

Europol-Israel Police Operational Agreement: Enhanced cooperation with EU in combatting crime and terrorism

Dr. Maya Sion-Tzidkiyahu and Yotam Bretler*

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The Israeli Police and Europol, the European Union's police agency, have been conducting negotiations over an operational agreement for several years. In September there was signing of end of negotiations, but in December the Council of the European Union decided to re-open the talks. In a global world where crime and terrorism cross borders, countries need to strengthen cooperation among themselves. Such inter-police cooperation takes on a unique form in the EU. The operational agreement between Israel's Police and Europol can have considerable importance in contributing to the parties' ability to deal with terror and crime. This paper will review Europol, its cooperation with Israel's police and other enforcement agencies, including the negotiated agreement, the motivations for upgrading relations with Israel and the benefits and challenges of doing so.

A. Europol and Its cooperation agreements

Europol, the European Union Agency for Law Enforcement Cooperation, is headquartered in the Hague, Netherlands. It employs over [1400 police officers](#), most of them from the 27 EU member states and about 260 liaison officers from third countries. Europol's main purpose is to assist in the provision of security for the citizens of the EU. The organization operates in cross-border [fields](#), such as [organized crime](#), terrorism, counterfeiting, drug smuggling, human trafficking, environmental crime, cybercrime and more.

Accelerated globalization has resulted in a considerable increase in cross-border crime, which can only be confronted through multinational cooperation. Hence the growing importance of strengthening inter-police working relationships, intelligence sharing and operational cooperation. Joint combat of police forces against cross-border crime are not unique to the European Union (EU), but due to the supranational nature of this body, cooperation within it and with it has unique characteristics.

Europol is a supranational police agency that focuses on **intelligence analysis**. It does not conduct policing on the ground, which is left to the national police forces of the EU member

* Dr. Maya Sion-Tzidkiyahu is Director of the Program on Israel-Europe Relations at the Mitvim Institute and a lecturer at the Hebrew University's European Forum and at Tel Aviv University's EU Program. Yotam Bretler is a researcher of strategy in the foreign and security field, graduate of the EU Studies at Tel Aviv University, and studies in the MA EU program at Heinrich Heine University, Germany.

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states. The agency cross-references information and intelligence from different police forces and enforcement agencies in order to detect cross-border threats, support police investigations throughout Europe and the world, provide coordination in the context of cross-border crime among different police forces, other enforcement agencies and national organizations from the 27 member states as well as third countries having agreements with Europol and international organizations. The agency conducts about 40,000 international crime investigations annually.

Europol is not the only police agency that operates in the international scene. Interpol, the International Criminal Policing Organization, was established as early as 1923, to address the need for inter-police coordination and effectively deal with cross-border threats. Interpol currently comprise of 195 member states. As long as each EU country conducted border controls at its national borders, Interpol acted as an international agency for inter-police coordination. However, in the 1980s, the realization of the EU's single market gave rise to the idea of allowing free movement of people among its member states by effectively **abolishing border controls** between them. This is how the "[Schengen Area](#)" came into being in 1995 among most members of the EU. The lifting of national border controls required an alternative response to protection against the passage of unwanted elements.¹ In addition to building a joint information system (the Schengen Information System, SIS) on the movement of suspected/wanted persons and stolen property, Europol was established in the 1990s as an added measure dedicated to the fight against cross-border crime among EU member states and beyond. The agency also indirectly provides a certain response to the absence of one central coordinating police investigative agency in many of the member states. Thus, Europol offers internal and interstate coordination in combatting cross-border crime.

Up until 2017, Europol had two frameworks for cooperation with non-EU states. A third was added that year. Each is characterized by a different range and focus of cooperation (see table no. 1 below).

