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INQUIRY INTO EUROPOL

TUESDAY 24 JUNE 2008

PROFESSOR DR MONICA G W DEN BOER

Evidence heard in Public

Questions 146 – 166

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TUESDAY 24 JUNE 2008

Present

Dear, L.
Garden of Frognal, B.
Harrison, L.
Jopling, L. (Chairman)
Marlesford, L.
Young of Norwood Green, L.

Witness: **Professor Dr Monica G W den Boer**, Faculty of Social Science, Department of Public Administration and Organisation Science, Vrije Universiteit (VU), Amsterdam, examined.

Q146 Chairman: Professor, many thanks. We are starting four minutes late and I apologise for that. It is very good of you to find time to come and see us. You have probably been told already that we are a Sub-Committee for Home Affairs of the principal European Union Committee of the House of Lords in London which looks after European legislation. We are carrying out, as you will know, an investigation on Europol, which is why we are here. In your evidence, for which thank you very much, you say that the Department of Public Administration at Amsterdam University is commissioning further research with Europol into the governance architecture of the justice and home affairs field. Could you tell us why the university chose Europol as a partner? What is the background to all this, please?

Professor den Boer: Thank you very much, my Lord Chairman, for your introduction and thank you very much for inviting me to your committee. Your first question relates to the relationship between Europol and the Vrije University in Amsterdam. My Chair is a Police Academy Chair on the internationalisation of policing and Europol is a dossier which I have been following for many years. Basically, since the inception of Europol I have been writing about it, and also at the University of Edinburgh where we did a research project on European

police co-operation in the early nineties. We have a research programme at the Vrije University called The Dynamics of Governance. We are soon going to transform that into a research programme on good governance of public institutions, and obviously a lot of your questions revolve around good governance of justice and home affairs institutions, in particular Europol. We are in the process also of establishing what we call a security laboratory in which a few professors who are experts on policing and security congregate and define joint lines of research, if you like. I think Europol and the Vrije University are the perfect match, simply because we have that experience and Europol itself can be considered as a very innovative law enforcement agency. It is a truly international agency which is developing a lot of new and very exciting new products. That is basically the angle from which I will take it. We have a few research projects on Europol but also comparative research on the governance of national police organisations.

Q147 Lord Dear: Professor, welcome, and thank you for coming today. Can I ask a strategic question about the institutional design, leadership and accountability, the whole overview and inter-relationship of the various EU policing and criminal justice organisations as you see it? This is a very general question. It could take a very long time to answer but perhaps you could give us something in two or three minutes on how you see them inter-relating with one another and whether improvements could be made.

Professor den Boer: Thank you very much for that question. I have prepared for the questions so I have tried to pre-structure my answers. First of all, on the question of institutional design, I do not think there is an institutional design. There was no overall plan when, for instance, the Maastricht Treaty was agreed in the early nineties, and actually you can see the justice and home affairs policy domain as characterised by incremental growth, step-by-step gradual development and also, for instance, an expansion of the mandate by means of recommendations which were agreed by the Justice and Home Affairs Council and,

of course, sometimes without the possibility for parliaments to scrutinise those recommendations before they are entered into force. Therefore, first of all the characteristic has been a gradual maturation of justice and home affairs governance which could not always be predicted and sometimes came as a surprise to the parliaments in particular. Secondly, another very important characteristic is that this is a governance structure which allows 27 Member States to be in the driver's seat, and that obviously makes driving very difficult. The result of that, I would say, is a rather weak compromise or an agenda which drifts in many different directions, so that is another important characteristic if you compare it to Community decision-making and Community agencies. Thirdly, I would emphasise that much of the justice and home affairs agenda has been ushered in by Council Presidencies. Every six months you have the rotating EU Presidency and the priorities which they have set out have not always been part of an overall or long term agreed strategy, and I think security crisis in particular has been pivotal to the development of justice and home affairs co-operation. Look, for instance, at the impact of 9/11. That has been very considerable – 200 justice and home affairs measures in the area of counter-terrorism were announced after that terrible event. I think there is also a leadership question. The leadership must be awfully difficult for the Director of Europol who is accountable to a Management Board which comprises 27 delegates from the Member States, and the decision about the appointment still tends to be very much a politicised decision, so that is something else to look at. Accountability is another part of your question. It is still minimal, certainly when compared with the public institutions in the realm of national governance. However, I think Europol is the most mature justice and home affairs agency within the area of police and judicial co-operation in criminal matters. That should also be emphasised. It comes out as the most accountable of those agencies within the EU sector. The accountability certainly applies to external democratic accountability. In the past we have seen several instances when the

