

FILIP DOBROWOLSKI¹
ORCID:0000-0002-3646-9519

EUROPOL LIAISON OFFICERS — THE ROLE, TASKS, AND LEGAL ASPECTS

Introduction

The slogan “crime knows no boundaries” refers not only to the brutality of the perpetrators’ forbidden actions but also to their ingenuity and speed of adaptation to the ongoing political changes. The best example is the rapid increase in the number of crimes committed in Poland (after the political transformation in the early 1990s and after joining the Schengen Area in 2007). For this reason, Katarzyna Badźmirowska-Masłowska considers police cooperation to be one of the most developing areas in the political European Union (hereafter referred to as the EU),² which is developed in all areas of operation of police formations in Europe.³ This is due to the growing threat of numerous spheres of activity of organised criminal groups, which include: human trafficking, kidnapping for ransom and human organs and tissues, illegal production and the use of narcotic or psychoactive drugs and hormonal agents, illicit trafficking in cultural goods, weapons, ammunition and explosives, endangered animal and plant species, economic crimes, including among other things counterfeiting of banknotes, means of payment and documents in the official sector, embezzlement, corruption, money laundering, the use of confidential information to manipulate financial markets, smuggling of alcohol and tobacco products, theft of vehicles, counterfeiting of products and industrial piracy, as well as cybercrime, international terrorism, the proliferation of nuclear and radioactive substances, promotion of racism, pollution, genocide, illegal immigration and sexual offences, including paedophilia and child pornog-

¹ Filip Dobrowolski — PhD student in the discipline of safety science at the Doctoral School of the Pomeranian Academy in Słupsk

Correspondence address: <f.dobrowolski56@icloud.com>.

² Badźmirowska-Masłowska K, *Obszar wolności, bezpieczeństwa i sprawiedliwości UE. Geneza-ewolucja-współczesne wyzwania*. Warszawa, 2013, p. 111.

³ Rybicki P, *Współpraca w zakresie szkolnictwa policyjnego w krajach Unii Europejskiej, Policja. Kwartalnik Kadry Kierowniczej Policji* 2002, No. 4, p. 20.

raphy, whose prevention and combatting is carried out by the European Union Agency for Law Enforcement Cooperation (hereinafter Europol).

“The European Council underlined that Europol plays a central role in cooperation between Member States’ authorities in the investigation of the cross-border crime by supporting the prevention, analysis and investigation of crime within the Union”,⁴ which implies the need for the organisation to create the right conditions for an effective, i.e. rapid and efficient exchange of information through its channels so that it is also possible to conduct training activities or coordinating and organising international police operations. At this point, it is also worth stressing that creating and developing a network of police liaison officers, one of the basic channels for exchanging information within Europol, has been important in European integration.⁵ Furthermore, Tomasz Miłkowski emphasises the practical importance of information about EU security.⁶ At the same time, due to Europol’s numerous links with other institutions, agencies, EU bodies, and above all, police services and law enforcement agencies of EU Member States, Artur Gruszczyk indicates Europol as the crucial element of the European intelligence community.⁷

Europol carries out its tasks through its statutory bodies (i.e. Management Board, Director, etc.), the *Europol National Unit*; hereinafter ENU) in the Member States and the official representatives (liaison officers) of the Member States or associated *Member State Europol Liaison Officer* (hereinafter MSELO) as well as liaison officers in liaison tasks at Europol Headquarters in The Hague Europol, who are called ELO (*Europol Liaison Officer*), delegated to other States or organisations by Europol itself. Despite the differences in the way they work, these groups of connectors used to be called ELO.⁸ According to EU law, a Europol liaison officer is “a Europol staff member seconded abroad to one or more third countries or international organisations to enhance cooperation between authorities in those countries or organisations and Europol to support the Member States, in particular liaison officers seconded abroad by law enforcement authorities of the Member States, in the fight against the threat of various forms of international crime, through the exchange of information”.⁹

⁴ Decyzja Rady 2003/170/WSiSW z 27 lutego 2003 w sprawie wspólnego wykorzystywania oficerów łącznikowych oddelegowanych za granicę przez organy ścigania Państw Członkowskich (DzU UE L 67 of 2003, pp. 27–30; hereinafter: Council Decision 2003/170/JHA), recital 10.

⁵ Gruszczyk A, Współpraca policyjna w Unii Europejskiej w wymiarze transgranicznym. Aspekty polityczne i prawne. Kraków, 2009, pp. 141–176.

⁶ Miłkowski T, Współpraca organów ścigania — nowe regulacje w kontekście prawodawstwa unijnego dotyczącego wymiany informacji, *Policja. Kwartalnik kadry kierowniczej Policji* 2012, No. 1, p. 2.

