

Development of the EU Policy of Police Cooperation with Third Countries: The Case of the Republic of North Macedonia

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ABSTRACT:

Organized crime and terrorism threats to EU citizens require effective police cooperation. This article provides an overview of efforts for establishing a solid fundament for cooperation among agencies of the EU Member States and with third countries emphasizing the role of Europol. Applied case study as a research method pinpoints developing police cooperation among Europol, EU Member States, and third countries. The focus is on the activities of the Europol unit at the Ministry of Interior in Skopje. The authors critically review the implementation of cooperation strategies, agreements, and plans in the specific legislative and policy framework of the Republic of North Macedonia. The findings will be of interest to anyone interested in the challenges of incorporating EU policy in police institutions of third countries.

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Introduction

Drug trafficking, money laundering, fraud (especially against the European Union's interests), corruption, smuggling, trafficking in human beings, and their exploitation are all forms of illicit behaviour posing a mounting threat not only to the individual states of the Union, but also to the European Community as a whole.¹ The international dimension of the problem, i.e., dealing with transpor-

der organized crime in all its forms, remains a challenge for the law enforcement agencies of the member states within the European Union, whose main goal is the protection and security of citizens.

In other words, organised crime is a worldwide problem. Strong international police cooperation is required to tackle it.² This kind of cooperation takes many forms and is a broad area ripe for legal research and analysis.³ It has been noted as such in a lot of research work and other literature dealing with various aspects of these issues.

To be more specific, the efforts for international police cooperation should be instrumentalised when pointing out the need for effective cooperation in the fight against serious and organized crime. Police cooperation in preventing and tackling organized crime between the EU Member States and third parties is a matter of considerable concern, both in recent history and modern times.

The authors of the book “Rethinking International Cooperation in Criminal Matters in the EU” studied the interface between police and judicial authorities on criminal matters in the EU. This research includes expert opinions and data from other research, providing a comprehensive overview of the current obstacles and future policy options. However, this analysis and similar research works do not provide answers to the importance and dependence of police cooperation on the suitable development of policies and establishing shared and formal relations to undertake concrete activities for suppression of organized crime. In addition, the focus and special regulations of the EU institutions pointing to the interaction of member states and third parties in the fight against organized crime are even less clear.

For this reason, we attempt to define the dependence of the fight against organized crime and establishing formal channels of police cooperation within the EU institutions. This kind of institutional cooperation between states has led to establishing specialized agencies such as Europol in the EU. In fact, at the Union level, Europol has been established as an institution providing the exchange of information among its member states. This institution also needs multilateral coordination and cooperation through models and processes of sharing or co-generating information and resources to be able to predict, analyse, and manage complex security threats successfully.

In order to find a legal security solution, the first section of the article provides an overview of the basic policies. Then, it lists agreements, programs, and decisions as a sublimite of the normative part of the EU police cooperation with member states and third parties realised through special EU bodies.

That allows us to evaluate the efficacy of police cooperation at the EU level with EU member states and third countries achieved through Europol. As for indicators, we use the adoption of acts and the implementation of regulations at the EU level. In addition, we analyse the evolution of establishing and operationalising police cooperation of the Europol Unit at the Ministry of Interior of the Republic of Northern Macedonia (RNM) as a third state.

A particular goal in general terms is to investigate the essential elements of EU policy at the operational level as part of already established formal police

cooperation through norms such as agreements, decisions, and memoranda. In practice, that means implementing it by establishing common platforms, links, and joint teams between EU member states authorities and third countries. Through research, the practical goal is to gain appropriate knowledge and awareness about fundamentals regarding enhanced police cooperation in the EU, its forms, and reliability. Hence, to be used at the operational and tactical levels.

The subject of research necessitated the use of various methods, including description and analysis of scientific and professional content and case studies. These two methods were used throughout the research presented here. To some extent, the work displays the course of normative changes. On the other hand, the case study part explores the activities of the Europol Unit at the Ministry of Interior, Republic of North Macedonia.

