje reikalauja operatyvaus, biurokratiniais formalumais neapsunkinto keitimosi informacija tarp visų šalių teisėsaugos agentūrų be geografinių apribojimų.

Straipsnyje siekiama trumpai pristatyti tarptautinio policijos bendradarbiavimo metodus, daugiausia dėmesio skiriant Europos Sąjungos ir Vakarų Balkanų regiono policijos ir muitinės bendradarbiavimo centrų keitimosi informacija mechanizmo privalumams ir trūkumams.

Pagrindinis dokumento tikslas yra išsiaiškinti, ar dabartinė situacija Vakarų Balkanų policijos ir muitinės bendradarbiavimo centrų srityje atitinka pirmiau minėtų kriterijų reikalavimą, pavyzdžiui, gebėjimą keistis duomenimis realiuoju laiku be geografinių apribojimų. Norėdami tai sužinoti, mes analizuojame esamą padėtį, atskleidžiame sistemos pranašumus ir silpnybes ir siūlome būdus tolesniam ir efektyvesniam keitimuisi informacija, kuris gali užtikrinti bendrą tikslą; padidinti teisėtvarkos agentūrų veiksmingumą kovojant su terorizmu ir tarpvalstybinėmis grėsmėmis.

**Raktiniai žodžiai:** tarpvalstybinis keitimasis informacija, ES, Vakarų Balkanai, PCCC, SIENA, terorizmas, tarptautinė grėsmė.

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