⁷ See: Gruszczyk A, Europejska wspólnota wywiadowcza. Prawo — instytucje — mechanizmy. Kraków, 2014.

⁸ Safjański, Europejskie Biuro Policji Europol: Geneza. Główne aspekty działania. Perspektywy rozwoju. Warszawa, 2009, p. 152.

⁹ Council Decision 2003/170/JHA, Article 1 paragraph 1.

Europol is an organisation that plays a key role in assisting the Member States in preventing and combatting organised crime through cooperation between the police services of the EU Member States. "Direct cooperation shall consist of the exchange of information and analysis at the operational level on a case-by-case basis, support with information and technical capabilities, and the joint preparation of strategic analyses characterising the risks present or anticipated based on materials received from all Member States or other sources".¹⁰

Lukasz Wiliński emphasises that the progressive dynamics of the existing threats "requires the intensification of international police cooperation in the states. One of the most important elements in this cooperation is the exchange of criminal information, which is based on the use of various channels, including liaison officers. Despite the increasing technical possibilities for the exchange of information, the function of the liaison officer is indispensable. In addition to active participation in the process of information exchange, the liaison officer builds ties with our foreign partners, as well as creates the image of the Polish Police abroad".¹¹

Legal Basis for the Functioning of Liaison Officer Posts in Europol

Police cooperation of a cross-border nature in Europe, including that of Europol, is rooted in the Schengen acquis.¹² "The formal basis for the creation of the Office took place on 26 July 1995, when the Convention on the Establishment of Europol was signed. On the other hand, the organisation itself, which was based on a separate agreement with the government of the Netherlands in The Hague, began its activities on 1 July 1999, when all the implementing acts required by the Convention entered into force".¹³

The most important legal regulations concerning the functioning of liaison officer posts in the European Union are contained in Council Decision 2006/560/JHA of 24 July 2006 amending Decision 2003/170/JHA on the common use of liaison officers posted abroad by the law enforcement agencies of the Member States.¹⁴ However, the competencies and tasks of MSELO are governed directly by two documents, namely: the Convention based on Article K.3 of the Treaty on European Union, on the establishment of a European Police Office (Europol Convention),¹⁵ and adopted on the basis thereof by the Act of the Management Board of Europol of 15

¹⁰ Mądrzejowski W, *Przestępczość zorganizowana. System zwalczania*. Warszawa, 2008, p. 118.

¹¹ Drzał D, Sieć oficerów łącznikowych, *Gazeta Policyjna* 2018, No.163, p. 19.

¹² See: Hapunik M, Współpraca policyjna o charakterze transgranicznym na podstawie dorobku prawnego Schengen, *Przegląd Policyjny* 2014, No. 2, pp. 82–100.

¹³ Narojek M, Rakowski P, Instytucja oficera łącznikowego w Unii Europejskiej, *Materiały Robocze Forum* 2007, No. 2, p. 27.

¹⁴ DzU UE L 219 of 2006, p. 31; hereinafter: Council Decision 2006/560/JHA.

¹⁵ DzU UEC 316 of 1995, pp. 12–42; hereinafter: Europol Convention.

October 1998 concerning the rights and obligations of liaison officers.¹⁶ Following the provisions of the Europol Convention, each Member State of the organisation was required to establish or designate a national unit¹⁷ to be the sole intermediary body between Europol and the competent national authorities. These relations are governed by national law and by the constitution of each country.¹⁸ The tasks of the national units are as follows:

1. providing Europol on its initiative with the information and intelligence necessary for the performance of its tasks;
2. responding to Europol requests for information, intelligence and advice;
3. updating information and intelligence;
4. assessing and providing information and intelligence under national law to the competent authorities;
5. requesting Europol for advice, information, intelligence and analysis;
6. providing Europol with data for collection in a computer system;
7. ensuring that the law is respected whenever information is exchanged with Europol.¹⁹

The liaison officers of the Member States or associated officers posted to carry out liaison tasks in The Hague are not Europol staff but remain officers of the national units (most often the national security services) that posted them. Therefore, they carry out tasks outside their own country, still subject to their native legal regulations,²⁰ unless the specific regulation on Europol provides otherwise²¹ Therefore, national laws take precedence over the internal regulations of the organisation. However, the exceptions are the rules for processing and protecting personal data. Therefore, Europol's regulations take precedence over national laws to maintain the relevant standards in this area.²²

An EU Member State is required to deploy at least one liaison officer. The Europol authority determines the exact number of liaison officers and the scope of their competence.²³ Liaison officers are required by their national units to respect the provisions governing the administration of Europol²⁴ while bearing in mind that they are subject to national law throughout deployment and pursue the interest in the institutions competent to them.

¹⁶ DzU UE C 26 of 1999, pp. 86–88; hereinafter: Act of the Management Board of Europol.