The Republic of North Macedonia, marked as a third country in the process of police cooperation, is a state governed by the rule of law. Moreover, it is a constitutional creation with a pronounced rule of law, applying laws in all legal relations, and a strong commitment to reform and full EU integration.

The intention of this article is, through the RNM case, to provide a specific example of establishing and developing policy in defining and operationalizing police cooperation between Europol and third country police authorities. In other words, to emphasise the power of mutual police cooperation with Europol, which contributes to the successful outcome of police actions. The results obtained through this study will facilitate the achievement of the goal – increased efficiency of police cooperation in the fight against organized crime.

Some of the data used in the case study for the mentioned Department is available on the official website of the RNM Ministry of Interior. It was amended by tracking relevant events.

Research activities take place on the territory of the European Union, its Member States, and third countries (The Republic of North Macedonia as the study case). A general hypothesis and two supporting hypotheses were defined as follows:

General Hypothesis

Developing EU security policy and Europol's operational support contribute to successful police cooperation between EU member states and third countries in the fight against organized crime.

Supporting Hypotheses

1. The obligation of the EU institutions to implement provisions of the agreements and programs which define the functioning of Europol in police cooperation with the Member States and third countries forms a common base for effective operational support needed to fight organized crime;
2. Successful joint operations, performed by investigating authorities of the Member States and RNM through police cooperation, enabled by Europol, suggest that policy development's efficiency directly affects

the success of the cooperation between law enforcement institutions of member states and third countries.

It is essential to investigate these phenomena as an everlasting issue for the benefit of society. If various situations in the spheres of social, criminal, and legal practice are considered, then many rational and practical solutions are possible. In addition to creating a new security mechanism, developing policy is a step ahead for the Republic of North Macedonia in its approximation to European domestic practices roadmap to regulate, enforce the law, and provide security for its citizens.

Conceptual Framework and Evolution of Police Cooperation in the European Union

Police cooperation in this work embodies cooperation in criminal matters, which is why we have excluded all forms of judicial, administrative and political cooperation for this article. Although it is not the main stimulus for closer ties between EU member states, police cooperation in the areas of freedom, security, and justice aims to ensure a high degree of security for EU citizens. Moreover, it is an area of heightened international concern and attention. Its need is evident due to the increased level of transnational crime and terrorism. Effective tackling of cross-border crime requires promoting, strengthening, and achieving rapid and effective cooperation between police authorities. (Article 29 of the Treaty on European Union). From a practical point of view, it would mean police cooperation to tackle organized crime by taking investigative measures, communication, documenting the crimes and the like.

With time, experts have become aware that the effective protection of the EU and the Member States cannot be guaranteed solely and exclusively in Europe. Forms of cooperation with non-European states and other international organizations are needed since they should be regarded as economic partners and, more importantly, as allies in a global struggle.⁴

In the Conclusions of the Ypres European Council, one can find further references to the EU's role as a global player that must cooperate with its partners to counteract transnational crimes.⁵ In the Stockholm Programme,⁶ the European Council stressed the need to engage with third countries to combat serious and organized crime, terrorism, drugs, trafficking of human beings, and smuggling of persons. The primary focus was on the EU's counterterrorism activities on prevention, protecting critical infrastructures, and exchanging information with third countries.

The EU policy in the fight against organized crime is exercised and complemented by the work of other international organizations. However, its implementation is set and regulated by the provisions contained in the national criminal laws in this area which are applied by the national law enforcement authorities of the Member States and third parties. Coordination and cooperation between the law enforcement bodies of the Member States are enabled through a gradual consolidation of EU agencies and bodies (Eurojust, Europol) aiming to promote cooperation and dialogue between law enforcement agencies respon-

sible for preventing and tackling organized crime by sharing intelligence information,⁷ expertise and resources among each other as well as with third parties.

In addition to this, operational cooperation based on developing agreements⁸ and working arrangements by Europol, Eurojust, the European Police College, and the Borders Agency with counterparts in third countries must also be considered.⁹ Every State should designate a national contact point¹⁰ to maintain relations between Europol and competent authorities at the national level.

