

Undercover policing: the ‘alphabet soup’ of cross-border networks, groups and projects

Chris Jones

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The Undercover Policing Inquiry that has been in place in the UK since 2015 will never uncover the full truth about the police infiltration of social and political organisations whilst it has no remit to examine the activities of British officers outside England and Wales. This briefing outlines the transnational police groups, networks and organisations that are known to exist for the purpose of coordinating undercover police operations across state borders, primarily in Europe.

1. Introduction

Not long after British police spy Mark Kennedy was exposed in 2010, it became clear that he had not only been active in the United Kingdom, but was in fact a frequent traveller abroad. Kennedy and the other ‘spycops’ that infiltrated social movements and campaign groups visited a host of states as part of their operations – for example Denmark, France, Germany, Iceland, Ireland, Italy, Spain and the United States.

A *Statewatch* report published in August 2013 explored some of the information that had come to light on British spycops’ foreign operations.¹ It is by now relatively well-known – at least amongst those who have been following the campaign for truth and accountability² – that British police officers were frequently present on foreign soil in their guise as ‘activists’. As with so many other aspects of the scandal, however, what is missing are details on those foreign operations – for example, whether spycops’ actions abroad were officially authorised by the foreign states in question, what they did (and were authorised to do) whilst overseas, or how much of the information gathered was shared with foreign police services.

Answers to those questions are, it seems, still a long way off, and they may well only become known through the work of journalists, researchers and independent investigators. A crucial flaw in the ongoing Undercover Policing Inquiry, which has been grinding on since the summer of 2015 and does not expect to report until at least 2023, is its limited remit: “to investigate and report on undercover police operations conducted by English and Welsh police forces in England and Wales since 1968.”³

However, it is clear that there have been – and still are – extensive and well-organised networks of undercover police units that work to ensure coordination and cooperation

¹ ‘Secrets and lies: undercover police operations raise more questions than answers’, *Statewatch Journal*, vol 23 no 2, August 2013, <http://database.statewatch.org/article.asp?aid=33253>

² See: Police Spies Out Of Lives, <http://policespiesoutoflives.org.uk>; Campaign Opposing Police Surveillance, <http://campaignopposingpolicesurveillance.com>; Undercover Research Group, <http://undercoverresearch.net/>

³ Undercover Policing Inquiry, <https://www.ucpi.org.uk>. There have been a number of calls – and there are ongoing legal attempts – to try to have Scotland and Northern Ireland included in the UCPI. See, for example: ‘Undercover Policing Inquiry – Scotland’, *Public Interest Law Unit*, <https://www.pilu.org.uk/undercover-policing-inquiry-scotland>; ‘Undercover policing inquiry must be extended to Northern Ireland, say Amnesty’, *Amnesty International*, 1 March 2018, <https://www.amnesty.org.uk/press-releases/undercover-policing-inquiry-must-be-extended-northern-ireland-say-amnesty>; ‘Growing calls to extend undercover policing inquiry remit beyond England and Wales’, *Statewatch News Online*, July 2016, <http://database.statewatch.org/article.asp?aid=36821>.

and to share tips and techniques. Only one of these is explicitly known to have discussed the infiltration of social movements – “the covert deployment of British police officer Mark Kennedy was raised” at a meeting of the European Cooperation Group on Undercover Activities in 2011, the German government admitted in May 2012. As for the other transnational police networks in place, they tend to assert an interest in dealing with serious and/or organised crime – which might be reassuring were it not for the fact the supposed risks of serious crime (and the existence of “domestic extremism”) were used to justify the infiltration of peaceful, if disruptive, organisations in the UK.

This briefing offers an outline of six different entities that are currently known about and that work (or have worked) to coordinate and cooperate on transnational undercover policing. Some of the information included here is new (in particular, that on ARGOS and the SCG) while other sections are based on previously-published reports.⁴ The latter information is included here to try to ensure a comprehensive overview.

Much of the information gathered on transnational undercover policing networks over the last five years has come through freedom of information requests and parliamentary questions. These two routes, alongside other investigative methods,⁵ remain key to obtaining more information and a greater understanding of these networks’ operations. Questions from members of Germany’s *Bundestag* have been particularly fruitful in uncovering information. Further deciphering the ‘alphabet soup’ is vital for ensuring that undercover police operations are subject to meaningful democratic accountability and operate according to strict human rights safeguards.

⁴ A number of relevant articles have been published on *Statewatch News Online*:

- ‘New transnational undercover policing structure cloaked in secrecy’, August 2015, <http://database.statewatch.org/article.asp?aid=35269>;
- ‘New information on undercover policing networks obtained by German parliamentary deputies’, February 2015, <http://database.statewatch.org/article.asp?aid=34597>;
- ‘Surveillance and spying: “the time to be politically active on these themes is now”’, October 2013, <http://database.statewatch.org/article.asp?aid=32745>;
- ‘Parliamentary questions in Germany reveal further information on European police project aimed at enhancing covert investigative techniques’, November 2012, <http://database.statewatch.org/article.asp?aid=31966>
- ‘Another secretive European police working group revealed as governments remain tight-lipped on other police networks and the activities of Mark Kennedy, August 2012, <http://database.statewatch.org/article.asp?aid=31792>

⁵ See, in particular, the work of the Undercover Research Group: <http://undercoverresearch.net/>

2. The alphabet soup

Listed below are the initials and full names of key groups and organisations mentioned in this briefing.

| | |
|------------|---|
| ARGOS | Alliance of Regional Groups on Surveillance |
| CSW | Cross-Border Surveillance Working Group |
| ECG/ECG-UA | European Cooperation Group on Undercover Activities |
| ENLETS | European Network of Law Enforcement Technology Services |
| ESG | European Surveillance Group |
| ISLE | International Specialist Law Enforcement |
| IWG | International Working Group on Undercover Activities |
| JPSG | Europol Joint Parliamentary Scrutiny Group |
| PCCSEE | Police Cooperation Convention for Southeast Europe |
| SENSEE | Surveillance Expert Network for Southeast Europe |