European Parliament tended to be bypassed even though it had the right to be informed or consulted, especially in terms of the agreement between Europol and the US on the exchange of strategic data on terrorism. As far as legal accountability is concerned, the change of the regime on privileges and immunities I think should be considered as a positive step but Europol itself is still not subject to the jurisdiction of the European Court of Justice. Finally, I think it should be emphasised that an organisation like Europol is very cautious about public acclaim of its success because the core of law enforcement intervention in serious and organised crime lies within the national realm. Hence, the supportive and co-ordinating capacity of Europol is meant to be complementary to the law enforcement efforts of the EU Member States, which is of course dictated by the subsidiarity principle. It is very difficult to claim social legitimacy, if you like, support from the citizens, because it should not be at the expense of national law enforcement pride or efforts.

Q148 Lord Dear: That was admirably concise, if I may say so. If you were writing our report for us and were tasked with coming up with three recommendations to improve Europol from your standpoint, off the top of your head could you give us three, in no order of priority?

Professor den Boer: External accountability is extremely important and external accountability would, for me at least, be divided into three main sectors – democratic accountability, legal accountability and what I would call social accountability: the explanation to citizens or communication to civil society about what this agency is producing, starting with the latter, social accountability.

Q149 Lord Dear: That is the most difficult one.

Professor den Boer: You can start explaining what you do. It is output legitimacy, as political scientists call it. Just try and advertise the success of your law enforcement efforts or

your intervention, if you like. Democratic accountability is beginning to change. It is improving. However, it could still be improved to the extent that the European Parliament were fully responsible for the democratic control of Europol in combination (and I emphasise “in combination”) with the national parliaments. My evidence for today is also that we look back to an initiative that was proposed many years ago, the initiative of creating a Parlopol, an inter-parliamentary accountability body for the control of Europol and perhaps also extending to the other justice and home affairs bodies. Legal accountability is a very difficult issue. The European Court of Justice is only minimally responsible for Europol matters. That could be extended in the future, but the most important thing is that there should also be a role for the European Court of Human Rights, and this would be possible through the Lisbon Treaty, but, of course, now we do not know whether it will ever be fully ratified. Those three dimensions could certainly be improved and obviously one has to develop an action plan, so one has to prioritise the one thing to the other. I think democratic accountability comes first.

Q150 Baroness Garden of Frognal: In your view does the new Council Decision improve these qualities in Europol and how do you see Europol being affected?

Professor den Boer: My initial reaction to the Europol Convention being replaced by a Council Decision was one of disappointment. The reason why I was disappointed was because the Europol Convention is obviously a much stronger legal instrument than a Council Decision. The main difference is that a Convention requires explicit ratification in all the Member States. We know, however, that the last time this happened, between 1995 and 1998, it took about two or three years before all the Member States (and there were even fewer at the time) ratified it. Obviously, one has made a choice for a less lengthy approval procedure, if you like, and a lighter Council instrument. The similarity between the Council Decision and the Convention is that they are both binding for national law, so Member States have to follow suit. They are forced to implement the consequences and embed the legal text within