The Policy of Police Cooperation between the Republic of North Macedonia and Europol

The Republic of North Macedonia was identified as a potential candidate for EU membership during the Thessaloniki European Council Summit in 2003. Its Stabilisation and Association Agreement is in force since 2004, and it is the first in the region. The country applied for EU membership in March 2004, and the Council decided to grant the state candidate status in December 2005. On 25-26 March 2020, the Council of the European Union and the European Council supported the opening of accession negotiations with North Macedonia and Albania. The European Commission is tasked with drafting the negotiating framework.¹¹

The cooperation between North Macedonia and the European Police Office, Europol, started in 2007 at the level of contractual relations for the exchange of strategic and technical information. Specifically, the Strategic Agreement for Cooperation between North Macedonia and Europol was signed on January 16, 2007.¹² In order to implement the Strategic Agreement and create conditions to start negotiations for signing an Operational Agreement for cooperation with Europol, to realize operational cooperation and exchange of personal data, in 2008 an Action Plan for the implementation of the Strategic Agreement was prepared,¹³ thus marking the start of negotiations for the signing of Operational Agreement with Europol.

During 2008, all planned priorities were fully realized, including:

- *Legal status.* A Europol Unit has been established as the only national contact point to share information between Europol and the competent authorities of North Macedonia.
- *Cross-border sharing of information.* The Europol Unit is part of the Sector for International Police Cooperation – a body for international police cooperation, i.e., it is part of the established single point of contact (SPOC) for the exchange of information at the international level as it is structured in EU countries.
- *Internal operating procedures.* Rules of Procedure of the Europol Division defining the tasks and scope of work were adopted. In addition, the Manual for the actions of the Europol Division was also developed (February 2009). The Rules of Procedure of the Europol Unit were adopted at a time when the Strategic Agreement for Cooperation with Europol was in force. Conse-

quently, in 2015 a new mode of operations for sharing personal data was clarified, and a new text of the Rules of Procedure was prepared.¹⁴

One of the key priorities of the Ministry of Interior in the context of the EU accession process, contained in the National Program for the Adoption of EU Law, was the conclusion of the Agreement on Operational and Strategic Cooperation between the Republic of North Macedonia and Europol.¹⁵ When this agreement became effective, the operations were intensified. Moreover, strategic activities for greater representation and participation of North Macedonia in the activities of Europol continued with the same intensity in order to use the services and the products of Europol by the competent authorities in North Macedonia.

On July 1, 2015, North Macedonia opened a Liaison Office in Europol headquarters in The Hague, The Netherlands. A liaison officer from North Macedonia was appointed in Europol.

When the new legal framework for Europol – the Europol Regulation¹⁶ became effective, it strengthened the mandate of Europol. It also enabled its full manning to deal with cross-border crime and terrorist threats. Moreover, it marked the beginning of a horizontal process of updating contractual relations with operational partners, including North Macedonia. In November 2017, amendments to the Agreement on Operational and Strategic Cooperation were introduced by exchanging letters.

IT Links

For operational and strategic security, North Macedonia and Europol signed a Memorandum of Understanding. It enabled setting up a secure communication link. In addition, a Bilateral Agreement to connect computer networks was also signed. In that context, the following was commenced:

On February 6, 2009, a secure communication link was established between Europol and the Republic of North Macedonia with the aim to intensify the cooperation between the Republic of North Macedonia and Europol and meet the criteria to sign an Operational Agreement. It enabled fast, reliable, and efficient information exchange. To provide a secure exchange of operational and strategic information, RNM and Europol signed a *Bilateral agreement for connecting computer networks* and a *Memorandum of Understanding to establish a new secure connection*,¹⁷ thus enabling a direct link to the secure information exchange and analysis network of Europol. In the meantime, technical preconditions were created to operationalize the mentioned activity by procuring appropriate equipment for the Ministry of Interior.

In addition, a communication link between the Ministry of Interior of the Republic of Macedonia and the Secure Communication Network of Europol-SI-ENA¹⁸ was also established in May 2013. It became operational on October 24, 2013, after a previous training provided by Europol (22-24 October 2013).

