



Europol 25, Hungary 20



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Abstract

Aim: Europol has evolved over the last quarter of a century, as its legal framework has changed in line with EU requirements, and its tasks have expanded and its network of contacts has become more extensive.

Methodology: Beyond the national offices of EU Member States, close cooperation is now possible across several continents through operational, strategic and working agreements with third countries.

Findings: The unique use of a liaison officer system and participation in joint investigation teams helps to build trust-based relationships. Over the years, several specialised crime centres have been set up.

Value: In Hungary, the design of the national unit has been developed in line with EU expectations and has adapted continuously over the last twenty years to the changes at Europol.

Keywords: Europol, liaison officer system, national units, international law enforcement cooperation

Introduction

As international crime has evolved over the last century, so has domestic law enforcement. Society has changed, the economy has grown stronger, telecommunications and technology have become more modern, mobility has

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accelerated and the expansion of the Schengen area in Europe has increased the freedom of movement, all of which has presented law enforcement agencies with many challenges. Small criminal groups have grown into large ones, their national borders have expanded and their financial bases have been significantly strengthened. The rise of organised crime in this form, the emergence of organisations with increasingly opaque international links and the presence of terrorism in Europe have led European countries to respond to these challenges at European level. There were already international organisations set up to fight crime, but the European Community also had a strong desire to strengthen its links in this area.

After the regime change, our country made a clear commitment to become part of the European Community as soon as possible. This is illustrated by the steady progress of our integration efforts over the past decades, one element of which is the area of law enforcement relations, where cooperation has steadily increased. Today, our country is a member of several European and non-European law enforcement organisations. One of the most prominent of these is Europol, the European Union's law enforcement agency, which is 25 years old this year. Twenty years of membership in this organisation is long enough to take stock of the period and evaluate our experience in this context.

It was 1 May 2004, when our country became a member of the European Union, and a few months later, on 1 October 2004, we were able to join Europol. These are the dates of our formal membership, but our actual cooperation goes back further. The development of Europol as we know it today not only required organisational change and staff expansion, but also an adaptation of the legislative environment to the requirements of the time. It is worth briefly mentioning the tasks that the organisation carries out today and looking back at the most significant milestones of the last 25 years. It is also worth examining where Hungary fits into the Europol system and what kind of national system has been developed to ensure its effective functioning.

Initial steps and legal evolution

As the terrorist threat in Europe has grown and international organised crime groups have become stronger, it has become necessary to set up an organisation within the European Community that can respond to these disturbing phenomena with the necessary effectiveness. The idea of creating such a body was first raised at a meeting of the European Council (hereinafter referred to as the Council) in June 1991 ([URL1](#)). Article K.3 of the Treaty on European Union

established the European Police Office.¹ The establishment of the European Union's law enforcement agency, the European Police Office (Europol), was decided in the Maastricht Treaty signed on 7 February 1992. Subsequently, in 1994, the Europol Drugs Unit (EDU) was set up, with a limited remit, dealing only with drug-related crime. The Convention on the establishment of a European Police Office entered into force on 1 October 1998 and Europol became fully operational on 1 July 1999, following ratification of the Europol Convention by the Member States. The international organisation is based in The Hague. A decade later, the convention was replaced by Council Decision 2009/371/JHA L 121/37 of 6 April 2009,² which was applied from 1 January 2010. The significance of the new legal framework was that from that date Europol was given an extended remit and became a fully-fledged EU agency under the decision. On 13 December 2007, the Member States signed the Lisbon Treaty, which is still in force today, and which was voted by the Hungarian Parliament on 17 December 2007. In terms of legal acts, the most significant change brought about by the Lisbon Treaty is that the third pillar legislation listed in the former Article 34(2) of the Treaty on European Union has been abolished, due to the disappearance of the pillar system. Instead of framework decisions, decisions, common positions and conventions, legal norms in the areas of police and judicial cooperation in criminal matters are also created in the form of regulations, directives and decisions under Article 288 of the Treaty on the Functioning of the European Union (TFEU). A regulation is a normative act as defined in Article 288 TFEU. It is binding in its entirety and directly applicable in all Member States. Article 88 TEU provides that a regulation adopted under the ordinary legislative procedure shall govern Europol's organisation, operation, activities and tasks. In order to fulfil these obligations, the Europol Regulation was adopted in 2016,³ bringing another major change in the life of the organisation.