3. Alliance of Regional Groups on Surveillance (ARGOS)

ARGOS is an initiative led by Europol that “was created to link the [covert surveillance] networks ensuring that every EU [Member State] has a voice in the EU covert surveillance network.”¹ Its principal aim appears to be the enhancement of cooperation, understanding and exchange of ideas and practices between European states’ undercover units, represented by the regional networks of those units. It brings together three networks made up of both EU and non-EU members: the European Surveillance Group (ESG), the Surveillance Expert Network for Southeast Europe (SENSEE) and the Surveillance Cooperation Group (SCG).

a. Purpose and history

According to the German government, ARGOS aims to allow “the various mobile special mission units to exchange experiences and, building on this, the optimisation of cooperation during cross-border surveillance operations.” Europol documents released to *Statewatch* indicate that ARGOS intends to “bundle the informal regional expert groups on covert surveillance” and that the “ARGOS concept aligns and supports actions of all expert groups on covert surveillance striving for a common way forward.”²

The first ARGOS conference was held in November 2015 at Europol’s headquarters in The Hague, as part of a ‘Covert Surveillance Conference’ entitled ‘Meeting the Challenges to Surveillance across Europe’. The conference took place over two days and was preceded by a day of meetings of the Cross-Border Surveillance Working Group (CSW, now the European Surveillance Group) and SENSEE.

A second ARGOS conference was planned for 2017, to bring together “European subject matter experts from all EU member states.”³ It was preceded by a number of organising meetings involving “the chairs of the relevant networks” – the ESG, SENSEE

¹ Europol, ‘Report on meeting: ARGOS 2017 preparatory meeting’, EDOC #866436 v1, 29 November 2016, <http://www.statewatch.org/news/2018/oct/eu-europol-ARGOS-report-on-prep-meeting-edoc-866436-29-11-16.pdf>

² Europol, ‘Assembly of Regional Groups on Surveillance (ARGOS): 2017 conference initiating document’, EDOC #864074, 16 November 2016, <http://www.statewatch.org/news/2018/oct/eu-europol-ARGOS-conference-briefing-note-864074-16-11-16.pdf>

³ Europol, ‘Invitation: ARGOS conference 2017: preparatory meeting’, 6 June 2017, <http://www.statewatch.org/news/2018/oct/eu-europol-ARGOS-conference-2017-invitation-6-6-17.pdf>

and the SCG.⁴ In April 2018 Austria played host to an ARGOS meeting, organised by the country's 'Cobra' special forces unit. There were 85 participants from 32 states, focused on the theme "Covert Surveillance: Future Needs and Solutions", according to the Austrian interior ministry.⁵

The ARGOS initiative has been increasingly formalised. A board has been established by Europol and the chairs of the ESG, SENSEE and the SCG. It is designed to "ensure equal input from the regions." According to a Europol document released to *Statewatch*: "Apart from the annual meetings of these groups, Europol will organise an annual ARGOS board meeting and a common conference every three years involving the three groups. O54 [a Europol department dealing with "special tactics"] will be responsible for the connection with other special tactics networks and non-EU partners."⁶

b. Participating states

The first ARGOS meeting (in November 2015) was attended by officials from all 28 EU Member States,⁷ although it is not known which agencies from those states were represented. It appears that the names of eight other attending states were deleted from the agenda released to *Statewatch*.

Networks made up of groupings of states were also involved in the 2015 ARGOS conference: the CSW, SENSEE and the European Network of Law Enforcement Technology Services (ENLETS).⁸ The second meeting was due to involve CSW, SENSEE and the SCG.

⁴ Ibid.

⁵ Belgium, Switzerland, Germany, Denmark, Spain, Finland, France, Ireland, Italy, Luxembourg, Netherlands, Norway, Portugal, Sweden, United Kingdom, Albania, Bulgaria, Bosnia-Herzegovina, Hungary, Moldova, Montenegro, Macedonia, Romania, Serbia, Slovenia, Czech Republic, Estonia, Latvia, Lithuania, Malta, Poland, Slovakia. See: 'ARGOS-Konferenz in Österreich', *Bundesministerium Inneres*, 11 April 2018, <https://www.bmi.gv.at/news.aspx?id=6832644B472B512B4548303D>

⁶ Europol, 'Report on meeting: Assembly of Regional Groups on Surveillance (ARGOS): 1st Board meeting', EDOC #905497-v3, 10 July 2017, <http://www.statewatch.org/news/2018/oct/eu-europol-ARGOS-report-on-board-meeting-edoc-905497-7-10-17.pdf>

⁷ Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Germany, Denmark, Estonia, Spain, Finland, France, Greece, Croatia, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Sweden, Slovenia, Slovakia, UK.

⁸ ENLETS is a network of police technology services, as its name suggests. It seeks to ensure collaboration and cooperation on the research, development and acquisition of new technologies for national police forces. It is not exclusively concerned with covert or undercover policing, but its work programmes have displayed a clear interest in technologies to facilitate such work. See: 'EU funding for network developing surveillance, intelligence-gathering and remote vehicle stopping tools', *Statewatch News Online*, January 2015, <http://database.statewatch.org/article.asp?aid=34440>; 'Police forces get ready for multi-billion euro policing and security funds', *Statewatch News Online*, June 2014, <http://database.statewatch.org/article.asp?aid=33609>

Non-EU states are also involved. SENSEE is made up of signatory states to the Police Cooperation Convention for Southeast Europe (PCCSEE), whose members are a mix of EU Member States (Austria, Bulgaria, Hungary, Romania and Slovenia) and non-Member States (Albania, Bosnia and Herzegovina, Macedonia, Moldova, Montenegro, Serbia).