On August 14, 2015, the Bilateral Agreement was replaced by the Bilateral Technical Specification. Specifically, having in mind the administrative nature of the Bilateral Agreement, which details technical parameters necessary to im-

plement Operational and Strategic Cooperation Agreements and Memoranda of Understanding Europol, proposed the signing procedure to be replaced with electronic notification.

Furthermore, Article 4 of the Memorandum of Understanding was amended by exchange of letters, as the established practice of signing. The Director of Europol signed the first letter of exchange on March 18, 2016. Ministers of Interior signed the second letter of exchange on April 18, 2016. The Memorandum of Understanding entered into force on May 1, 2016.

Operational Activities

Signing the operating agreement of cooperation and establishing the secure channel of information exchange called SIENA enhanced Europol operational cooperation with the third countries. The operating agreement also enabled more effective operational cooperation and direct participation in the Analysis Work Files (AWF) of Europol.¹⁹ The Accession Agreements were also signed and are in force. Thus, the participation of the RNM Ministry of Interior is provided by a total of nine contact points (which, according to the new regulation of Europol, are labelled as analytical projects). Six of the contact points are from the working file for analysis of organized and serious crime. Three are from the working file for analysis of the fight against terrorism.

Noteworthy is North Macedonia's participation in 2013 (as the only third country) in the Joint Investigation Team (JIT) with Austria, Germany, and the Netherlands for combating illicit heroin trafficking. Europol and Eurojust participated within their competencies while requests and information sharing were conducted through the Sector for International Police Cooperation Unit for Europol.

European Multidisciplinary Platform Against Criminal Threats – EMPACT

In 2010, the EU established a multi-year policy cycle aimed to ensure effective cooperation between the law enforcement authorities of the EU Member States, the EU institutions, EU agencies, and relevant third parties; to deliver coherent and comprehensive operational action, addressing the most critical criminal threats EU is facing.

The policy cycle consists of four key steps. Establishing the European Multidisciplinary Platform Against Criminal Threats (EMPACT) is one of the steps. Operational Action Plans (OPs) are also developed to fight the priority threats.

In order to achieve these strategic goals, Operational Action Plans and EMPACT projects have been initiated to coordinate the activities of EU member states and organizations against identified threats.

As of 2015, North Macedonia has participated in the Joint Operations Days (JAD) of the operational actions within the EMPACT. Operations have been coordinated via SIENA. Thus, operational information sharing among Europol operational coordination centres, National Coordination Centres, and participating states has been accomplished.

The following is a list of joint operations and activities given by specific year.

2015

- *Operation Blue Amber* – HIT 2, illegal vehicle trade;
- *Operation Blue Amber* – SIROCCO, smuggling of migrants;
- Joint Action Days (Joint Action Days – JAD), within *Operation Blue Amber* which included activities to suppress criminal groups operating in various unlawful areas, such as the fight against drug trafficking, weapons and illegal migration;
- *Operation Blue Amber* – FIRE ARMS OA 2.1 for firearms in the Western Balkans.

2016

- *Operation Blue Amber* – SIROCCO 2, illegal migration;
- *Operation Avala* – illegal migration;
- *Operation Large Scale JAD CICONIA 2016*, human trafficking and illegal migration.

2017

- *Operation JAD 2016 “Western Balkan Action Day 2016,”* illegal arms trade;
- *JAD Dragon*, illegal migration and human trafficking;
- *TECUM* – joint fight against environmental crime;
- *JAD Firearms CALIBRE*, illegal arms trade.

2018

- *JAD Danube III*, illegal migration;
- *JAD 2018 Western Balkan Firearms, Illegal Migration, Drugs and Document Fraud*, illegal trade and smuggling of weapons and ammunition, illegal migration, illicit drug trafficking and document fraud;
- *Operation VIA DIAGONALIS* – illicit drug trafficking;
- *JAD MOBILE 2018*, illegal migration, forged documents.