The activities of Europol

Europol was set up with the aim of supporting and strengthening the actions of the competent authorities of the Member States and their mutual cooperation in preventing and combating organised crime, terrorism and other forms of serious crime involving two or more Member States.⁴

1 The Convention was signed on 26 July 1995.

2 Council Decision of 6 April 2009 establishing the European Police Office (Europol) (2009/371/JHA).

3 Regulation (EU) 2016/794 of the European Parliament and of the Council.

4 Council Decision of 6 April 2009 establishing the European Police Office (Europol) (2009/371/JHA).

According to the current Regulation, Europol's tasks are:

- collect, store, process, analyse and exchange information, including criminal intelligence;
- notify the Member States 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 Member States;
- participate in joint investigation teams, as well as propose that they be set up;
- provide information and analytical support to 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 Member States;
- support Member States' cross-border information exchange activities, operations and investigations;
- provide specialised training and assist Member States in organising training, including with the provision of financial support, in coordination with the European Union Agency for Law Enforcement Training (CEPOL);
- cooperate with the Union bodies and with OLAF (European Anti-Fraud Office);
- provide information and support to EU crisis management structures and missions;
- develop Union centres of specialised expertise for combating certain types of crime;
- support Member States' actions in preventing and combating forms of crime committed using the internet.⁵

The agency now covers more than thirty categories of crime.

It is important to ensure that countries coordinate their operational activities, but it is also essential that Member States have a role in the governance of the Agency, as much depends on the strength of representation. Europol's decisions are taken at meetings of the Management Board. Each country is represented and has one vote per country. In addition to the Member States, there is also a representative of the European Commission, which has a considerable influence

⁵ Regulation (EU) 2016/794 of the European Parliament and of the Council.

on both the development of activities and the decisions taken. As Europol is an EU agency, the European Commission and the European Parliament have a key role in setting, using and controlling its budget. The Management Board reports to the Council at least once a year, where ministers can learn about and comment on the activities of the organisation and take decisions if necessary.

Europol's lawful and professional activities are ensured by an extensive monitoring process, which includes regular reporting and an annual report to the Member States, the Council, the European Commission, the European Parliament and national parliaments.

Milestones

The organisation has evolved enormously over the past 25 years, so I will only mention the most important elements here. Although cooperation started with the exchange of information, the idea was put forward very early on that Europol should become a hub for the exchange of information, which should be provided primarily by the Member States, not on a voluntary basis, but on a regular and compulsory basis and in electronic form. For this to work, it is important not only to maintain contacts and collect information, but also to decide how this information is used. It can share information – except personal data – not only with law enforcement authorities, but also with authorities in third countries, other EU bodies and international organisations. It is also essential to coordinate national investigations and provide strategic and operational support. Europol produces regular reports and analyses. Key and permanent products are the annual report, the Serious and Organised Crime Threat Assessment (SOCTA), its version on crime on the Internet (IOCTA), the Terrorism Situation & Trend Report (TE-SAT).

In order to develop a broader network of contacts and access to information from as many places as possible, public-private partnerships should be established across as wide a field as possible. In addition, Europol's international nature allows it to conclude agreements with third countries, which can be divided into three categories of cooperation. Operational cooperation is the closest relationship, because it is the only form of cooperation where personal data can be exchanged. Strategic agreements allow for the exchange of general and technical data, with the exception of personal data. In the case of working arrangements, practical information that does not contain personal data can be exchanged. Over the years, Europol has continuously developed its relations and now has agreements with 21 third countries.