¹⁷ Europol Convention, Article 4 paragraph 1.

¹⁸ *Ibid.*, Article 4 paragraph 2.

¹⁹ *Ibid.*, Article 4 paragraph 4.

²⁰ Safjański T, Współpraca między Europolem a oficerami łącznikowymi państw członkowskich na podstawie przepisów konwencyjnych. *Electronic source*: https://www.researchgate.net/publication/327792828_Wspolpraca_pomiedzy_Europolem_a_oficerami_laczniowymi_panstw_czlonkowskich_na_podstawie_przepisow_konwencyjnych, accessed: 30.11.2019.

²¹ Europol Convention, Article 5 paragraph 1.

²² Narojek M, Rakowski P, *op.cit.*, p. 30.

²³ Europol Convention, Article 5 paragraph 1.

²⁴ *Ibid.*, Article 5 paragraph 2.

Article 3a of the Act of the Europol Management Board sets out the minimum criteria to be met by a candidate for the post of liaison officer of that unit. Such a person must be an officer of the service competent to combat crime in the above-mentioned Europol competencies and possess the necessary capabilities to perform the duties of a liaison officer, including fluency in at least two official languages of the EU, one of which is also considered the candidate's mother tongue.²⁵ "In practice, these are national police officers of the Member States. However, the liaison officer does not have to come from this organisation since a competent authority within the meaning of the Europol Convention is authorised to second any person meeting these criteria as its representative. There are several examples of derogations from the general rule for the secondment of police officers. For example, considering the growing threat of terrorism, Belgium posted a special services officer to Europol in 2005. Estonia has a customs representative in The Hague, and France has an immigration officer".²⁶ Similarly, the cooperation of Polish services with Europol has developed and not only representatives of the police, including the Central Bureau of Investigation of the Police, but also the Border Guard and the Internal Security Agency work in it. On 20 March 2019, an agreement was concluded on the cooperation of the National Revenue Administration (hereinafter KAS) and Europol, which is the basis for establishing the position of liaison officer of the National Revenue Service in The Hague.²⁷

Role and Tasks of Europol Liaison Officers

As in the case of national units, a catalogue of tasks and duties was created for liaison officers delegated to The Hague. These include:

- transmitting information from the seconding national unit to Europol and from Europol to the national unit,
- cooperating with Europol officials in the provision of information and the analysis of information concerning the seconding Member State,²⁸
- participation in the exchange of information and the coordination of activities undertaken by Europol, based on information from the national unit,²⁹
- taking appropriate information protection measures so that the territory of the seconding State ensures a higher level of data protection as

²⁵ Narojek M, Rakowski P, *op.cit.*, p. 28.

²⁶ *Ibid.*, p. 29.

²⁷ The agreement was concluded to carry out the KAS's statutory tasks in combatting serious tax crime, including those of international scope. See: Serwis Rzeczypospolitej Polskiej, KAS i Policja podpisały porozumienie dotyczące współpracy KAS z Europolem. *Electronic source:* <https://www.gov.pl/web/kas/kas-i-policja-podpisały-porozumienie-dotyczące-współpracy-kas-z-europolem>, accessed:14.12.2019.

²⁸ Europol Convention, Article 5 paragraph 3.

²⁹ *Ibid.*, Article 5 paragraph 6.

- in Europol and other States belonging to the organisation,³⁰ including compliance with the provisions in their processing and protection,
- informing the Director of Europol on matters which go beyond the framework of bilateral cooperation between the Member States and which may have a significant impact on the functioning of Europol,
 - responding to all requests for additional information from Europol,
 - sending cyclical monthly statistical reports on their activities,³¹
 - cooperating with MSELO of other Member States by providing support and assistance in implementing tasks.

The liaison officers seconded to Europol's headquarters in The Hague are at the same time the staff of the national liaison offices, so the offices can therefore no longer be assigned only as a channel for the exchange of information. According to Tomasz Safjanski, they also have a representative and executive function. The former results from the fact that liaison officers have the status of official representatives of the Member States and thus are authorised to cooperate with the institutions of the legal order of other Europol Member States. By contrast, the executive function is to be carried out through operational cooperation between the Member States and Europol or with its support.³² The national liaison offices are also involved in the work of the *Heads of the Europol National Units* and the *Police Chiefs Task Force*. The Europol National Units cooperate with the European Union Agency for Criminal Justice Cooperation (Eurojust) and organise joint seminars and training with the participation of liaison officers.³³

Liaison officers and ENU have the right to enter data directly into the information system and search for them and, when necessary, to carry out Europol's tasks in a specific case.³⁴

Effective performing of liaison tasks would not have been possible without the support of Europol, and it will therefore impose certain obligations on Europol. To ensure the effectiveness of the activities of the Europol Director, the liaison office supports them, among other things, by:

- deciding on matters arising from the performance of the duties entrusted to them,
- examining applications and providing them with the necessary assistance,
- informing of any action and circumstance which may concern or be of interest to the State which has designated them, irrespective of where the information comes from,³⁵
- giving access to the relevant legal acts, if they are necessary for the performance of the tasks entrusted,³⁶

³⁰ Decyzja Rady 2009/968/WSiSW z 30 listopada 2009 w sprawie przyjęcia przepisów dotyczących poufności informacji Europolu (DzU UE L 332 of 2009, pp. 17–22).