their own national environment and legislation. However, when the implementation of a Council Decision is going to be slow the European Commission cannot take a Member State to the European Court of Justice for failure of implementation, for instance, but there will be a soft machinery, the peer review machinery, the Scoreboard mechanism, which will call Member States to account and say, “Hey, guys, why haven’t you implemented this yet?”. It is a soft implementation pressure on the Member States and it remains to be seen when the Council Decision is fully ratified in all the 27 Member States. The new Council Decision is an improvement from the point of view of budgetary control. It makes the control of Europol more democratic, more transparent. It transposes a lot of the responsibility to the European Parliament, which I regard as a significant step forward, and furthermore the Europol officials will be appointed as Community officials and that will subject them to the same selection and integrity regime as their fellow officials in, for instance, the Organisation for the Fight Against Fraud (OLAF) which I think is a very comparable agency in terms of remit. And, of course, it will be easier for the Director of Europol (or I guess at least) to manage this agency instead of having to make 27 separate deals with the Member States.

Q151 Lord Harrison: Professor, welcome. My questions are about the management of complexity. The Commission has mentioned the ambition and complexity of the projects in the JHA area, and not just the complexity but also the ambition of the aims. Do you believe that the difficulties of managing that complexity are properly understood at the policy level when people are making these decisions and asking for these things to be done? Is it fully taken into account that you are working in a very difficult area?

Professor den Boer: Yes. In the beginning I tried to follow the whole Justice and Home Affairs Chapter but I have had to let go of some specific areas like asylum and migration and so on. I am currently trying to focus on police co-operation, security co-operation only, but

even that is difficult enough. However, I doubt whether within the European arena there is much more complexity than within the national arena.

Q152 Lord Harrison: You doubt it?

Professor den Boer: I doubt that. I do not know. I really do not know what the yardstick should be here. If you look at the Netherlands, for instance, I was on a committee looking at internal security organisations and we counted 120 different organisations holding some sort of responsibility for security. Sixty of them, half, were executive/operational, and the other half were policy/co-ordinating/strategic/supportive, that kind of role, so they held each other in balance. I would regard that as a very complex environment in which to operate, so even within the realm of national governance we are constantly looking at refurbishments, if you like, at rebalancing and seeing whether organisations could fuse information systems, whether they could be more closely attached and so on. However, I do share your observation that the justice and home affairs arena has become more complex throughout the years. When you look at the role of the European Commission, yes, the European Commission obviously could not intervene in this process. They have been put in the role of participant observer. That is the role they have had to take. They could not intervene but they could try and steer from the side. It is a kind of coaching role, if you compare it to football. From the lines you can try and steer the process a little bit, especially when it concerns the quality of legislation. I think the Member States primarily are responsible for organising this complexity because of a series of steps that were taken throughout the process. First of all, they are responsible because they allowed the segregation between three legislative and policy pillars within the Treaty on the European Union, thereby causing the differentiation in policy-making, decision-making and the legislative regime. That is the first dimension of that complexity. Secondly, they allowed, with the Maastricht Treaty and the Amsterdam Treaty, and lately, of course, also with the Lisbon Treaty, the creation of a completely different set of legal instruments (not

the Directives and Regulations that apply in the Community sector but the Council Decisions and the Conventions in the intergovernmental realm of decision-making), so that is a second dimension of that complexity. Thirdly, a dimension that makes the complexity perhaps even worse is the intergenerational changes throughout the treaties and running through those the various action programmes. We saw, for instance, in 1997 an action plan on organised crime which demanded from all the Member States in the European Union that they create a national intelligence agency for the processing and co-ordination of national and international intelligence gathering. We have also seen the Tampere programme, we have seen the Hague programme. We see various anti-drugs programmes, et cetera, which all provide an impetus to this agency, to Europol, for further organisation, so of course this means a hectic policy environment for this agency and it is very difficult to discern a very clear line into the future.

Q153 Lord Harrison: If they are guilty of introducing this complexity do they better understand it now and are there remedies to it?