Europol discussion documents on the second ARGOS conference state that Europol’s “Special Tactics team would like to offer for the ARGOS conference, travel and accommodation for 1 participant from each country (36 i.e. all [Member States], Western Balkan, CH [Switzerland], IC [presumably Iceland] and NO [Norway] inviting the MS to pay for a second delegate themselves.”⁹ The ARGOS meeting in April 2018 involved 32 states.¹⁰

The preparatory work for the second ARGOS conference primarily involved Europol, the ESG, SENSEE and the SCG. Documents released to *Statewatch* also reveal the names of specific Member States: a 22 November 2016 meeting held at the office of the PCCSEE Secretariat in Ljubljana involved participants from the UK, Slovenia, Slovakia, Austria and the Czech Republic.¹¹

c. Administration and organisation

ARGOS is coordinated by Europol (in particular its Special Tactics unit, O54) in conjunction with the participating networks (ESG, SENSEE and SCG).

d. Oversight and accountability

There is no external oversight of ARGOS itself by parliaments or other organs. Europol’s work is overseen primarily by its Management Board, made up of one representative from every EU Member State and one representative from the European Commission. National agencies participating in ARGOS are subject to the oversight arrangements in place in individual states.

Since the entry into force of the new Europol Regulation in May 2017, Europol’s work is also “overseen by a Joint Parliamentary Scrutiny Group [JPSG], with members

⁹ EDOC #864074, 16 November 2016, <http://www.statewatch.org/news/2018/oct/eu-europol-ARGOS-conference-briefing-note-864074-16-11-16.pdf>

¹⁰ Belgium, Switzerland, Germany, Denmark, Spain, Finland, France, Ireland, Italy, Luxembourg, Netherlands, Norway, Portugal, Sweden, United Kingdom, Albania, Bulgaria, Bosnia-Herzegovina, Hungary, Moldova, Montenegro, Macedonia, Romania, Serbia, Slovenia, Czech Republic, Estonia, Latvia, Lithuania, Malta, Poland, Slovakia.

¹¹ Europol, ‘Argos Prep Meeting’, EDOC #854737-v1, 26 September 2016, <http://www.statewatch.org/news/2018/oct/eu-europol-ARGOS-prep-meeting-participant-list-854737-v1-26-9-16.pdf>

from both national parliaments and the European Parliament.”¹² This organisation may have up to 128 members (up to four from each EU Member State parliament and up to 16 from the European Parliament) and will meet twice a year, both factors that have led Diane Fromage, a European law professor, to suggest that it may be “difficult” for the JPSG to exercise effective oversight powers.¹³ An analysis published by *EDRi* argues that “the new opportunities for parliamentary oversight and access to information provided for by the regulation are likely to remain superficial. The explicit intention is not to scrutinise Europol’s day-to-day work.”¹⁴

¹² ‘Police cooperation: MEPs approve new powers for Europol to fight terrorism’, European Parliament press release, 11 May 2016, <http://www.europarl.europa.eu/news/en/press-room/20160504IPR25747/police-cooperation-meps-approve-new-powers-for-europol-to-fight-terrorism>

¹³ Diane Fromage, ‘The New Joint Parliamentary Scrutiny Group for Europol: Old Wine in New Bottles?’, 17 June 2017, <https://eutarn.blogactiv.eu/2017/06/17/the-new-joint-parliamentary-scrutiny-group-for-europol-old-wine-in-new-bottles/>

¹⁴ ‘Oversight of the new Europol regulation likely to remain superficial’, *EDRi*, 12 July 2016, <https://edri.org/oversight-new-europol-regulation-likely-remain-superficial/>

4. European Cooperation Group on Undercover Activities (ECG/ECG-UA)

The ECG is a network made up of police agencies from both EU and non-EU states. It was established in 2001 and aims to promote “international cooperation by law enforcement agencies at the European level with respect to the deployment of undercover investigators to combat organised crime.”¹ It is the only European undercover policing network known to have discussed the activities of one of the British ‘spycops’ uncovered since 2010 – specifically, Mark Kennedy.

a. Purpose and history

The group’s formal aim, in the words of the German government, is: “The promotion of international cooperation by law enforcement agencies at the European level with respect to the deployment of undercover investigators to combat organised crime.” However, the German government has also referred to “politically motivated” crime as one of the “main issues” looked at by the group, and has also admitted that the work of exposed police spy Mark Kennedy was discussed at its meeting in 2011.²

The ECG was established in 2001, although nothing is known about who precisely initiated its formation and there are few details on what exactly it has done since then. The German government has stated (when justifying its refusal to disclose the content of agendas for ECG meetings) that the group’s work concerns “undercover measures [that] are only used in areas of criminal activity in which a particularly high level of conspiracy, danger to the public and willingness to employ violence must be assumed.”