³¹ Acto of the Europol Management Board, Article 7.

³² Safjański T, Współpraca..., *op.cit.*

³³ Safjański T, Współpraca..., *op.cit.*

³⁴ Europol Convention, Article 9 paragraph 1.

³⁵ Act of the Europol Management Board, Article 5.

³⁶ Europol Convention, Article 5 paragraph 5.

— making the premises of the Europol building available to them free of charge to enable them to carry out their tasks. All other costs relating to the service of an officer in The Hague in the liaison Member States are to be borne by the seconding State.³⁷

According to the Europol, the organisation is also required to immediately notify the national units and the liaison officers seconded by them of any information disclosed on serious crimes that Europol has acquired while carrying out its tasks. In this way, intelligence and links between offences of interest to the organisation may also be provided³⁸ (Article 13).

A necessary condition for the commencement of cooperation based on the exchange of liaison officers – those accredited in The Hague and those delegated by Europol – is the conclusion of an appropriate agreement in which the functions and tasks of liaison officers should be precisely defined. Importantly, this document does not have to regulate the specific power that distinguishes liaison officers from other officers of the national police service, which is the exercise of the privileges and immunities necessary for performing their tasks³⁹ (Article 5(8)). This applies to MSELO and their families⁴⁰ (Article 41(2)). In the absence of any provisions on immunity between the EU Member States, the Protocol on the privileges and immunities of the European Union of 18 April 1965 applies.⁴¹ But these issues are currently regulated by Protocol (No 7) on the privileges and immunities in the European Union.⁴² The granting of privileges and immunities to Europol is closely linked to the practical nature of the tasks afforded to Europol in international relations.⁴³

It is also worth paying attention to the issue of the privileges the ELO delegated to third countries, which should be specified similarly in the cooperation agreement with the entity concerned. However, the documents governing Europol's relations with third parties do not lay down the immunity accorded to those parties, leaving this issue to be dealt with in the framework of separate bilateral arrangements.⁴⁴ On the other hand, in the event of an action which has arisen because of an error of the liaison officers, Europol or the staff are liable to the competent Member States seconding the officer concerned.⁴⁵ Liability is determined under the national law of that State.⁴⁶ Notably, the obligation of discretion and confidentiality of liaison officers applies even after leaving office or employment, as well

³⁷ This also applies to expenditures on equipment for liaison officers, unless the Management Board, acting unanimously, recommends otherwise in a specific case when establishing Europol's budget. Cf.: Europol Convention, Article 5 paragraph 9.

³⁸ *Ibid.*, Article 13.

³⁹ *Ibid.*, Article 5 paragraph 8.

⁴⁰ *Ibid.*, Article 41 paragraph 2.

⁴¹ DzU UE L 152 of 1967, pp. 13–16.

⁴² DzU UE C 326 of 2012, pp. 266–272.

⁴³ See: Sutor J, *Prawo dyplomatyczne i konsularne*. Warszawa, 1993, p. 226.

⁴⁴ Narojek M, Rakowski P, *op.cit.*, p. 32.

⁴⁵ Europol Convention, Article 38.

⁴⁶ Act of the Europol Management Board, Article 8.

as after the termination of their service activities.⁴⁷ Accordingly, liaison officers “may not give evidence in or outside court or make any statements on any facts or information which come to their knowledge in the performance of their duties or the exercise of their activities, without reference to the Director”.⁴⁸

The Act of the Management Board of Europol specifies the issue of officers’ absence and public holidays. The liaison officer is obliged to inform the Director of Europol of the planned leave as soon as possible. If this is contrary to the interests of the organisation, the Director may object to the request for leave, but since seconded officers are subject to national rules, the final decision is made by the seconding Member State.⁴⁹ On the same basis, liaison officers have a statutory number of public holidays per year. This means that two officers seconded to liaison tasks in The Hague from two countries may be entitled to a different total number of days off. On the other hand, to minimise those differences, the Director of Europol, in consultation with the Management Board, draws up a list of public holidays in the organisation based on the information provided by the Member States.⁵⁰ If liaison officers are unable to arrive at the place of work, they are obliged to inform the Director of Europol of their absence and to provide details of the situation and how they can be contacted during that time.⁵¹

Over the years, the legal basis for the functioning of Europol has changed several times, thereby introducing several modifications, but the regulations on liaison officers have remained intact or have been slightly changed,⁵² and therefore, by undertaking the development of the role and tasks of liaison officers within Europol, this work is based on the original legislation.