Professor den Boer: They certainly do not better understand it. By the way, I do not think they are necessarily guilty but I think the Member States have allowed this to happen, obviously because they wanted to protect what they call the last bulwark of their sovereignty – policing matters. No; Member States have lost control, I think. When I try to explain the police environment to my police students, what the situation is like in Brussels, after half an hour they just turn off. They do not want to listen to it. Of course, they listen to me but they are not necessarily interested in participating in the institutional set-up of the European Union. What that creates is more space for them to pioneer. What you see a lot within the European Union is bottom-up constructions – law enforcement, co-operation across borders, et cetera. The positive thing about Europol is that it has at least some form of official governance, some form of accountability, in great contrast to, as I said, the more spontaneous, bottom-up law

enforcement co-operation in the European Union border areas. I would advocate that Europol closely co-operates also with these law enforcement pioneers in the European regions.

Q154 Lord Harrison: I turn to Europol itself now and the management of complexity. It delivers 93 products and services. Is it overloaded? Can they do anything about it or are they necessary and they just have to get on with it?

Professor den Boer: I do not have a view or a judgment about the quantity of products and services. I really do not know whether 93 is a lot or a little. It depends for me on the quality of the products and the way in which Europol is successful in advocating those products to the Member States or co-producing them. I am of the opinion that Europol co-produces some very interesting products, in particular OCTA, the Organised Crime Threat Assessment, and the European Crime Intelligence Model, which I am absolutely convinced will help to bring forward intelligence-led policing in general. I have some other PhD candidates and one of them is working on law enforcement cultures in the Member States. What he is currently establishing is that not every Member State in the European Union is ready for intelligence-led policing yet, so it must be awfully difficult for Europol to come across and work itself through those layers of the national law enforcement bodies and propagate that new model of intelligence-led policing. The success of the implementation of these models depends strongly on the national law enforcement leadership, vision and support. The future for Europol in my view lies predominantly in the development of law enforcement excellence, best practices, and translation of those best practices across the Member States because they are the wider European Union law enforcement community, with the emphasis on interdisciplinary co-operation, so not just police but also customs, immigration, et cetera. Professionalism is very important and strategic support by means of top-quality intelligence-gathering. Those products I would say stand out for the future.

Q155 Lord Harrison: You have identified two particular services to illustrate how useful Europol can be, but of those 93 I suppose there may be some services or products which are of lesser importance.

Professor den Boer: For me the difficulty is that of course I am not a law enforcement official, so I am looking at this from an academic perspective. The only other product I would perhaps have questions about is the Analysis Work File. In 2007 or maybe 2006 Europol ran 18 Analysis Work Files, so you think, is 18 a lot or is it far too little? I would say that Europol could potentially be more productive but, and I keep emphasising this point, Europol depends on being fed with intelligence from the Member States. As long as the Member States keep the intelligence to themselves it just will not happen, so the culture of change will have to take place there rather than within Europol itself.

Q156 Lord Young of Norwood Green: Professor, you said that some of them are not ready for intelligence-led policing. Why not and what would it take to get them ready? That is an obvious question but, given the importance of this issue, I ask it anyway.

Professor den Boer: I wish I had my PhD candidate with me. He is an expert on crime analysis and has written several books on this, mind you, in Dutch, so I guess they are a little bit inaccessible to you. There is a theoretician called Hofstadter and he has done some cross-cultural comparison between the Member States but also outside the European Union he has looked at cultural variables. What you see is that Anglo-Saxon countries, but also the north-western countries like the Netherlands and the Scandinavian countries, have a much flatter model, ie, they are not as hierarchical as the more Mediterranean countries, Latin countries, Italy, Spain, Portugal and so on, and you can see this in the law enforcement organisation as more a hierarchical style of management and direction and so on. It seems to be the case, although this still needs to be worked out and more research has to be done on it, that intelligence-led policing works better in a more horizontal, network style of environment than

in a hierarchical style. The other point in this is that in southern European countries, for instance, Italy, you have three main police organisations that all have their own intelligence cultures, and, of course, the difficulty is to bring the intelligence together. Mind you, a country like Italy is reasonably successful. They started the Anti-Mafia Directorate many years ago and they were pioneers in this sense.