¹ ‘Another secretive European police working group revealed as governments remain tight-lipped on other police networks and the activities of Mark Kennedy’, *Statewatch News Online*, August 2012, <http://database.statewatch.org/article.asp?aid=31792>

² Bundestag Printed Paper 17/9844, 31 May 2012, <http://www.statewatch.org/news/2012/aug/eu-bundestag-secret-police-networks-en.pdf>

b. Participating states

At an ECG meeting held in Bucharest in May 2014, police agencies from 28 states – both EU and non-EU – were present:

- Austria (Federal Criminal Police Office, Vienna)
- Belgium (Federal Police)
- Bulgaria (Government Agency for National Security)
- Croatia (Criminal Police Directorate)
- Czech Republic (Czech National Police)
- Denmark (Danish National Police)
- Estonia (Central Criminal Police)
- Finland (National Bureau of Investigation)
- France (Central Directorate of Criminal Investigation Department)
- Germany (Federal Criminal Police Office, Central Office of the German Customs Investigation Service)
- Hungary (Hungarian National Police and Hungarian Customs)
- Italy (*Carabinieri*)
- Latvia (Criminal Police Department)
- Lithuania (Criminal Police Bureau)
- Netherlands (National Police Agency)
- Poland (Polish National Police)
- Portugal (*Policia Judiciária*)
- Romania (Romanian National Police)
- Slovakia (Slovakian National Police)
- Slovenia (General Police Directorate)
- Spain (Spanish National Police)
- United Kingdom (National Crime Agency and Metropolitan Police)

- Albania (Central Criminal Police)
- Macedonia (Office of Public Security)
- Norway (Oslo Police Department)
- Russia (Federal Drugs Control Service)
- Switzerland (Federal Criminal Police)
- Turkey (National Police)³

Germany's Customs Investigation Bureau (*Zollkriminalamt*) has also participated in the work of the ECG,⁴ while representatives of the Royal Canadian Mounted Police were present at an October 2014 workshop entitled 'Undercover on the Internet', along with representatives of the organisations listed above from Austria, Belgium, Finland, Germany, Hungary, Italy, Latvia, Lithuania, Netherlands, Norway, Poland, Switzerland, Slovenia, UK.⁵

c. Administration and organisation

According to the German government, the ECG has existed since 2001 and meets annually with meetings rotating between member states. Almost all EU Member States are reported to participate apart from Greece, Ireland, Luxemburg, Malta and Cyprus. Participation in informal working groups established by the ECG is not restricted to EU Member States and they have included Albania, Macedonia, Norway, Russia, Switzerland, Serbia, Turkey and Ukraine.

The group's meetings apparently facilitate the "presentation of currently national situations" and recurring agenda points were the "presentation of legal, structural and organisational developments" and "information regarding training measures". The German government states that the group does not deal with the "coordination or regulation of cross-border deployments," although it also says that "international cooperation" is debated through "case studies." This does not of course exclude the establishment of personal contacts that may be exploited through bilateral or multilateral legal frameworks, or even outside any legal framework at all.⁶

A Memorandum of Understanding (MoU) produced in February 2004 was published by *Statewatch* in May 2013, outlining the generic structure and issues to be covered in

³ Ibid.

⁴ Matthias Monroy, 'Using false documents against "Euro-anarchists": the exchange of Anglo-German undercover police highlights controversial police operations', *Statewatch Journal*, vol 21 no 2, April-June 2011, <http://database.statewatch.org/article.asp?aid=31641>

⁵ 'New information on undercover policing networks obtained by German parliamentary deputies'

⁶ 'Using false documents against "Euro-anarchists"'

agreements for the cross-border deployment of undercover police officers. This includes the legal framework; objectives of the deployment; management of the operation; “hard criteria” such as how evidence may be given in court and whether carrying a firearm is permitted; and communication with superiors.

Affixed to the MoU was a document entitled ‘UK risk assessment considerations’ which included the following points:

- Comment on any adverse impact on community confidence or safety that may result from the proposed activity in the event of a compromise?
- Is there a risk of disproportionate damage to our professional reputation if the operation is exposed, equipment compromised or a prosecution collapses?
- Do the CHIS [Covert Human Intelligence Source] and/or UCO(s) (undercover officer) and members of public who may assist or be subjected to collateral intrusion face any physical risks?
- Are there any risks to the safety of the subject(s)?
- Can the authorised participation be justified if it became known to the public?
- Is it morally justified to deploy the CHIS and/or UCO(s)?⁷

d. Oversight and accountability

The German government has said the ECG is not “part of any national or intra-state institution/authority,”⁸ and therefore the network itself is not directly subject to EU law, although its participating agencies may of course make use of legal powers granted by the EU.⁹ It cannot be held to account by the European Parliament. National oversight regimes would apply to the agencies participating in the ECG.

⁷ ‘State guidelines for the exchange of undercover police officers revealed’, <http://database.statewatch.org/article.asp?aid=32343>

⁸ ‘Using false documents against “Euro-anarchists”’

⁹ For example, the European Investigation Order, designed to facilitate cross-border investigative measures and evidence-gathering.

5. European Surveillance Group (ESG)

In existence since 2005, the European Surveillance Group (ESG, known as the Cross-Border Surveillance Working Group, CSW, until 2017) is made up of EU Member State and Europol officials. According to Europol, the group aims “to encourage international cooperation and provide a forum for the discussion and development of safe and effective law enforcement surveillance techniques.” The German government has said that it allows “the various mobile special mission units to exchange experiences,” in turn permitting “the optimisation of cooperation during cross-border surveillance operations.”

a. Purpose and history

The ESG was established in 2005 as the Cross-Border Surveillance Working Group (CSW), although its existence appears to have only been officially confirmed (by the German government) in 2010.¹ Parliamentary questions in Germany have revealed that the group has bi-annual meetings, although information on these remains scarce. According to a Europol document, “the main driver” for the first CSW seminar was “the increased international mobility of criminals due to the removal of border controls and the use of the most modern technology by subjects.”²

Details of the agenda of a meeting held from 7-9 May 2014 have been made public and covered topics ranging including: the organisation of Italy’s *Carabinieri*; the European Network of Law Enforcement Technology Services (ENLETS); legal frameworks in France and Belgium; “air-based surveillance in the United Kingdom”; and the “status and outlook for the European Tracking System (ETS) and European Law”.

¹ Ibid.