Europol is currently supporting the 28 EU Member States in the fight against organised crime while cooperating with many partner countries and international organisations outside the EU. On 1 May 2017, with the entry into force of the new 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/JH,⁵³ Europol officially became the European Union Agency for Law Enforcement Cooperation, which employs nearly 1,300 staff, including more than 100 investigators and 243 liaison officers (see Figure 1), using in their daily work the Se-

⁴⁷ Europol Convention, Article 32 paragraph 2.

⁴⁸ *Ibid.*, Article 32 paragraph 3.

⁴⁹ Act of the Europol Management Board, Article 10.

⁵⁰ *Ibid.*, Article 11.

⁵¹ *Ibid.*, Article 12.

⁵² In addition to the regulations mentioned earlier in this article, i.e., Council Decision 2003/170/JHA and Council Decision 2006/560/JHA, Decision 2009/371/JHA and the additional protocols drawn up thereto were also important.

⁵³ DzU UE L 135 of 2016, pp. 53–115.

cure Information Exchange Network Application (hereinafter SIENA). It is a new-generation tool for communication between European law enforcement authorities. This system is used to exchange criminal information (strategic and operational) at many levels, not only between the Member States but also between Europol and third countries or organisations with which relevant cooperation agreements have been concluded. The application meets the legal requirements of confidentiality and data protection.⁵⁴ However, the *Europol Information System* (hereinafter EIS) is used for cross-checks and strategic and thematic analyses. It contains information on convicted persons, suspects of criminal activities, as well as related facilities.⁵⁵

The Agency (Europol) deals with cases that concern at least two Member States and at least one of the above-mentioned issues of organised crime and which, because of their scale, require the cooperation of the Member States. Europol's network of liaison offices in the Member States also includes the liaison offices of the states and organisations with which Europol has signed operational cooperation agreements. Norway was the first non-EU country to re-post its liaison officer to Europol. This took place in May 2002. The current list of third countries and international organisations that have their officers in Europol is set out in Table 1, according to which the United States of America (hereinafter the USA) stands out in terms of the number of officers performing tasks at Europol headquarters. This results from the delegation of representatives by 11 American organisations responsible for the security and public order, including the FBI, Secret Service, ATF, and ICE.

In August 2002, Europol created a two-person liaison office in Washington, D.C., which was its first outpost outside the EU. "The task officer delegated there is liaison mainly with the FBI and DEA. This indicates the priority of combatting terrorism and drug crime".⁵⁶ With the development of international cooperation between police services, the number of ELOs posted outside the EU grew. In 2012, Interpol liaison officers were seconded to Switzerland and the USA. Strategic cooperation agreements with Colombia and Russia were also concluded.⁵⁷ Liaison officers are "delegated to Europol by law enforcement authorities from countries in the EU and outside the EU, provided that appropriate agreements have been concluded. They guarantee fast and effective cooperation based on personal contact and mutual trust. The Europol Liaison Officers Network is

⁵⁴ Europol, *Europejski oficer śledczy. Walka z przestępczością międzynarodową*, 2011. Electronic source: https://www.europol.europa.eu/files/pl_europeaninvestigator-poland, accessed: 20.11.2019, p. 7.

⁵⁵ Apart from the SIENA application and the EIS system, there are other databases and platforms for the exchange of expert information within Europol, such as the European Bomb Data System or the Europol Platform for Experts.

⁵⁶ Narojek M, Rakowski P, *op.cit.*, p. 33.

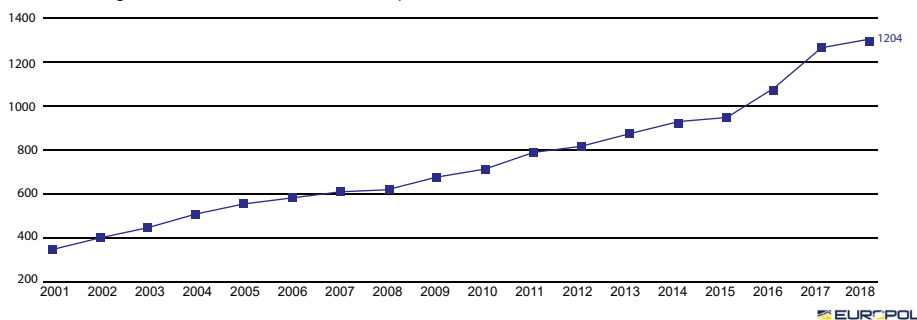
⁵⁷ Safjański T, *Współpraca...*, *op.cit.*

a unique cooperation platform for officers from more than 30 countries in a safe operational environment”.⁵⁸