Q157 Chairman: Professor, you keep using the word “quality”. You have talked about the quality of the products and Lord Harrison mentioned that, and then you talked about quality of intelligence. What about the quality of the people within Europol? Do you think – and this follows a conversation we had over lunch – Europol suffers because of the threats to a career structure, people coming into it, that it may suffer because there is no returns policy? Do you think changes could be made which might ensure that the quality of people within Europol was improved?

Professor den Boer: With the new Council Decision regime, which will probably enter into force on 1 January 2010, all the Europol officials will be Community officials so the selection of the quality of the officials will change anyway, but yes, I think your question speculates on the national career patterns within the national law enforcement organisations. I have not done research on this, I have to say, but I do think that it depends on the priority within the national law enforcement organisation that is attached to European police co-operation whether or not the best people are sent to Europol. In some countries this may lead to, “Well, this is your last job in your career”, and in other countries it may amount to, “This is the best job you can get and this is your best way to the top back in the national law enforcement organisation”, so I think you have a mixed representation of quality within the Europol body.

Q158 Chairman: Of course, Europol does not really cross the horizon of most individual police forces – and I am speaking about the United Kingdom. I spoke only yesterday to the

police force in the area in the north of England where I live, and they told me that ever since Europol has been set up they have only had contact once, and therefore Europol does not really come over the horizon very much at all. Is that a problem and could it be improved, do you think?

Professor den Boer: I do not think it is a problem. I do not think every police officer, even if he or she is a top police officer within the national realm, has to have daily or even frequent contact with Europol, but I think the right people have to have the right contact with Europol. We know that Europol still works with the Europol national units. They are the main interlocutors within the Member States for Europol, and as long as they are well qualified I am sure that the line of intelligence runs very well. It is a different thing whether Europol is a well-known institution and whether it is a well supported institution. In the Netherlands I think Europol is a well-known institution, also because we now train our police officers on international police co-operation even within the initial curriculum. We are also a close partner with CEPOL, the European Police Academy, which obviously can help to advocate the name and fame of Europol, but the other thing is that within crime investigation milieus Europol is still not very well supported. This is because in the national crime investigation scene you have, let us say, a cocooning of intelligence. One breeds his or her intelligence egg and one has great difficulty sharing that intelligence with Europol. As I claimed in one of my publications, Europol runs the danger of being dehydrated.

Q159 Lord Marlesford: My question is really on the basis of the remit to Europol. Operational agencies have to implement the policies they are given and policies derive from information, evaluation and analysis, and ultimately legislation to implement the policies. In Britain we have had a terrible record in this field. We have a Criminal Justice Bill virtually every year and each Bill is often adjusting or changing the law in every sort of way – and this is not only under the last decade of the present Government but previously as well. To take

an incredible striking example from the previous administration, the previous Conservative Government at one moment introduced a law which said that in sentencing previous convictions were not to be taken into account. Of course, it did not last long; it had to be changed. What I am really asking you is, do you think that there is any way in which you could suggest that the European Commission in particular can improve the remit which ultimately makes Europol function more efficiently?

Professor den Boer: To the extent that the European Commission can influence this process, which it can effectively only do after the entry into force of the Lisbon Treaty, let us be realistic about this, I think the European Commission should try and take up the Corpus Juris project again. The Corpus Juris project tries to harmonise the criminal laws within the Member States to the extent that obviously there is something like Euro crime so they have to work out the subsidiarity principle. There is no harmonisation necessary across the whole spectrum of European or national criminal law but there is, let us say, a fragment, for instance, environmental crime or the trafficking of human beings. There are several serious and organised crime forms which would fall within the scope of a European criminal law. I also think that the European justice and home affairs arena could be further furnished, if you like, with other institutions, for instance, a European Prosecution Service. Again, for that we will need the full ratification of the Lisbon Treaty. That would allow a gradual growth of Eurojust into the European Prosecution Service. These are the two elementary necessities to build a good quality justice and home affairs arena.