2019

- *EEL – LICIT 2* – trade in endangered animals and plants;
- *JAD Danube IV* – illegal migration, document fraud;
- *Western Balkan Action Day-2019 (JAD)* – prevention of illegal trade and smuggling of weapons and ammunition, illicit drug trafficking and illegal migration;
- *JAD Mobile 2* – crimes with motor vehicles, especially smuggling of stolen motor vehicles, vehicle parts and associated crime with document fraud;
- *JAD ARMSTRONG VI* – arms trade in the EU through express shipments and postal items.

2020

- *Operation Retrovirus* – Collection, transport, management, and disposal of sanitary waste originating from health centres, but also other facilities in charge of dealing with the pandemic, in accordance with international, EU and national legislation;
- *Operation Waste* – Illegal waste disposal in the Balkans and possible involvement of EU countries or third countries;
- *Operation SHIELD* – Counterfeiting and piracy of products and trafficking in hormonal substances through websites, vendors from e-commerce platforms, forums, social networks, or deep web vendors;
- *Operation Endurance* – Domain crime associated with the COVID-19 pandemic by detecting newly registered domains opened for unlawful purposes;
- *Referral Action Day (RAD)* – Detecting terrorist content online, how to prepare and carry out terrorist attacks, how to select targets of attack, how to use weapons and make bombs;
- *JAD WB EU IRU* – Internet jihadist propaganda in the languages of the Western Balkans in order to detect jihadist propaganda networks produced and/or aimed at the countries of the Western Balkans, distributed in the languages of the Western Balkan countries;
- *JAD Southeast Europe* – Illicit trafficking in firearms and drugs, illegal migration;
- *JAD Mobile 3* – Cross-border crime with motor vehicles, illegal migration, and forgery of documents;
- *Operation Armstrong VII* – suppression of illicit arms trade through express shipments and postal services;
- *Operation Bosporus* – planned activity within the EMPACT Firearms 2020 OAP 2.1 with which targeted at Turkish-made gas and signal pistols;
- *JAD Danube 5* – Document Forgery, Illegal Migration and Smuggling of Migrants.

Key Findings and Recommendations

International police cooperation is defined by bureaucratic processes in which police institutions share a common crime and crime control concept and create an international “expert system” to exchange knowledge. In the Conceptual framework and evolution of police cooperation in the European Union, there is a framework for European police cooperation policy. It defines all coordination that goes through Europol.

Analysis of this research provides a starting point to get a clear view of the EU police cooperation. The emphasis is on its political development, factors that enable the level of cooperation and its operationalization. However, the main obstacles to accomplish it have not been fully identified.

Undoubtedly, there are evident examples of effective efforts by EU countries and police services to cooperate in meeting legal and national security goals even with obstacles. Cooperation of the EU member states with the Republic of North Macedonia in several joint police operations is also evidenced.

Europol's cooperation with third countries is crucial in the fight against organized crime. Time and resources have been invested in concluding cooperation agreements, such as the case with RNM. This indicates a slower pace of developing police cooperation policies when it comes to third parties. However, by concluded agreements, their ratification and implementation of strategies, joint activities, programs, and acts of cooperation with Europol, this country have met the first condition to be a serious partner country in the fight against organized crime in the EU.

The success in disrupting criminal networks under the coordination of the Europol Unit at the Ministry of Interior Affairs of Republic North Macedonia results from the implementation of rules of procedures and information management. Following are some general observations, impressions, and perspectives resulting from the research.

Although the EU promotes Europol and its extended mandate enables it, it is not easy to measure the effectiveness of Europol in terms of the fight against organized crime. Europol data is mainly protected and restricted to the public. Hence, a lot of information regarding implemented activities and other documents is not accessible for researchers and practitioners.

In terms of how effective police cooperation is, it seems that Europol manages to achieve its strategic and operational goals. To complement this, but not all of the claims from the beginning of this research, we believe this research article's general and specific hypotheses are confirmed: Effective police cooperation within EU institutions largely depends on the level of the developed positive policies.

The study allowed us to formulate the following recommendations:

- Lessons learned from this study should be taken as recommendations and included in future police cooperation at a lower level of police cooperation.
- To raise awareness among police officers regarding benefits provided by Europol as a police organization facilitating police cooperation.
- To create comprehensive comparative analyses of police cooperation regarding operational support between Europol and law enforcement agencies.
- Sharing methods and practical knowledge is crucial for enhancing police cooperation by organising training and seminars. This would indirectly encourage the growth of trust between the agencies of the member states in that respect.