² Europol, ‘Report on conference: Assembly of Regional Groups On Surveillance (ARGOS)’, EDOC #751421-v1, 10 December 2014, <http://www.statewatch.org/news/2018/oct/eu-europol-ARGOS-report-on-conference-751421-10-12-14.pdf>

b. Participating states

The ESG is a ‘regional informal network group’, in the words of a letter sent by Europol to potential participants in the second ARGOS conference. 16 states or agencies had representatives present at meetings in May 2012 and May 2014 (when the ESG was still known as the CSW), according to information provided by the German government in response to parliamentary questions.³ However, Norway and Spain were not present at the May 2012 meeting (they were there in 2014), while Switzerland was present in May 2014 but not 2012. The 2014 meeting took place between 7-9 May, which also allowed time for a meeting of the CSW steering group. Here, representatives of France, Germany, the Netherlands, the UK and Europol were present.

A Europol document from 2014 lists 14 states as “strategic board members” of the CSW, alongside Europol: Austria, Belgium, Denmark, Finland, France, Germany, Ireland, Italy, Luxembourg, the Netherlands, Norway, Spain, Sweden, and the UK.⁴ According to another Europol document, after the first ARGOS conference in November 2015, “Portugal became a member of the CSW.”⁵

The ESG is one of the three members of the Alliance of Regional Groups on Surveillance (ARGOS) that was established by Europol in 2015 to bring together European undercover policing networks. The chair of the ESG sits on the board of ARGOS, alongside the chair of the Surveillance Expert Network for Southeast Europe (SENSEE) and the Surveillance Cooperation Group (SCG), the other two members.

c. Administration and organisation

In 2014, the steering group of the CSW involved France, Germany, the Netherlands, the UK and Europol. It is not known whether this is a permanent membership. It appears that Europol’s involvement has led to the increasing formalisation of the network:

Established in 2005, the CSW members worked on several covert surveillance topics to increase the MS capacity and capability in conducting covert surveillance to fight serious and organised crime and terrorism. In 2015-2016 on top of the operational knowledge sharing, CSW focussed on a solid governance structure and invested in profiling the group as a key partner

³ ‘New transnational undercover policing structure cloaked in secrecy’, <http://database.statewatch.org/article.asp?aid=35269>; ‘New information on undercover policing networks obtained by German parliamentary deputies’, <http://database.statewatch.org/article.asp?aid=34597>

⁴ EDOC #751421-v1, 10 December 2014, <http://www.statewatch.org/news/2018/oct/eu-europol-ARGOS-report-on-conference-751421-10-12-14.pdf>

⁵ EDOC #864074, 16 November 2016, <http://www.statewatch.org/news/2018/oct/eu-europol-ARGOS-conference-briefing-note-864074-16-11-16.pdf>

in covert surveillance matters towards all stakeholders. Additionally, EUROPOL's SOCTA [Serious and Organised Crime Threat Assessment] is currently supporting CSW to create a threat assessment on covert surveillance.⁶

It should be noted that the European Commission has described the ESG (as well as SENSEE and the SCG) as an "informal" group.⁷

Another Europol document notes:

the group focussed on raising the profile of the network by setting up clear governance, apply for funding at the EU commission and increasing EUROPOL's role to reach their strategic and operational goals.⁸

According to Europol, it was the agency's 'Special Tactics' unit "as a permanent member of the [CSW] steering committee that advised and encouraged to apply for funding at the EU Commission."**[37]** In July 2016 the CSW was awarded a grant of just over €615,000 from the European Commission for a project entitled 'CSW: Cross Border Surveillance on Drugs and Firearms':

The funding started on 1 November 2016 and ends on 1 November 2018 delivering

- *Operational meetings*
- *Training*
- *International surveillance exercise*
- *Research and development in technology*
- *Research on an international near real-time information exchange tool"*

The application was led by the Dutch National Police and the co-beneficiaries are listed as being the *Bundeskriminalamt* (Germany), *Direktion für Spezialeinheiten* (Austria), *Keskusrikospoliisi* (Finland), the *Carabinieri Raggruppamento Operativo Speciale* (Italy), the *Federale Politie Belgie*, *Directie Special Units* (Belgium), *An Garda Siochana* (Ireland) and the *Gendarmerie National ECASGN* (France).⁹

⁶ Ibid.

⁷ Answer given by Mr Avramopoulos on behalf of the Commission, question E-000023/2018, 16 March 2018, http://www.europarl.europa.eu/doceo/document/E-8-2018-000023-ASW_EN.html

⁸ EDOC #751421-v1

⁹ European Commission, 'Evaluation report: Part 1 – Admissibility, eligibility and exclusion criteria: Grant award procedure: Call for proposals "Transnational initiatives to fight trafficking in drugs and firearms" (HOME/2015/ISFP/AG/TDFX)', Ares(2016)1050969, 1 March 2016, <http://www.statewatch.org/news/2018/oct/eu-com-ISF-call-for-proposals-evaluation-report-part-I-1-3-16.pdf>

An evaluation of the application noted that “the project objectives are very relevant to drug & firearms area, [and] they go even beyond the priorities of the call, thus covering other areas as well (e.g. THB [trafficking in human beings], illegal migration, terrorism).” Another section of the evaluation highlights that: “By developing new surveillance capabilities in the EU the project will support the fight against trafficking in drugs and firearms.”¹⁰

The 2016 funding award followed a failed application in 2014 led by the UK’s National Crime Agency (NCA) that sought to continue work undertaken in the International Specialist Law Enforcement (ISLE) project.

d. Oversight and accountability

There is no specific external oversight of the CSW itself by national parliaments or other organs, although national police agencies and Europol are obviously subject to varying levels of scrutiny from governmental, independent and parliamentary bodies.