Q160 Lord Marlesford: Do you think that the reason this has taken so long is that there has not been treaty provision for it? After all, in theory countries can instruct Europol collectively without the EU and without European legislation on treaties.

Professor den Boer: I would use two words to qualify the reasons, which are (a) intergovernmental, (b) veto. For instance, under the current government Italy would veto any

European criminal justice harmonisation. Italy is also trying to stop the clause on the European Prosecution Service, which is currently within the Lisbon Treaty but under a former drafting exercise it was almost kept out, so that is how you see how important the role of national governance is in the drafting process of treaty revisions and so on. I think the primary responsibility in the current situation still lies with the Member States.

Q161 Chairman: Referring again to your written evidence, could you say something more about the implications of the European Parliament “putting forward interrelated requirements for discharging budgets of EU Community financed agencies”? How do you think this is likely to shape governance at EU level in the future?

Professor den Boer: First of all, there is obviously a normative aspect to this point of view which is, should we really have an overall architecture for justice and home affairs governance? I think to begin with it is desirable if we try and create a framework with criteria for good governance, and good governance, of course, stands for accountability, transparency, legitimacy, external control, internal control and so on. With so many actors in this crowded policy space, as I would call it, it is difficult for those agencies to get their act together and I think that the Article 36 Committee, helped by the European Commission and possibly also the Council Secretariat, could play a very significant role here. They could even be backed up by the EU Anti-Terrorism Co-ordinator because, if you try and look at all this from his perspective, he tries to concert efforts on anti-terrorism in the European Union. It is awfully difficult to bring all those actors together so he will only benefit from a more overall architecture, or at least a framework for governance. Governance architecture is desirable from the point of view of transparency and accountability but I also think we should try and avoid the creation of a Justice and Home Affairs monster that you cannot control any more because it has become too strong and it has been supplied with a remit which is too big for us and which walks away from the national control and the national parliamentary scrutiny. As

an interim arrangement, and in terms of improving the democratic accountability of Europol in particular, I do not see a reason why we should not go back to this idea of creating Parlopol which comes close to the lines of what the Lisbon Treaty proposes, ie, an early warning mechanism, so that the national parliaments will be in a position to impose early scrutiny of pre-policy proposals, if you like, when texts are still in the drafting process. That should allow parliaments to look at proposals early and also jointly so that they can inform each other about what is going on. It has been very difficult, even for our parliament in the Netherlands, to get hold of the documents on time, especially also in their mother tongue, which makes scrutiny awfully difficult. Timing is important, the language is important, and co-ordination of information is very important, between the European Parliament and the national parliaments. Mind you, I think the European parliamentary elections for 2009 offer a very good moment to put this back on the agenda. Obviously, the national political parties will prepare the papers in view of the European Parliament elections but they could definitely try and call for more attention to this issue.

Q162 Lord Harrison: Do you have a view about the lingua franca that should be used by Europol? Is it that English *de facto* has become that common language? If there were to be a move towards a situation where *de jure* in effect it was laid down that English was the language, what do you see would be the problems and what would be the benefits?

Professor den Boer: I am not sure I have a view but I can perhaps say something about it to the extent that, obviously, working with many different Community languages is too laborious, too costly, et cetera, so in a working environment I would allow English and French as the main working languages. However, when you move up the hierarchy, so you have, for instance, a Ministerial Council, you will have to allow the official languages which are being used within the European Union, and that has everything to do with what I said before, the scrutiny regime. You cannot really exercise sufficient scrutiny on a paper or a

legislative proposal if you cannot do that in your mother tongue. For pragmatic reasons, therefore, I think at the working level it should be English and French, but at the political level the official languages of the Member States.

Q163 Lord Young of Norwood Green: Professor, I would like to come back to intelligence-led policing and it depending upon exchange of information. When you think about the wealth of information out there, it is not the amount of information; it is really the quality. How do you strike that balance so that you do not suffer from information overload and at the same time there is that scepticism about the security of exchange of information anyway, so you have a number of facets to it? The overload thing seems to me counter-productive in trying to achieve what you want to achieve. It is like panning for gold, is it not? There is an awful lot of dross before you find a minute speck, so is less more?