Figure 1
Dynamics of the development of the number of liaison officers in view of the total number of Europol staff in the 2001-2018 period. As of December 2018

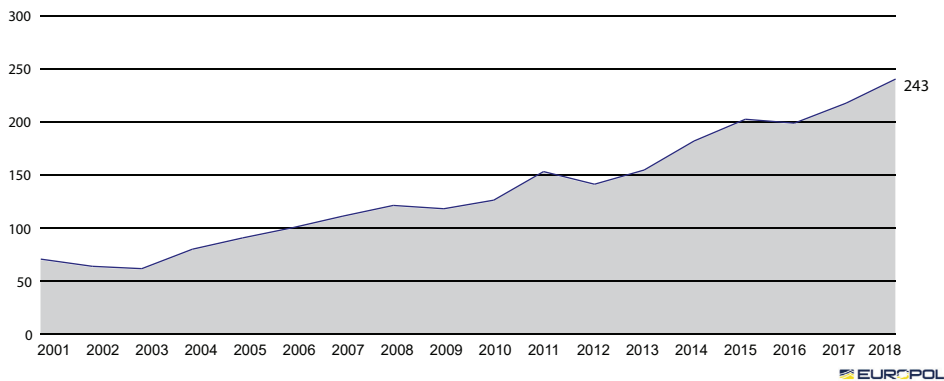
Europol staff numbers,

Including staff with employment contracts with Europol, Liaison officers from Member States and third states and organisations, Seconded National Experts, trainees and contractors.



Europol Liaison Officers (ELOs),

Europol Liaison Officers (ELOs) including ELOs from third states and organizations.



Source: <<https://www.europol.europa.eu/about-europol/statistics-data>>, 7 June 2022

The Liaison Offices at Europol Headquarters in The Hague, where liaison officers are located, guarantee fast and effective cooperation based on personal contact and mutual trust of seconded officers from different countries (not only Europe but also the world) and international organisations. They actively work on the *Analytical Project*, which aims to facilitate the exchange of strategic and operational information.

⁵⁸ Europol, *Europejski...*, wyd. cyt.

Table 1
Staff carrying out tasks at Europol headquarters representing third parties, including liaison officers from third countries and organisations (non-EU). As of December 2018

State	Number of posts
Albania	1
Georgia	1
Iceland	1
Israel	1
Moldova	1
Montenegro	1
North Macedonia	1
Norway	1
Serbia	1
Turkey	1
Ukraine	1
Canada	3
Australia	4
Colombia	4
Switzerland	5
United States of America	29

Source: own work on the basis of <<https://www.europol.europa.eu/about-europol/statistics-data>>, June 8, 2022

Summary

Liaison officers, working in a system of round-the-clock on-call duty, not only co-create investigation teams by cooperating with experts and performing an advisory function but also participate in operational meetings, control and organise classified supervised shipments and cross-border observations using a 24/7 telephone system.⁵⁹ Europol's liaison network provides a unique platform for officer cooperation with more than 30 countries in a secure operational environment. Liaison officers actively

⁵⁹ Biuro Międzynarodowej Współpracy Policji Komendy Głównej Policji, Współpraca Polski z Europolem. Przewodnik po produktach i usługach Europolu. Warszawa, 2018, p. 8 (information brochure).

participate in all analytical projects, facilitating the exchange of strategic and operational information.

ENUs, on the other hand, coordinate the exchange of information not only with Europol and the Member States but also with third countries in the course of ongoing cases and international operations and thus identify and transmit information, including operational data, particularly regarding combatting threats to European security.⁶⁰

Exchange of information would not be possible if each ENU did not keep the contact details of the officers and national law enforcement authorities up to date. At present, ENU tasks include sending requests for support to Europol, transferring criminal data from national resources to the EIS and managing the overall management of the use of the system in Europol's IT systems.⁶¹

Europol's solutions have an advantage over Interpol. Police officers appointed to perform liaison duties in The Hague can exchange information directly with other MSLEOs during joint deliberations, briefings, and working meetings. However, the efficiency of the solutions adopted lies not only in the speed of the information flow but also in the possibility of exchanging information with several entities at the same time, including those in which the country does not have a representative of its police services. It is also an opportunity for ENU to send an inquiry in its native language. In addition, MSELOs access to the IT system and databases of the countries posting them accelerates and significantly improves international cooperation between police services. Tomasz Safjański calls the liaison officer "a bridge between the national services and other liaison officers residing at Europol headquarters in The Hague [...], which have the possibility to carry out direct multi-agency consultations and international checks, which is not provided by any other platform for police cooperation".⁶²