¹⁰ European Commission, ‘Evaluation report: Part 3 – Remaining award and selection criteria: Grant award procedure: Call for proposals “Transnational initiatives to fight trafficking in drugs and firearms” (HOME/2015/ISFP/AG/TDFX)’, Ares(2016)3279810, 8 July 2016, <http://www.statewatch.org/news/2018/oct/eu-com-ISF-call-for-proposals-evaluation-report-part-III-8-7-16.pdf>

6. International Specialist Law Enforcement (ISLE)

a. Purpose and history

ISLE was a project coordinated by the UK's now-disbanded Serious Organised Crime Agency (SOCA) that aimed at building “a network of Member State organisations that may develop coordination, cooperation and mutual understanding amongst law enforcement agencies using ‘specialist techniques’”- a term which covers covert entry and searching of vehicles and premises, covert forensic capabilities, and the use of covert technical devices.

The project was funded by the European Commission through the Prevention of and Fight Against Crime (ISEC) fund and ran from 2009 until 2012 (the ISEC fund itself ran from 2007 until 2013 and was superseded by the Internal Security Fund – Police). SOCA applied for a follow-up grant from ISEC that would have extended the work of the project considerably, but then withdrew its application due to “organisational changes”, which may have been the disbanding of SOCA and the launch of the National Crime Agency (NCA).¹

b. Participating states

The first phase of the project (from 2009 to 2012) had three principal partners:

- SOCA (UK)
- *Commissariaat-Generaal Special Units* (CGSU, Belgium)
- *Bundeskriminalamt* (BKA, Germany)

Answers from the German government to parliamentary questions from Andrej Hunko, a member of the Bundestag for the party *Die Linke*, showed that 11 other

¹ ‘Another secretive European police working group revealed’, <http://database.statewatch.org/article.asp?aid=31792>; ‘Uncertain future for EU-funded police project aimed at enhancing covert surveillance techniques’, *Statewatch News Online*, July 2013, <http://database.statewatch.org/article.asp?aid=32540>

states were involved alongside the three principal partners.² These same eleven states were listed in documents related to SOCA's withdrawn 2012 funding bid:

- Austria - Federal Ministry of the Interior
- Czech Republic - Gathering Intelligence Unit
- Finland - National Bureau of Investigation
- France - *GiGN Gendarmerie*
- Hungary - Special Service for National Security
- Ireland - *An Garda Siochana*
- Italy - *Carabinieri* (ROS)
- Netherlands - *Korps Landelijke Politie Diensten*
- Norway - Oslo Police District
- Slovenia - Criminal Police Directorate
- Spain - Spanish National Police

According to information released by the German government, two group seminars were held in the UK (in September 2010 and October 2011). Information released to *Statewatch* by Europol stated that “the project partners conducted bilateral meetings with all participants and Europol (at their respective HQ).”³

c. Administration and organisation

ISLE received €116,579 from the ISEC fund for 36 months' work between 2009 and 2012. According to official documents, SOCA provided “the project manager and administration” and the steering group – made up of SOCA, CGSU and the *Bundeskriminalamt* – was due to “create a larger Working Group consisting of ‘Specialist Technique’ practitioners,” who were to be “full-time practitioners from organisations where their countries [sic] legislation supports ‘Specialist Techniques’.”

When asked if Project ISLE worked with any other police groups concerned with clandestine and covert activity, the German government responded firmly: “There were no links to other cross-border police forces so the project does not build on any such

² ‘Parliamentary questions in Germany reveal further information on European police project aimed at enhancing covert investigative techniques’, <http://database.statewatch.org/article.asp?aid=31966>

³ Ibid.

links.” The response of SOCA to the same question was that “there is no directly linked activity with such groups.”⁴

d. Oversight and accountability

The only known oversight (aside from internal oversight in the organisations involved) would have been from the European Commission, which funded the project. SOCA was committed to producing “the final report and budget information to the EC within ninety days of the end of the Project period.”

⁴ Ibid.

7. International Working Group on Undercover Activities (IWG)

The International Working Group on Police Undercover Activities (IWG) is, as the name suggests, an international police network which counts a large number of EU Member States amongst its participants, as well as countries such as Australia, Canada and the USA. It has been in existence since 1989 and, alongside state bodies, “research institutions and private firms that work in security technology and logistics have been invited to attend and presented papers on individual topics.”¹

a. Purpose and history

The IWG was established in 1989 (although some reports state that it began meeting in 2007). The group has never published an official description of its own aims, but the German government stated in response to parliamentary questions that it is concerned with “international exchange of experience on all matters related to the covert deployment of police officers.”

The IWG also has an International Business Secretariat (IBS). The relationship between the IBS and the IWG is unclear, but the German government has stated that the IBS deals with: “the discussion of specialised policing issues that arise from this area of police tactics (e.g. technological options, legend building instruments, dangers of cover being compromised, etc.).” It appears that both the work of both the IWG and IBS is led by one national body that changes on a regular basis (see also the sections below on administration and organisation and meetings).

The IWG has played host to “research institutions and private firms that work in security technology and logistics,” who “have been invited to attend and [have] presented papers on individual topics.”² How many companies or research institutes have attended IWG meetings, and what their names are, is unknown.