1. **Strategic Agreements** allowing the exchange of strategic and technical police information (for example, intelligence analysis and work methods exchange²), but without providing personal and operational details (with some exceptional cases, such as danger to life and limb, [see p. 53 here](#) and [here](#)). Such an agreement allows for limited participation in certain Europol working groups. Included in this framework are countries such as Turkey, and

¹ Israel is a small country, surrounded by fences. It has a limited number of entry and exit points and is somewhat similar in that sense to island countries such as Great Britain, Ireland, Cyprus, and Malta. In contrast, most EU member states have long land borders, along routes that make monitoring at border crossings cumbersome, financially expensive, and largely [ineffective](#). Intelligence cooperation as an effective alternative to border controls, was tightened and strengthened within the EU to protect the external borders of the Schengen area. Today [cameras and other technological control measures](#) monitor the open border crossings. The EU has over 67,000 kms of sea border and 14,650 kms of land borders with 21 third countries. The agreements that Europol signs with third countries help prevent cross-border security/criminal risks within the EU and with its neighbors by exposing criminal networks, deciphering crimes, and more.

² The term "work methods" refers to institutionalized practices and modus operandi.

powers that compete with the Western bloc such as China and Russia (cooperation with it is suspended following the invasion of Ukraine).

2. **Operational Agreements** enabling the exchange of high-value intelligence information, including personal and biometric data about suspected individuals (operative information) and operative details. The information exchange is carried out through SIENA (Secure Information Exchange Network Application), Europol's information exchange system (see details below). An operational agreement also allows for more extensive participation in Europol working groups. Included in this framework are EU neighbors (such as Switzerland and Norway), and the US, as well as international organizations such as Interpol. Signatory states are required to comply with the EU's General Data Protection Regulation ([GDPR](#)).

3. **Working Arrangements.** Europol's legal status was changed in 2017, and its authority to negotiate strategic or operational agreements with third parties was transferred to the European Commission. Under its changed mandate, Europol was authorized to establish inter-police working arrangements with third parties. A working arrangement is an agreement to regulate the practical aspects of cooperation and information exchange, without providing personal and operative details. These arrangements promote sharing of strategic analyses, professional information and exchange of details about certain criminal investigations. Included in this framework are countries such as Japan, South Korea, Great Britain (since Brexit), and Israel, which was the first country to [sign](#) a working arrangement (with aspects of a [strategic agreement](#)) with Europol in July 2018. Under these arrangements, a third country is permitted to station a liaison officer at Europol and receives limited access to SIENA, but without access to most of its information nor authority to request it. The SIENA system is the only channel through which Europol is authorized to share information and intelligence with partner countries. It deploys 2,400 terminals throughout the EU and in the third countries with which it has operational agreements, one terminal for each relevant agency. Each police force decides what information it inserts to the system, and to whom it will be exposed.

Table 1: Types of agreements currently possible with Europol

	Working arrangement	Strategic agreement	Operational agreement
Allows	Liaison officer at Europol, limited access to SIENA without personal/operative details	General/technical information exchange on methods of operation, without personal/operative details	Designed to increase operational efficiency. Provides direct and wider SIENA access by installing a system terminal, which enables efficient access to operative information and personal details. Facilitate wider participation in investigation teams and working groups of Europol and other collaborations.
Israel's status	Signed in 2018 and went into immediate effect without need for ratification	Working arrangement includes aspects of strategic agreement	Negotiations were completed in September 2022, but at the request of the Council of the EU were re-opened in December. Requires approval by the EU and Israel. Until it is confirmed, the relationship is conducted according to the working arrangement

An operational agreement can be added to a working arrangement or a strategic agreement. Operational agreement is the highest level of cooperation between Europol and a third country. These agreements have no validity/expiration date, and their approval procedure is different. Operational Agreement requires the approval of the Council of the EU and the European Parliament, while a Working Arrangement only requires internal approval procedures at Europol.

For a list of the signatories to each type of agreement, see the map below.



B. Israel-Europol relationship and its importance

Agreements between Europol and the Israeli Police can strengthen both organizations' ability to score achievements and fulfill their goals. In [2005](#), the Israeli Police began [contacts](#) on a cooperation agreement with Europol.³ In November 2009, the Council of the EU adopted [a decision](#) regarding the third countries with which Europol should reach agreements. Israel was listed as high-priority country in terms of Europol's needs for institutionalized sharing of personal information (operational agreement), and in response, Israel expressed its desire to upgrade relations. But the negotiations were [halted](#) in 2010 when the EU realized that the Israel Police national headquarters (and the Ministry of Public Security) was located in the Sheikh Jarrah neighborhood of East Jerusalem.

