



# TARAKKIYAT TADQIQOTLARI | ИССЛЕДОВАНИЯ РАЗВИТИЯ DEVELOPMENT STUDIES

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## **ACTIVITIES OF THE EUROPEAN UNION AGENCY FOR LAW ENFORCEMENT COOPERATION IN THE FIGHT WITH INTERNATIONAL CRIME**

In 1998, the Convention established the Europol Drug Unit, whose status was changed to an agency in 2009 and became known as the European Police Office. Today, Europol operates on the basis of the 2016 Regulations of the European Parliament and the Council and is officially known as the EU Law Enforcement Cooperation Agency (hereinafter referred to as Europol) [1].

This Regulation recognizes that serious crimes often cross internal borders and Europol should therefore support and strengthen the activities of Member States and their cooperation in preventing and combating serious crimes that affect two or more Member States.

The fight against organized crime will therefore remain one of Europol's main objectives, as its scale, importance and impact require a common approach between Member States (paragraph 6). Today, Europol is a platform for multilateral cooperation between police, customs, financial, immigration, border protection authorities, and sometimes even special services of EU member states.

This agency conducts operational activities aimed at countering cross-border threats such as terrorism, human trafficking, drug trafficking, cybercrime, technology crimes, sexual exploitation of children, counterfeiting of money and means of payment, economic crime, money laundering, crimes against intellectual property, corruption, illegal trade in human organs and tissues and other forms of serious crimes.

The importance of Europol's activities is evidenced by the fact that the powers of this agency are enshrined at the level of the Constitutive Acts of the EU, which is not typical for the status of agencies that are created by the institutions of the European Union. Thus, the operational activities of Europol include the implementation of criminal intelligence processes, such as the collection, storage, processing, analysis and exchange of information, in particular that transmitted by the authorities of Member States or third countries or their authorities (clause a part 2 Article 88 of the Treaty on the Functioning of the European Union).

Tasks may also include the coordination, organization and implementation of investigative and operational actions carried out jointly with the competent authorities of the Member States or as part of joint investigative teams, and, if necessary, in connection with Eurojust (clause 2 of Article 88 of the Treaty on functioning of the European Union) [2].

Of course, security architecture in the context of the fight against international organized crime is a multifaceted mechanism that includes a significant number of international structures operating at different levels of cooperation.

Conditionally we can distinguish:

- global level;

- EU level;
- regional;
- national level.

Thus, at the global level, it is worth mentioning the United Nations Office on Drugs and Crime (UNODC), the International Criminal Police Organization (INTERPOL), the Organization for Security and Cooperation (OSCE) or the Financial Action Task Force (FATF).

At EU level, in addition to Europol, mention should be made of, among others, the Schengen Platform, the European Office for Strengthening Judicial Cooperation (Eurojust), the College of Europe (CEPOL), the European Agency for the Protection of the External Borders of EU Member States (FRONTEX), the European Office for Combating fraud (OLAF), European Situation Center (SITCEN) and the like.

At the level of regional cooperation, there is the American Community of Policing (AMERIPOL), the Baltic Sea Organized Crime Working Group (BSTF-OC) or the Regional Center for Combating Cross-Border Crime, South East European Cooperation Initiative (SECI). The national level includes competent government bodies whose activities are aimed at controlling, combating and combating crime [3].

Europol is central to this security architecture because, at the global level, Europol replicates Interpol's information-sharing competence. At EU level, Europol's responsibilities coincide with FRONTEX in the areas of strategic analysis, the Schengen platform for information exchange and CEPOL for police training.

Duplication of information exchange rights occurs at the regional level, where similar competencies are occupied by the BSTF-OC and SECI. This is very important, since at the national level of EU member states alone there are more than 300 institutions and services involved in the international exchange of criminal information. Therefore, a feature of this agency is the duplication of operational powers with other organizations.

Europol's relationship with national law enforcement agencies, it should be noted that the agency acts as an addition, a subsidiary element to the work of the national level. Europol does not have executive powers and its officials do not have the power to arrest suspects or act without prior authorization from the competent authorities of member states [4].

Any operational actions of Europol must be carried out in connection with and with the consent of the authorities of the Member State or Member States in whose territory they are applied. The application of enforcement measures is the exclusive responsibility of the competent national authorities (Part 3 of Article 88 of the Treaty on the Functioning of the European Union).

The use of information and intelligence transmitted through Europol's ongoing investigations and joint investigation teams is subject to the same data protection regime as if it had been received in the receiving Member State. On the other hand, Europol is responsible for carrying out all activities that support these activities, primarily of an informational, analytical and coordinating nature (for example, starting activities simultaneously in different Member States).

Europol's actual operational support mainly involves intelligence assistance, namely information sharing and criminal intelligence analysis. Europol collects information from member states, processes, analyzes and disseminates it. For this purpose, Europol operates a special computer system that is used by all member states.

Intelligence sharing with Member States occurs at two levels: strategic (crime analysis, threat assessment) and operational (providing expertise and technical support for current affairs needs). Compared to the police services of member states, the agency has only limited powers, such as initiating investigations or the ability to participate in joint investigative teams.

Considering the fact that Europol, as a mechanism for preventing and combating international organized crime, cooperates not only with EU member states, but also with third countries, it is interesting to study the cooperation of this agency with Russia.

On 22 November 2016, the European Parliament adopted a report on the draft Council decision approving the European Police Office (Europol) Agreement on operational and strategic cooperation between Europol (10345/2016–C8-0267/2016–2016/0811(CNS)).

The report stated that, according to Europol, Russia is playing an increasingly important role in the fight against organized crime, in particular drug and economic crimes, human trafficking and smuggling, as well as in the fight against mobile (migratory) organized crime groups.

The exchange of information between the Republic of Uzbekistan and Europol will allow the EU, member states and the Republic of Uzbekistan to more effectively prevent and combat terrorism, organized crime and other forms of its manifestation.

In addition to sharing information, this agreement will also create new opportunities for training and preventive measures. The report also noted that the signing of this agreement on operational and strategic cooperation will become the basis for further coordination of strategies, plans regarding criminal areas between the EU and its member countries and the Republic of Uzbekistan.

Moreover, closer cooperation between the EU, its member states and Uzbekistan is an example of coherence, complementarity and convergence that is also taking place in other areas, such as the mobility of European citizens [5].

The protection of information exchanged by the Parties is governed by the Memorandum of Understanding regarding confidentiality and ensuring the preservation of information concluded between the Parties.

Such a Memorandum includes, in particular, provisions for organizing the security system of the Parties, exercises and trainings, verification standards for classified work, an equivalence table, a procedure for processing information with limited access and assessing the security of information. The exchange of information with limited access is possible only subject to the conclusion of a Memorandum of Understanding between the Republic of Uzbekistan and Europol regarding confidentiality and ensuring the safety of information [6].

In conclusion, I would like to note that the European Union has created a powerful subsidiary mechanism that, at a high level, assesses possible threats in order to prevent international organized crime, as well as support and coordinate the operations of the competent authorities of member states and third countries.

The evolution of Europol's legal status is evidence of the continuous improvement of the EU security system. This is the search for new opportunities for using operational powers, improving information exchange channels, unifying training methods and creating advanced organizational forms of cooperation.

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