Although the German government has said the IWG is concerned with “all matters” related to covert police deployments, there is no specific information on whether this

¹ ‘Answer of the Federal Government to the Minor Interpellation tabled by the Members of the Bundestag Andrej Hunko, Christine Bucholz, other Members of the Bundestag and the Left Parliamentary Group’, Printed Paper 17/9844, 31 May 2012, <http://www.statewatch.org/news/2012/aug/eu-bundestag-secret-police-networks-en.pdf>

² Ibid.

specifically includes the infiltration of political groups and movements. Whatever the case, the states that are known to have attended meetings of the group make clear that it has significant geographic scope, although its membership appears limited to European countries and white settler former colonies.

b. Participating states

A full membership list of the IWG has never been published, but it is known that the following bodies have attended one or more of the meetings of the IWG and/or its ‘International Business Secretariat’ (IBS). Those in bold are known to have attended meetings of both the IWG and the IBS:

- **Australia (Australian Federal Police)**
- Austria (Federal Criminal Police Office, Vienna)
- **Belgium (Federal Police)**
- **Canada (Royal Canadian Mountain Police)**
- Czech Republic (Czech National Police)
- **Denmark (Danish Security and Intelligence Service)**
- **Finland (National Bureau of Investigation)**
- **France (Central Directorate of Criminal Investigation Department)**
- **Germany (Federal Criminal Police Office, Bundeskriminalamt), since 1989**
- **Germany (Customs Criminological Office, Zollkriminalamt), since 2000**
- **Hungary (Hungarian National Police)**
- Interpol
- Italy (Carabinieri)
- Lithuania (Lithuanian Criminal Police Bureau)
- **Netherlands (National Police Agency)**
- New Zealand (New Zealand Police)
- **Norway (Oslo Police Department)**

- **Poland (Polish National Police, Central Bureau of Investigation)**
- Portugal (Judicial Police)
- Slovenia (Criminal Police Directorate)
- **South Africa (South African Police Service)**
- **Spain (Spanish National Police)**
- **Sweden (National Bureau of Investigation)**
- **Switzerland (Federal Criminal Police)**
- **UK (Metropolitan Police, Serious and Organised Crime Agency, National Crime Agency)**
- **USA (Federal Bureau of Investigation)**

This list is based on information contained in a number of German government responses to parliamentary questions.³

c. Administration and organisation

The IWG's work 'is regulated by its 'terms of reference''. These have never been made public, although on an administrative level it is known that they "provide for a rotating chair elected by the IWG's members." The current chair is "supported by their predecessor in this post and the deputy chair (who will succeed them at the end of their term)."⁴

An International Business Secretariat (IBS) is also part of the IWG, whose role the German government has described as being "the discussion of specialised policing issues that arise from this area of police tactics (e.g. technological options, legend building instruments, dangers of cover being compromised, etc.). However, "confidentiality and the organisation of cover identities in concrete individual cases are not dealt with in the IBS."⁵

³ 'Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Andrej Hunko, Wolfgang Gehrcke, Christine Buchholz, weiterer Abgeordneter und der Fraktion DIE LINKE', Drucksache 18/7466, <http://www.statewatch.org/news/2018/oct/bundestag-2016-02-police-coop-in-2015.pdf>; 'Cooperation and projects by European police forces in 2014', Bundestag Printed Paper 18/3619, undated, <http://www.statewatch.org/news/2018/oct/bundestag-2015-police-coop-in-2014.pdf>; 'Cooperative activities and projects conducted by European police forces in the second six months of 2013', Bundestag Printed Paper 18/274, 10 February 2014, <http://www.statewatch.org/news/2018/oct/bundestag-2014-02-police-coop-second-six-months-2013.pdf>; Bundestag Printed Paper 17/9844, 31 May 2012, <http://www.statewatch.org/news/2012/aug/eu-bundestag-secret-police-networks-en.pdf>

⁴ Bundestag Printed Paper 17/9844

⁵ Ibid.

d. Oversight and accountability

There is no specific external oversight of the IWG itself by national parliaments or other organs, although national police agencies and Europol are obviously subject to varying levels of scrutiny from governmental, independent and parliamentary bodies.

8. Surveillance Cooperation Group (SCG)

a. Purpose and history

The SCG was established in October 2017 by those EU Member States that were not included in either the ESG or SENSEE: Czech Republic, Estonia, Finland, Lithuania, Latvia, Malta, Poland and Slovakia. The founding meeting followed a “working meeting in Prague from 5 to 7 April 2017,” at which the countries involved “first discussed” creating a group to coordinate and cooperate on undercover and covert activities.¹

According to the European Commission, the SCG has “identical” aims to the ESG and SENSEE:

The groups aim to share knowledge on best practices, standardise procedures, increase interoperability of systems and increase covert surveillance capabilities in the Member States, within each Member State’s legal framework. They organise operational meetings, mutual trainings, cross-border surveillance exercises and technology workshops.²

b. Participating states

As stated above, the Czech Republic, Estonia, Finland, Lithuania, Latvia, Malta, Poland and Slovakia are the members of the SCG. Both the German *Bundeskriminalamt* and Europol attended the April 2017 meeting, the former “due to its proximity to future member states of the SCG (Poland, Czech Republic).”³ However, neither Germany nor Europol are members of the group.

¹ Schriftliche Fragen mit den in der Woche vom 20 November 2017 eingegangenen Antworten der Bundesregierung, Drucksache 19/120, 24 November 2017, <http://www.statewatch.org/news/2018/oct/bundestag-2017-11-schriftliche-fragen.pdf>

² Answer given by Mr Avramopoulos on behalf of the Commission, question E-000023/2018, 16 March 2018, http://www.europarl.europa.eu/doceo/document/E-8-2018-000023-ASW_EN.html

³ Schriftliche Fragen mit den in der Woche vom 20 November 2017 eingegangenen Antworten der Bundesregierung, Drucksache 19/120, 24 November 2017, 1900120.pdf

It is unknown which particular agencies or organisations from the states involved have attended SCG meetings. The European Commission has said that “there is no strict policy on the selection of the units.”⁴

c. Administration and organisation

Currently, little more is known about the SCG, although Europol appears to have played a key role in its establishment, in order to ensure maximal geographical coverage for the ARGOS initiative. It should be noted that the European Commission describes the SCG – as well as the ESG and SENSEE – as “informal”.

d. Oversight and accountability

There is no specific external oversight of the SCG itself by national parliaments or other organs, although national police agencies are obviously subject to varying levels of scrutiny from governmental, independent and parliamentary bodies.