The importance of Europol's liaison officers for international police cooperation is also demonstrated by the fact that, despite the continuous development of the data management model, which is mainly based on autonomous information systems and databases, i.e. the increase in the rank of thematic analyses of both a strategic and operational nature, the number of seconded officers of various police services is constantly increasing. Technological developments in the work of law enforcement agencies indicate not only the need to change the policy on the exchange of information toward the creation of large databases (*big data*) but also the competencies of delegated officers, placing particular emphasis on digital and analytical skills. Nowadays, the exchange of criminal information ceases to be mainly reactive (evidence) and has become an effective tool for the early detection and prevention of crime. In this respect, the use of liaison officers within Europol ensures high efficiency due to the

⁶⁰ *Ibid.*, p. 7.

⁶¹ *Ibid.*

⁶² Safjański T, *Współpraca...*, *op.cit.*

harmonisation of procedures and the mutual increase in trust between the police services of the Member States, irrespective of the current political relations between them.⁶³

Currently, because of the significant influx of immigrants from Ukraine to the EU, and in particular Poland, we should expect an increase in the activity of criminal groups involved in human trafficking, whose prevention has been one of the priority areas of EU action for years.⁶⁴ This will undoubtedly be a test of the effectiveness of information exchange and the coordination of operational cooperation between Europol and the European Border and Coast Guard Agency (FRONTEX), which signed an agreement on cooperation and mutual exchange of liaison officers at the end of 2020.⁶⁵ However, it should not be forgotten that the direct exchange of officers based on separate agreements between the parties concerned, i.e. bypassing Europol, is equally important in this respect. It may indicate a change towards greater decentralisation of the information exchange model, including the conduct of cases and investigations under different national jurisdictions, which results directly from the interpenetration of the areas of activity of criminal groups mentioned at the outset – both territorially and objectively. However, it should be recognised that Europol's role is not to replace cooperation between the Member States but to support and coordinate it.⁶⁶

References

1. Akt zarządu Europolu z 15 października 1998 dotyczącym praw i obowiązków oficerów łącznikowych (DzU UE C 26 of 1999).
2. Badźmirowska-Masłowska K, Obszar wolności, bezpieczeństwa i sprawiedliwości UE. Geneza — ewolucja — współczesne wyzwania. Warszawa, 2013.
3. Biuro Międzynarodowej Współpracy Policji Komendy Głównej Policji, Współpraca Polski z Europolem. Przewodnik po produktach i usługach Europolu. Warszawa 2018 (information brochure).
4. Bryk J, Kobylas M, Malinowska I, Handel ludźmi. Wykorzystanie narzędzi analitycznych w procesie wykrywania sprawców. Szczytno, 2014.
5. Decyzja Rady 2003/170/WSiSW z 27 lutego 2003 w sprawie wspólnego wykorzystywania oficerów łącznikowych oddelegowanych za granicę przez organy ścigania Państw Członkowskich (DzU UE L 67 of 2003).

⁶³ Michalak S, Problem współpracy w zakresie wymiany informacji wywiadowczych na wybranych przykładach projektów ustawodawstwa wspólnotowego i decyzji ramowych [in:] Bidwell S, Jaskułowski K (Ed.), Spotkania europejskie. Na styku kultur. Warszawa, 2007, p. 59.

⁶⁴ Bryk J, Kobylas M, Malinowska I, Handel ludźmi. Wykorzystanie narzędzi analitycznych w procesie wykrywania sprawców. Szczytno, 2014, p. 14.

⁶⁵ Europol, Europol and Frontex to exchange liaison officers. *Electronic source*: <https://www.europol.europa.eu/media-press/newsroom/news/europol-and-frontex-to-exchange-liaison-officers>, accessed: 8.06.22.

⁶⁶ Safjański T, Rozpracowywanie działalności terrorystycznej w ramach Europolu — uwarunkowania prawne i praktyczne, *Przegląd Bezpieczeństwa Wewnętrznego* 2018, No. 19(10), p. 108.