³ This is one of the goals included in the "Action Plan" between the EU and Israel, which was approved in early 2005 (see [here](#), p. 139). This goal has since been repeated in various European Commission documents, for example in the 2021 strategy for [the fight against organized crime](#) (p. 9).

EU policy bans official visits to Israeli government offices and bodies located beyond the Green Line, and thus Europol representatives were not allowed to arrive to the headquarters of Israeli national police. In 2013, the EU officially adopted a [policy of differentiation](#), which explicitly excludes the territories beyond the 1967 lines from its agreements with the State of Israel. The European Commission's position that the territorial clause be applied to the Europol agreement with Israel⁴ hampered negotiations, as did increasing political [tensions](#) in relations between the Netanyahu's governments and the EU. The EU's introduction of the demand on privacy protection requirements (GDPR) [raised](#) the threshold of reaching such an agreement.

In July 2018, the Israel Police and Europol [signed](#) a **working arrangement** along the amendment of the Europol regulations of May 2017 (see above), and the [Council's decision](#). Parts of the new arrangement are similar to those of a strategic agreement, allowing for the sharing of general information, working methods and their development. This arrangement allowed Israel to station a liaison officer at Europol. However, the significant limitations remained: insufficient access to the SIENA system and limited access to Europol's professional working groups.

The negotiations on upgrading relations between Israel and Europol to the framework of an operational agreement stalled three years ago due to the repeated rounds of Israeli elections and absence of a stable government. Progress was not possible under the transitional governments. The establishment of the Bennett-Lapid government in June 2021 paved the way for progress in negotiations both from a legal-administrative perspective and politically. Restoring relations with the EU was one of the top priorities set by Foreign Affairs Minister, Yair Lapid, when he assumed office, expressing both a pro-European position compatible with the liberal European agenda and an understanding that relations with the EU constitute a strategic Israeli asset and goal. The European perspective, for its part, viewed the installation of the Bennet-Lapid government as an opportunity to promote shared interests. Following Russia's February 2022 invasion of Ukraine, Europe's preoccupation with security and criminal issues increased, justifying the desire for increased cooperation with Israel with its security experience and assets.

As mentioned, the **EU's differentiation policy** hampered Europol's negotiations with Israel. The territorial clause, which since 2014 was in effect in all agreements between Israel and the EU, [distinguishes](#) between sovereign Israeli territory within the Green Line and the territories it has occupied since 1967 (the West Bank, East Jerusalem and the Golan Heights), excluding Israeli settlements from these agreements. This applied, for example, to Israel's [Horizon agreements](#) with the EU, which denies European funding to institutions and researchers in the settlements. This complexity [hindered](#) the signing of an operational agreement with Europol, and resulted instead in the 2018 signing of a working arrangement, limited for sharing of general strategic information, making the territorial clause less relevant.

⁴ See [Judgments by the Court of Justice \(CJEU\)](#) in the Brita and Psagot cases, obliging the European Commission to adhere to the territorial clause. See also [Art.6 in the Annex of the Council of the EU decision](#), giving the European Commission mandate to negotiate an operational agreement with Israel, December 2017.

A solution to Israel's demands and those of the European Commission on the inclusion of the territorial clause was found within the framework of the current negotiation process by giving **derogations**. But as mentioned, in December the Council of the EU decided to reopen the negotiations process over these derogations regarding the use of information transferred to Israel by Europol.

The nature of the agreement with Europol is not similar to former agreements which included the territorial clause. It does not include a budgetary or financing aspect and therefore does not fall under the restrictions prohibiting the receipt of EU funds by parties outside the 1967 lines. While the funding aspect did not challenge the negotiations, agreement dealing with mutual transfer of police information between the parties, did. The convenient political period under the centrist Lapid government and Minister of Public Security, Omer Bar Lev, allowed for flexibility on both sides, born of a desire to promote the practical cooperation essential to enhancing citizens' protection and security.