⁴ Answer given by Mr Avramopoulos on behalf of the Commission, question E-000023/2018, 16 March 2018, http://www.europarl.europa.eu/doceo/document/E-8-2018-000023-ASW_EN.html

9. Documentation

This section lists relevant documents obtained through requests for access to documents to Europol and the European Commission.

a. Documents used in this briefing

i. Europol

‘Report on meeting: ARGOS 2017 preparatory meeting’, EDOC #866436 v1, 29 November 2016, <http://www.statewatch.org/news/2018/oct/eu-europol-ARGOS-report-on-prep-meeting-edoc-866436-29-11-16.pdf>

‘Assembly of Regional Groups on Surveillance (ARGOS): 2017 conference initiating document’, EDOC #864074, 16 November 2016, <http://www.statewatch.org/news/2018/oct/eu-europol-ARGOS-conference-briefing-note-864074-16-11-16.pdf>

‘Invitation: ARGOS conference 2017: preparatory meeting’, 6 June 2017, <http://www.statewatch.org/news/2018/oct/eu-europol-ARGOS-conference-2017-invitation-6-6-17.pdf>

‘Report on meeting: Assembly of Regional Groups on Surveillance (ARGOS): 1st Board meeting’, EDOC #905497-v3, 10 July 2017, <http://www.statewatch.org/news/2018/oct/eu-europol-ARGOS-report-on-board-meeting-edoc-905497-7-10-17.pdf>

‘Argos Prep Meeting’, EDOC #854737-v1, 26 September 2016, <http://www.statewatch.org/news/2018/oct/eu-europol-ARGOS-prep-meeting-participant-list-854737-v1-26-9-16.pdf>

‘Report on conference: Assembly of Regional Groups On Surveillance (ARGOS)’, EDOC #751421-v1, 10 December 2014, <http://www.statewatch.org/news/2018/oct/eu-europol-ARGOS-report-on-conference-751421-10-12-14.pdf>

ii. European Commission

‘Evaluation report: Part 1 – Admissibility, eligibility and exclusion criteria: Grant award procedure: Call for proposals “Transnational initiatives to fight trafficking in drugs and firearms” (HOME/2015/ISFP/AG/TDFX)’, Ares(2016)1050969, 1 March 2016, <http://www.statewatch.org/news/2018/oct/eu-com-ISF-call-for-proposals-evaluation-report-part-I-1-3-16.pdf>

‘Evaluation report: Part 3 – Remaining award and selection criteria: Grant award procedure: Call for proposals “Transnational initiatives to fight trafficking in drugs and firearms” (HOME/2015/ISFP/AG/TDFX)’, Ares(2016)3279810, 8 July 2016, <http://www.statewatch.org/news/2018/oct/eu-com-ISF-call-for-proposals-evaluation-report-part-III-8-7-16.pdf>

b. Other related documents not used in this briefing

i. Europol

‘Draft agenda: Argos 2017 exploratory meeting’, EDOC #854743, 14 October 2016, <http://www.statewatch.org/news/2018/oct/eu-europol-ARGOS-conference-2017-exploratory-meeting-agenda-edoc-854743-14-10-16.pdf>

‘Invitation: ARGOS conference 2017: exploratory meeting’, EDOC 854403, 14 October 2016, <http://www.statewatch.org/news/2018/oct/eu-europol-ARGOS-conference-2017-exploratory-meeting-edoc-854403-14-10-16.pdf>

‘Draft agenda: ARGOS Prep meeting’, EDOC #900544, 6 June 2017, <http://www.statewatch.org/news/2018/oct/eu-europol-ARGOS-prep-meeting-draft-agenda-900544-6-6-17.pdf>

‘Report on conference: Cross-border surveillance working group (CSW)’, EDOC #844189-v1, 13 July 2016, <http://www.statewatch.org/news/2018/oct/eu-europol-ARGOS-report-on-CSW-conference-edoc-844189-13-7-16.pdf>

‘Report on SENSEE “Minor” meeting’, EDOC #830730-v1, 26 May 2016, <http://www.statewatch.org/news/2018/oct/eu-europol-ARGOS-report-on-SENSEE-minor-meeting-edoc-830730-26-5-16.pdf>

‘Report on SENSEE “Minor” meeting 2-3’, EDOC #845107-v1, 20 July 2016, <http://www.statewatch.org/news/2018/oct/eu-europol-ARGOS-report-on-SENSEE-minor-meeting-2-3-edoc-845107-26-5-16.pdf>

ii. European Commission

‘Evaluation report: Part II – Relevance award criterion: Grant award procedure: Call for proposals “Transnational initiatives to fight trafficking in drugs and firearms” (HOME/2015/ISFP/AG/TDFX)’, Ares(2016)1659653, 7 April 2016, <http://www.statewatch.org/news/2018/oct/eu-com-ISF-call-for-proposals-evaluation-report-part-II-16-3-16.pdf>

‘Award decision: Internal Security Fund Police 2015: Calls for proposals HOME/2015/ISFP/AG/TDFX: “Transnational initiatives to fight trafficking in drugs and firearms”’, Ares(2016)3623080, 19 July 2016, <http://www.statewatch.org/news/2018/oct/eu-com-ISF-call-for-proposals-award-decision-19-7-16.pdf>

‘Grant agreement for an action with multiple beneficiaries: agreement number – HOME/2015/ISFP/AG/TDFX/8733’, Ares(2016)7096522, 21 December 2016, <http://www.statewatch.org/news/2018/oct/eu-com-ISF-call-for-proposals-grant-agreement-21-12-16.pdf>

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