There have been initiatives in the past, mainly on a bilateral basis, to establish liaison officers between countries with closer links and criminal interests, but these were first institutionalised within the Europol system. Under the Regulation, each Member State designates at least one liaison officer, but it is noteworthy and demonstrates the effectiveness of the liaison officer network that today participating countries have multi-agency and usually specialised liaison offices at the Hague headquarters. Hungary currently employs five permanent liaison officers from the police, National Tax and Customs Administration of Hungary and Counter Terrorism Center units, and other organisations and services also delegate short- and medium-term experts who actually carry out liaison officer tasks.

Another major development in the Agency's activities is the possibility of setting up joint investigation teams.⁶ This goes beyond mere cooperation, as it is now possible to be present in person at operational meetings and directly pass on information during operations. Europol not only has the right to participate but also the right of initiative, so if it considers that a joint investigation team should be set up in a Member State, it can make a request to the Member State concerned, but this does not oblige the requested party to comply with the proposal. However, the extended powers do not mean that Europol can carry out investigative activities, as it has not yet been given executive powers. The need to do so arises from time to time, but for various reasons some countries do not want to agree on this for the time being, while full agreement would be needed to extend the mandate of such a federal organisation with a deep integrity. The jurisdiction to investigate remains only with the Member States.

Over time, the organisation has evolved to include the creation of specialised centres for specific crimes. In 2013, the Europol European Cybercrime Centre (EC3) was launched, and in 2016 the Europol European Counter Terrorism Centre (ECTC). In the same year, the European Migrant Smuggling Centre (EMSC) was set up, which will be part of the Europol European Serious and Organised Crime Centre (ESOCC) from 2020. Also in 2020, the European Financial and Economic Crime Centre (EFECC) and the Operational and Analysis Centre (OAC) were launched.

To exchange information, a modern, fast and secure IT connection is needed to meet all requirements. To this end, Europol's Secure Information Exchange Network Application (SIENA) was launched in 2009 and now connects 3000 law enforcement authorities from more than 70 countries. It is used by Member States, Eurojust, Frontex, OLAF, INTERPOL, third countries with which

6 Regulation (EU) 2016/794 of the European Parliament and of the Council.

Europol has operational or working agreements, liaison officers, analysts and experts. Through the system, users initiated 123,000 new cases and exchanged 1.54 million messages in 2021 ([URL2](#)).

The present era

Europol's development continues, with another draft amendment to the Regulation on the Council's agenda. In November 2023, the European Commission presented its proposal to strengthen the EMSC, following the increase in illegal migration movements in recent years. To this end, Europol needs to be strengthened and the functioning of the agencies, in particular Europol and Frontex, need to be better coordinated. Cooperation between Europol and Eurojust should also be strengthened to speed up criminal proceedings in the Member States. Actions should include disrupting the activities of smuggling networks and detecting illegal financial manoeuvres, monitoring online internet operations related to trafficking in human beings and making asset recovery processes more efficient.

The role of Hungary

The development of Europol in our country and our region has always been accompanied by increased attention, since on 28 March 1998, close to the start of Europol's operational activities, the countries of the European Union and the Central and Eastern European countries signed the *Pre-accession Pact on organised crime*. In this agreement, the aim was not only closer cooperation against organised crime, but also accession to Europol, an important element of which was the establishment of national units.

The practical cooperation of Hungary with Europol started with the signing of a cooperation agreement in Budapest on 4 October 2001, which provided the opportunity to set up the Europol National Unit in the following year. Hungary's accession to the EU on 1 May 2004 opened the way for Hungary to become a full member of the organisation. Integration brought with it the possibility and obligation for each country to have a contact point, also known as a contact point, to which it can turn for international cooperation. The system thus established simplifies, clarifies, speeds up and professionalises international contacts, which were previously often unstructured, fragmented and disorganised, depending on the contacts and the form of cooperation favoured by each country.