6. Decyzja Rady 2009/968/WSiSW z 30 listopada 2009 w sprawie przyjęcia przepisów dotyczących poufności informacji Europolu (DzU UE L 332 of 2009).
7. Decyzja Rady nr 2006/560/WSiSW z 24 lipca 2006 zmieniająca decyzję 2003/170/WSiSW w sprawie wspólnego wykorzystywania oficerów łącznikowych oddelegowanych za granicę przez organy ścigania państw członkowskich (DzU UE L 219 of 2006).
8. Decyzja Rady nr 2009/371/WSiSW z 6 kwietnia 2009 ustanawiająca Europejski Urząd Policji (Europol) (DzU UE L 121 of 2009).
9. Drzał D, Sieć oficerów łącznikowych, *Gazeta Policyjna* 2018, No. 163.
10. Europol, Europejski oficer śledczy. Walka z przestępczością międzynarodową, 2011. *Electronic source*: https://www.europol.europa.eu/sites/default/files/documents/pl_euro-peaninvestigator-poland.pdf.
11. Europol, Europol and Frontex to exchange liaison officers. *Electronic source*: <https://www.europol.europa.eu/media-press/newsroom/news/europol-and-frontex-to-exchange-liaison-officers>.
12. Gruszczak A, Europejska wspólnota wywiadowcza. Prawo — instytucje — mechanizmy. Kraków, 2014.
13. Gruszczak A, Współpraca policyjna w Unii Europejskiej w wymiarze transgranicznym. Aspekty polityczne i prawne. Kraków, 2009.
14. Hapunik M, Współpraca policyjna o charakterze transgranicznym na podstawie dorobku prawnego Schengen, *Przegląd Policyjny* 2014, No. 2.
15. Konwencja sporządzona na podstawie art. K.3 traktatu o Unii Europejskiej w sprawie ustanowienia Europejskiego Urzędu Policji (Konwencja o Europolu) (DzU UE C 316 of 1995).
16. Mądrzejowski W, Przestępczość zorganizowana. System zwalczania. Warszawa, 2008.
17. Michałak S, Problem współpracy w zakresie wymiany informacji wywiadowczych na wybranych przykładach projektów ustawodawstwa wspólnotowego i decyzji ramowych [in:] Bidwell S, Jaskułowski K (Ed.), *Spotkania europejskie. Na styku kultur*. Warszawa, 2007.
18. Miłkowski T, Współpraca organów ścigania — nowe regulacje w kontekście prawodawstwa unijnego dotyczącego wymiany informacji, *Policja. Kwartalnik kadry kierowniczej Policji* 2012, No. 1.
19. Narojek M, Rakowski P, Instytucja oficera łącznikowego w Unii Europejskiej, *Materiały Robocze Forum* 2007, No. 2.
20. Protokół (nr 7) w sprawie przywilejów i immunitetów Unii Europejskiej (DzU UE C 326 of 2012).
21. Protokół o przywilejach i immunitetach dyplomatycznych Wspólnot Europejskich z 18 kwietnia 1965 (DzU UE L 152 of 1967).
22. Rozporządzenie Parlamentu Europejskiego i Rady (UE) nr 2016/794 z 11 maja 2016 w sprawie Agencji Unii Europejskiej ds. Współpracy Organów Ścigania (Europol), zastępujące i uchylające decyzje Rady 2009/371/WSiSW, 2009/934/WSiSW, 2009/935/WSiSW, 2009/936/WSiSW i 2009/968/WSiSW (DzU UE L 135 of 2016).
23. Rybicki P, Współpraca w zakresie szkolnictwa policyjnego w krajach Unii Europejskiej, *Policja. Kwartalnik Kadry Kierowniczej Policji* 2002, No.4.
24. Safjański T, Europejskie Biuro Policji Europol: Geneza. Główne aspekty działania. Perspektywy rozwoju. Warszawa, 2009.
25. Safjański T, Rozpracowywanie działalności terrorystycznej w ramach Europolu — uwarunkowania prawne i praktyczne, *Przegląd Bezpieczeństwa Wewnętrzne* 2018, No. 19(10).
26. Safjański T, Współpraca między Europolem a oficerami łącznikowymi państw członkowskich na podstawie przepisów konwencyjnych. *Electronic source*: https://www.researchgate.net/publication/327792828_Wspolpraca_pomiedzy_Europolem_a_oficerami_lacznikowymi_panstw_czlonkowskich_na_podstawie_przepisow_konwencyjnych.
27. Serwis Rzeczypospolitej Polskiej, KAS i Policja podpisały porozumienie dotyczące współpracy KAS z Europolem. *Electronic source*: <https://www.gov.pl/web/kas/kas-i-policja-podpisaly-porozumienie-dotyczace-wspolpracy-kas-z-europolem>.
28. Sutor J, Prawo dyplomatyczne i konsularne. Warszawa, 1993.

DOI: 10.5604/01.3001.0016.0161

<http://dx.doi.org/10.5604/01.3001.0016.0161>

Keywords: liaison officers, Europol, international cooperation of police services

Summary: Liaison officers play an important role in the international cooperation of police services. This applies not only to the mutual delegation of officers between states but also to international organisations. Consequently, a network of liaison officers delegated to Europol's headquarters in The Hague is developed. This article analyses the legal acts that regulate the functioning of Europol liaison officers and presents the genesis of this institution. Finally, an attempt was made to identify possible trends in the development of information exchange through this channel.