Professor den Boer: I also would like an emphasis on quality rather than quantity, but within the national law enforcement environment I still see a very strong preference for gathering as many data as possible. Obviously, this is enhanced and facilitated by the many new regimes which we have recently introduced, such as PNR, Passenger Name Retention. We also have, of course, the Telecommunication Directive. We have many national ways in which we can gather and collect data on individuals, so we have stocks and stocks of personal data. The Schengen Information System contains 20 million data and we do not know whether they are polluted or contaminated. We do not really know whether the quality is good or not. That is a very important aspect because otherwise you make mistakes in your enforcement chain, I would say. If you do not start with good quality information then obviously you are going to run up against a problem somewhere in the process. I would suggest that here we also need a culture shift. We have to move from quantity-oriented intelligence gathering to quality-oriented intelligence-gathering, but we will need some efforts and we need again visionary leadership within the national police bodies for that to happen.

Q164 Chairman: Could I end with two short questions? First of all, you mentioned the possibility of the Italians vetoing various proposals. What sort of veto are you talking about, because I ought to know this and I do not? Is it a veto based on the fact that there has to be unanimity over something or is it the other one under QMV where, if a nation claims a vital national interest, you have to get a blocking minority to support you in that to apply what is called the veto? The veto in QMV terms is an extremely loose definition which people use without understanding how it works. Secondly, how would you improve Europol's image from the perspective of your students?

Professor den Boer: I will take first of all the question about Italy and the veto. The example I gave you was not a veto-related context. It happened in the drafting process of the earlier constitutional treaty, let us say, under the European Convention, but obviously it is very important even in that process to reach consensus because if you know that you are going to be vetoed later on you might as well just try and create a compromise text. Yes, the position of the Member States, I think, is extremely important as long as the Justice and Home Affairs Council votes by unanimity. Vetoes do not always happen. I know from cases that Coreper, the Permanent Representatives' Committee in Brussels, will try and prevent these things from happening within the Justice and Home Affairs Council, so again this happens in the early drafting process. In the future, of course, it may still happen, but when it has happened in the past what you see is the use of the "salami" tactic. The salami tactic happened when the Financial Interest Convention was going to be adopted by the Justice and Home Affairs Council. They could not agree on the whole text so they salami-d the whole text in pieces and got agreement on the heart of the instrument and left the other parts of the instrument to protocols. This is what happens in the daily reality of unanimous decision-making.

Q165 Chairman: But you said that in certain circumstances if there was one proposal made the Italians would veto it.

Professor den Boer: Yes, but the political representatives in Brussels would do everything to prevent that from happening, because obviously the Italian minister would lose his good image. I am not sure how to express this in English.

Q166 Chairman: I know exactly what goes on because I can remember the Germans applying the veto when I was President of the Agriculture Council. I remember all the shenanigans that went on around it but that was a veto where they had to acquire a blocking minority from other countries to support their claim for vital national interest; otherwise the things falls, and the British were rolled over back in 1978 or 1979 when they said this was a vital national interest. They could not get the blocking minority and they were rolled over.

Professor den Boer: But, of course, what the Member States will do is find other ways to circumvent unanimous decision-making. Look at the Prüm Treaty. This is a form of enhanced co-operation. It is a snowball effect and later on you try and make more Member States a member of your partnership or whatever. Enhanced co-operation will be the future bypass construction, I think, as long as the veto regime prevails. On your other question, Europol's image, I think making students responsible for, let us say, assignments about Europol, making them familiar with the products of Europol (and many of my students do so already) will mean they become more and more familiar and also more and more enthusiastic about the agency, but the most important thing is that they will all become truly international police officers themselves.

Chairman: Thank you. You have been most interesting and most helpful to our inquiry. We have, very rudely, kept you five minutes later than your deadline, and wherever it is you are going will you make our apologies for your lateness? Thank you so much. We have really enjoyed it.