When on September 14, 2022 the negotiations were concluded, the [agreement](#) faced the following **ratification procedures** by both parties: In the EU, this entails approval by the European Commission (in the Justice and Home Affairs [JHA] working group), whose conclusions are then referred to the College of Commissioners.⁵ The decision will then be presented to the Council of Interior Ministers, and finally to the European Parliament (first to its Committee on Civil Liberties, Justice and Home Affairs and then to a vote by the Parliament's Plenary). In the Israeli side of the process, once the College of Commissioners approves the agreement, Israel can present it to the Knesset for its remarks within 14 days, followed by government approval (a transitional government is prevented from ratifying the agreement). The 2018 working arrangement will apply until the operational agreement is ratified by both sides. Upon approval, both agreements will be in effect (that is, the working arrangement will not expire and will apply concurrently with the operational agreement).

C. Opportunities stemming from upgraded relations – benefits and significance

Mutual benefits

The upgrade to an operational agreement between the Israeli Police and Europol offers several **mutual benefits**. Beyond the practical security benefit, the agreement has implications of rapprochement and realization of opportunities in the political and diplomatic fields. First, on the **diplomatic level**, it develops and upgrades an intergovernmental communications channel, which aims to benefit both parties and to emphasize their assets to each other.

⁵ The College of Commissioners is the highest political level of the European Commission, consisting of a commissioner from each member state. However, these Commissioners do not represent or act on behalf of their country, but on behalf of the EU's interests.

Second, on the **political level**, after a decade of intermittent crises in negotiations, the installation of the Bennett-Lapid government opened a timely political window of opportunity conducive to an upgrade of relations. The European Commission is presumably interested in increasing cooperation in general and promoting its interests with Israel, but political-normative limitations prevented such moves in the past. However, when a window of political opportunity opens, for example a government friendly to the EU whose Foreign Minister and subsequently Prime Minister (Yair Lapid) is clearly pro-European, the EU seeks to take advantage of the timing and opportunity to move forward and conclude agreements. This allowed the EU to project its image as an influential, politically powerful actor that benefits countries led by those who identify with its agenda, and for the Lapid government to demonstrate its ability to promote and conclude agreements that had been stalled for many years, inter alia for political reasons. The announcement of elections in the middle of the negotiations encouraged the parties to advance in a quick and efficient manner in order to conclude them.

Third, on the **organizational level**, this agreement promotes structural relations between police organizations and the ability to identify common interests ([see here](#), pp. 53), enhancing their activities and performance, and thus strengthening their standing.

Fourth, on a **practical level**, cooperation between police bodies maximizes the effectiveness of domestic security bodies in fulfilling their goal of providing security for their citizens (preventing terrorism, combatting drug trafficking, money laundering, cybercrime, etc.).⁶ Upgrading relations to the level of an operational agreement will yield a similar benefit for both parties: the streamlining of police work, and the identification and analysis of threats thanks to the increased level of information sharing. The step up in relations also has the potential to promote further collaborations. Minister of Public Security, Omer Barlev, [noted](#) that beyond the practical benefits of the agreement, it is "one layer of cooperation, which will only grow stronger, between the State of Israel and its enforcement bodies and the EU."⁷

A major advantage of the operational agreement between the Israel Police and Europol lies in **the installation of SIENA on a direct secure line**, which will allow information transfer if and when needed. As mentioned above, the Israel Police liaison officer at Europol headquarters currently enjoys only a partial connection to the system, limiting the transfer of information and its effectiveness, in addition to the exclusion of personal and operative details. Upgrading the relationship from a working arrangement to an operational agreement will allow the direct transfer of intelligence to and from the Israeli Police, narrowing restrictions on the information and allowing the transfer of personal and operative details, such as warnings about a specific entity, greatly increasing security forces' effectiveness.