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- ⁴ Alessandro Rosano, "Protecting Europe beyond its Borders: The Agreements between Europol and Third States or International Organizations," *Cadernos de Dereito Actual* 4 (2016): 9-21, <https://ssrn.com/abstract=2865209>.
- ⁵ European Council, "Conclusions of the European Council," EUCO 79/14, 26-27 June 2014, https://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/143478.pdf. Truth be told, some references to the external dimension of the AFSJ may be found in the TFEU, too. In more general terms, pursuant to Articles 216 to 218, the EU may conclude agreements with third countries or international organizations where the Treaties so provide or where the conclusion of an agreement is necessary in order to achieve one of the objectives referred to in the Treaties or is provided for in a legally binding Union act or is likely to affect common rules or alter their scope.
- ⁶ European Council, "The Stockholm Programme: An Open and Secure Europe Serving and Protecting Citizens," 2010/C 115/01, 2010, [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52010XG0504\(01\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52010XG0504(01)&from=EN).
- ⁷ According to this principle, information from a police officer of one Member State should be made available to another police officer from another Member State and that should be the priority of police cooperation in Europe.
- ⁸ European Parliament, "Regulation 2016/794," 11 May 2016, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32016R0794>. Under Articles 23 and 25 Europol may establish and maintain cooperative relations with third countries and international organizations, and conclude agreements with them which may concern the exchange of all information that may be relevant for the performance of Europol's task, including personal data. Over time, Europol has concluded operational agreements with Albania, Australia, Canada, Colombia, Macedonia, Iceland, Moldova, Montenegro, Norway, Serbia, Switzerland, Liechtenstein, Monaco, and the United States of America.
- ⁹ Rosano, "Protecting Europe beyond its Borders," 13.
- ¹⁰ For example, Government of the Republic of North Macedonia, Ministry of Interior, Sector for International Police Cooperation, EUROPOL Unit.
- ¹¹ "North Macedonia," *European Western Balkans*, 2020, <https://europeanwesternbalkans.com/north-macedonia/>.
- ¹² *Official Gazette of Republic of North Macedonia* 17, 2008.

- ¹³ Action Plan for implementation of the Strategic Agreement and the start of negotiations to sign an operational agreement with Europol was adopted at the 133 Session of the Government of North Macedonia, held on February 25, 2008.
- ¹⁴ The Rulebook for acting of the Unit for Europol and realization of the cooperation with Europol (13.1.1 - 25464/1) entered into force on April 20, 2016. This Rulebook prescribes the actions of the Europol Unit in SIPC in performing the works and tasks within its competence and the actions of the competent national authorities in the area of cooperation with Europol, i.e., cooperation and actions of the Unit upon requests submitted by Europol and national competent authorities, exchange of personal data, marking systems, international relations, access to national databases, information connection, Europol information system and organization of Europol analytical work.
- ¹⁵ *Official Gazette of Republic of North Macedonia*, 172, 14.12.2011.
- ¹⁶ The Europol Regulation enters into force on 01.05.2017. In Annex 1 of the Regulation improves the ability of Europol to act as a centre for the collection and merging of information at EU level in the fight against terrorism and serious and organized crime. One of the novelties, established in the new legal framework, is the updating of the mandate of Europol, in the part of criminal acts within its competence.
- ¹⁷ February 27, 2012 – the first exchange letter was submitted by Europol. April 30, 2012 – A second exchange letter signed by the Ministry of Interior was submitted to Europol. May 1, 2012.
- ¹⁸ SIENA (Secure Information Exchange Network Application) is an application of Europol, i.e., a tool for secure exchange of information that facilitates the exchange of operational and strategic information related to crime between the member states of Europol, Europol and the third partners of Europol.
- ¹⁹ AWF are information processing systems for specific criminal areas related to criminal areas and operationally supported by Europol.

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