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NOTE<sup>(1)</sup>

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from : Irish delegation

to : Police Cooperation Working Party

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No. prev. docs. : OJ No C 329, 4.11.1996, p.1 ; 11282/96 ENFOPOL 180

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Subject : **Draft report for ILETS '97 (International Law Enforcement Telecommunications Seminar) : Developments in the European Union since November, 1995 in relation to lawful interception of telecommunications**

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Further to the undertaking given at the last meeting of the Police Cooperation Working Party on 4 December, 1996, Ireland has prepared the attached draft report on developments in the European Union in relation to lawful interception of telecommunications since the ILETS seminar in Canberra in November, 1995.

It is proposed that this draft report be discussed at the next meeting of the Police Cooperation Working Party on 16 January with a view to circulation of an agreed text in advance of ILETS '97 in Dublin on 4 February.

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(<sup>1</sup>) Exists in English only

Developments in the European Union since November, 1995  
in relation to lawful interception of telecommunications

Introduction

1. This report provides an overview of the main developments in the European Union in relation to lawful interception of telecommunications since the last ILETS seminar in Canberra in November, 1995. Developments at national level within the Union will be the subject of separate reports by the Member States.

Organisation

2. Administrative and technical experts in lawful interception of telecommunications have continued to meet regularly within the EU Police Cooperation Working Party under Title VI of the Treaty on European Union. In addition, discussions involving legal experts are underway within the EU Working Party on Mutual Assistance in Criminal Matters (also Title VI) on legal issues associated with real-time interception of telecommunications systems provided outside national boundaries.

Main Developments

3. The more important developments in the European Union since the last ILETS seminar have been the following :

International User Requirements (IUR)

- 3.1. On 4 November, 1996, the Council Resolution on 17 January, 1995 on the lawful interception of Telecommunications was published in the Official Journal of the European Communities (OJ No C 329, 4.11.1996, p.1). The IUR are annexed to the Resolution.

- 3.2. In December, 1995, Member States of the European Union and Norway signed the Memorandum of Understanding on Lawful Interception of Telecommunications. Support for the International User Requirements was subsequently received by the Council of the European Union from Australia, Canada and the United States in accordance with the procedures set out at paragraph 9 of the Report of the 'Canberra' seminar.
- 3.3. In December, 1996, the Council of the European Union wrote to the Governments of the non-EU participants in ILETS to inform them of the aforementioned developments. The letter also acknowledged the indications received of the willingness among ILETS participants to cooperate further in periodically reviewing and updating the Requirements (doc. 11282/96 Enfopol 180).

Interception of telecommunications systems provided outside national boundaries

- 3.4. The EU Police Cooperation Working Party has had regular briefings on technical developments in relation to new satellite telecommunications systems.
- 3.5. Legal experts in the EU Working Party on Mutual Assistance in Criminal Matters are currently addressing legal issues associated with lawful real-time interception of telecommunications systems outside national boundaries. A copy of a paper transmitted to the Working Party, which was prepared by the Netherlands with assistance from technical and legal experts from other EU Member States is distributed in document 12290/96 JUSTPEN 150 ENFOPOL 208.

Contacts with International Telecommunications Standards Bodies

- 3.6. In line with the recommendation of the ILETS Expert Group on Dissemination of the IUR to Standards Bodies (see paragraph 4(a) of attachment 8 to the 'Canberra' report), the Council of the European Union wrote to IEC (CEN), ISO (CENELEC) and ITU (ETSI) in January, 1996 inviting them to take the Requirements into account in their proceedings (doc. 12798/95 ENFOPOL 166).
- 3.7. The EU Police Cooperation Working Party has had regular reports from national delegations on the very welcome progress within ETSI towards the development of a GSM interception standard.