⁶ The importance of handing over personal and operative details between security agencies in order to prevent crime and terrorism has been demonstrated repeatedly. For example, on September 16, 2021, an attack [was thwarted](#) on a synagogue in the German city of Hagen due to an intelligence report transmitted by a foreign intelligence agency. In terms of financial crime, a [Europol report](#) noted that EU police investigations lead investigators to entities in Israel.

⁷ An example of expanding cooperation is the potential relationship with the EU LISA agency that manages large information systems, some of which relate to the security field.

According to the agreement, the information transferred to the Israeli Police will also be made available to other authorities and enforcement bodies, such as financial authorities (the Tax Authority, Securities Authority, the Competition Authority), the Shin Bet, the Immigration Authority, the Nature and Parks Authority and the Antiquities Authority. The agreement will also allow the Israeli Police to maintain contact with the [EU bodies affiliated with Europol](#), such as the [European Anti-Fraud Office](#) (OLAF) and enable Israeli representatives to **participate in operative working/investigation teams** (as opposed to participation only in working method teams).

Another benefit arising from the upgrading of relations is Israel's wider participation in Europol's **operational working groups and investigation teams**, with its potential contribution in the field of research and development of working methods. In addition, relations with Europol open the door for **Israeli involvement with various Europol programs** such as the [Innovation Lab](#) whose goal is to identify, promote and develop innovative technological solutions to support operational policing and security in general.

Given Israel's broadly acknowledged security experience and expertise in areas such as cybersecurity, terrorism and forensics, the upgraded relationship is perceived as a boost for the security of the EU's citizens.

Benefits for Israel

As is the case for the EU, the upgraded agreement with Europol stands to promote security for Israel's citizens along with **political achievements** for the country. First, operational agreement places the State of Israel in line with other countries that cooperate at this level with Europol, such as closest neighbors and like-minded countries of the EU: Switzerland, Norway, Canada, and the USA. Israel's participation in this group of states confirms it is an asset for Europe, brings the parties closer together, and yields opportunities for opening additional political and professional doors in parallel fields.

Second, upgrading relations with Europol to this level provides Israel with **an opportunity to promote cooperation with other countries in the region**.⁸ Europol's relationships with many countries make it a platform for international relations, as demonstrated in its hosting of about 260 liaison officers at its headquarters, among them Israel's liaison officer to Europol, who represents all the enforcement authorities in Israel. Already today, Europol cooperates with other third countries with which Israel is also in a process of boosting its security discourse. For example, the United Arab Emirates is negotiating the signing of a strategic agreement with Europol. Morocco has been on Europol's list of preferred countries since 2009 and is a member of Europol's working group on illegal immigration. Until recently, it seemed that among the EU's southern Mediterranean neighbors, Israel was the only one

⁸ For example, the [EuroMed Police project](#) for the 2020-2024 period aims to promote police capacity in the fight against organized crime and strengthen strategic cooperation between the law enforcement authorities of the southern neighboring countries among themselves and with those of the EU. Participants include Israel, Egypt, Jordan, the Palestinian Authority, Lebanon, Libya, Algeria, Tunisia, Morocco, the Arab League, and the AFRIPOL organization. Europol is the executing agency.

that expressed interest in an agreement with Europol, and Europol was more interested in agreements with the southern countries than they were ([see here](#) p. 62). However, Morocco recently began negotiating an operational agreement. The legal basis for establishing relations between Europol and other regional countries, such as Egypt and Jordan, [obliges them](#) to make adjustments to meet EU requirements. In light of these developments, Europol can serve as an additional platform for Israel to strengthen ties and contacts with third countries outside Europe in general, and with Arab countries in particular: the United Arab Emirates, Morocco, Egypt, Jordan, and others, adding another layer of connections to these important relations.

D. Challenges

Along with the opportunities and advantages inherent in the agreement between the Israeli Police and Europol, several challenges must be overcome, including the ratification of the agreement on both sides, the Palestinian issue and the matter of information privacy protection.