The Europol National Unit

Today, it is no longer possible to completely separate information channels, so some interoperability is needed, as in organised crime cases are often interconnected and can be avoided from escaping the attention of law enforcement. In setting up the National Unit, Member States have been given a high degree of freedom to design and locate the Europol National Unit within their organisational systems, taking into account their national systems, and to choose their own staff. The National Unit is the liaison body between Europol and the competent authorities of the Member States. Its tasks include exchanging information, in particular on forms of crime that are considered a priority by the European Union. It ensures effective communication and cooperation between all relevant competent authorities and Europol, and ensures compliance with national legislation when providing information to Europol. The International Law Enforcement Cooperation Centre (hereinafter referred to as 'Nebek') was established on the 1st of February 2000 under the direction of the National Police Headquarters' Directorate General for Criminal Affairs, and acts as the national contact point in the Europol cooperation system.⁷ At the beginning of its operation, Nebek consisted of four departments: the Interpol Hungarian National Bureau, the Division for International Information Exchange, the Europol Project Office (which later became the Europol National Unit) and the International Division. When it was launched in 2000, two people were enough to get it up and running, as reflected in the name of the unit. At that time, there was no concrete exchange of information, only preparations for it.

Over the years, the organisation of Nebek has undergone several changes, which have also affected the Europol National Unit. It is now a separate unit under the Directorate for International Criminal Cooperation, called the International Strategy Division. Under the same directorate there is also the Department for Cooperation in Criminal Matters (with the Division for International Information Exchange, the Interpol Hungarian National Bureau and the Sirene Bureau under it) and the Department for Wanted Records Management. Initially, the Europol National Unit's remit was limited to the detection and prevention of illicit drug trafficking, terrorism, illicit trafficking in human beings, trafficking in human beings, child pornography, vehicle crime, illicit motor vehicle trafficking, counterfeiting of currency and payments, euro-related crime, illicit trafficking in nuclear and radioactive materials and related offences. However, this limitation is now a thing of the past, as cooperation is possible for almost

7 Act LIV of 1999 on cooperation and exchange of information in the framework of the European Union law enforcement information system and the International Criminal Police Organisation.

all public offences under the current Regulation. All bodies with domestic investigative powers are involved, which is fully in line with national legislation.

Summary

Europol is a young organisation in the system of international cooperation, but it has evolved considerably over the past 25 years. Although it does not have the history like INTERPOL and does not have as many Member States, this is not a disadvantage as it allows for clearer, more coherent and closer cooperation. The Agency is part of the European Union and has therefore developed with it, in line with the constant expectations of the Member States, and will be able to continue to renew itself in the future. It was decided at the highest level and its operation was always determined by some EU “legislation”. Its operation is driven by professional criteria that determine its activities and law enforcement priorities. These are not determined autonomously but by the Management Board, which is composed of the highest police chiefs in each country. This ensures that the Agency plays a supporting role, which means that it does not control Member States but at most coordinates cooperation and thus serves the interests of both individual countries and the EU as a whole. This operational structure allows it to be always focused and responsive to the challenges of the moment. The single legal and organisational framework, the EU system of data protection rules ensuring the exchange of personal data, is also an advantage and differentiates it from other international organisations. And what does the future hold? It is not for us to guess, as the Europol 2020+ strategy clearly sets out the expectations:

- be the EU criminal information hub making full use of data from an extensive network of partners;
- deliver agile operational support;
- be a platform for European policing solutions;
- be at the forefront of innovation and research for law enforcement.

Online links in the article

URL1: *Europol: its origins, functions, and future development*. <https://ukandeu.ac.uk/explainers/europol-its-origins-functions-and-future-development/>

URL2: *Secure Information Exchange Network Application (SIENA)*. <https://www.europol.europa.eu/operations-services-and-innovation/services-support/information-exchange/secure-information-exchange-network-application-siena>

Laws and regulations

Act LIV of 1999 on cooperation and exchange of information in the framework of the European Union law enforcement information system and the International Criminal Police Organisation Council Decision of 6 April 2009 establishing the European Police Office (Europol) (2009/371/JHA)

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

Treaty on the Functioning of the European Union

Treaty on the European Union

Reference of the article according to APA regulation

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