Despite the many assets in the operational agreement between Europol and Israel, its approval may be sensitive in some of the EU's institutions, chief among them the European Parliament (difficulties are not anticipated in the European Commission, which conducted negotiations and approved the agreement). In the past, European members of parliament hostile to Israel delayed the approval of agreements with Israel (such as [the ACAA](#) trade agreement) and voted against them. Therefore, ensuring the majority needed to ratify the agreement requires a diplomatic effort on the part of the Ministry of Foreign Affairs and pro-Israel organizations. Some issues on which Israel is expected to face European Parliament criticism are human rights, information obtained from the West Bank and East Jerusalem, and especially European information which may be transferred via the Israel Police outside the 1967 Green Line, meaning derogations from the territorial clause (differentiation policy), and compliance with data privacy laws (GDPR, [see here](#)). A change of government in Israel, and the establishment of a government that includes extreme right-wing elements, may increase criticism from Europe and make it more difficult to ratify this agreement. With or without connection to the expected establishment of the most right-wing government in Israel, at the beginning of December 2022 the Council's Legal Service expressed its wish to re-open negotiations over the derogations given to Israel with regards to the territorial clause.

Regarding information privacy laws, the Israeli government (the Ministry of Justice and the Privacy Protection Authority) needs to make adjustments so as to meet the European GDPR legislation standards, in general, including those relevant to the agreement with Europol. A potential challenge from Europe arose in January 2022, when the European data protection officer (EDPS) [instructed](#) Europol to delete hundreds of thousands of files of people who have no record of criminal or terrorist activity, which it had held for more than six months, stating that storing the information for a lengthy period violated the EU information privacy regulations. If applied to third countries as well, the directive would on the one hand provide

Israelis with a higher level of privacy protection than they currently enjoy. However, on the other hand, it could also damage the scope of intelligence information on terrorism and crime stored by Israel's security bodies.

E. Policy recommendations

The operational agreement with Europol is of great political, organizational, and practical importance in terms of fighting cross-border terrorism and serious crime. Israel has much to contribute and greatly benefit from upgrading cooperation with the Europol agency as included in the agreement. The Israeli government **should examine ways to advance the operational agreement with Europol and pass the hurdle of the territorial clause.** Under the sixth Netanyahu government, which include extreme right wing political parties, and in which the minister of national security is Itamar Ben Gvir from Otzma Yhudit political party, there is much doubt that the EU would be willing to go forward towards Israel in the negotiations over the derogations from the territorial clause/differentiation policy. If the operational agreement will be signed, **the government of Israel should ratify it.**

Following the agreement's ratification, Israel must **make full use** of the collaboration it allows and of the future potential in the development of additional collaborations between police agencies (in training, optimizing practices, etc.) and other law enforcement bodies in Israel and the EU. Israel must also take advantage of the potential provided by the Europol platform for the development of relations with the countries of the [EU's southern neighborhood](#) (stretching from Morocco to Syria), with which Israel maintains relations, and beyond.

Israel must also adopt the EU's privacy protection criteria, which will also serve to enhance human and individual rights in Israel. The police, intelligence and security systems should prepare themselves in case the European precedent of instructing Europol to delete information that does not meet GDPR criteria is applied to third countries as well.

F. Conclusion

Repeated attempts have been made since 2005 to reach an agreement between the Israeli Police and Europol. The working arrangement signed in 2018 was a useful step along the way, but its cooperation potential is partial and limited. **Such an agreement will improve security, and the ability to prevent serious cross-border crime, as well as terrorism in Israel, Europe, and worldwide.** It demonstrates the mutual equity of the EU-Israel relationship.

The agreement also holds out the **possible achievements in promoting relations with the EU at the right political time** - both in Israel under a more pro-European government and when Europe is at war and seeking allies. The practical-security interest of both sides is the leading motivation for signing the new agreement. At the same time, the EU negotiated

and made haste to conclude the agreement with Israel under a pro-European prime minister and government, which made the EU demonstrate flexibility.

Re-opening the agreement to negotiations over the derogations of the territorial clause is expected to lead to deadlock and missing the opportunity to advance such important cooperation, which can contribute to the security of Israeli and of EU citizens in fighting cross-border crime and terrorism.