EUROPEAN UNION
THE COUNCIL

Brussels, 13 May 1996 (22.05)
(OR. f)

7304/96

LIMITE

ENFOPOL 88

NOTE

from: K.4 Committee

~~to :COREPER (Part 2)~~

~~Nos prev. docs: 6811/1/96 ENFOPOL 79 REV 1 and 7142/96 ENFOPOL 86~~

Subject: Draft Joint Action concerning the creation and maintenance of a directory of counter-terrorist competences to facilitate counter-terrorist cooperation between the Member States

1. At its meeting on 13 May 1996, the K.4 Committee discussed the above draft. The text as it stands following these discussions is attached.

2. The sole unresolved question concerns the languages in which the directory is to be compiled (Article 2(2)). Alongside the proposal by the United Kingdom delegation (English, French, German), other alternatives were suggested: all the languages, English and French, or English only. A large majority was in favour of the last alternative. The K.4 Committee is submitting this question to COREPER.

ANNEX

DRAFT JOINT ACTION

of

adopted by the Council on the basis of Article K.3 of the Treaty on European Union
concerning the creation and maintenance of a directory
of counter-terrorist competences to facilitate counter-terrorist cooperation
between the Member States of the European Union

THE COUNCIL OF THE EUROPEAN UNION

Having regard to Article K.3(2)(b) of the Treaty on European Union,

Having regard to the initiative of the United Kingdom,

Recalling that, under Article K.1(9) of the Treaty, police cooperation for the purposes of preventing and combating terrorism is considered as a matter of common interest to the Member States;

Whereas in its Declaration on Terrorism adopted on 15 and 16 December 1995, the European Council declared that, in order to prevent and combat terrorist action effectively, there is a need for thorough coordination between Member States;

Whereas the Council considers that, while there is already extensive and effective cooperation between all the agencies of the Member States responsible for countering terrorism, they should always seek to enhance that cooperation;

Whereas national counter-terrorist agencies have, in response to the varying terrorist threats faced by Member States, developed areas of specialized competences, skills or expertise, which should in principle be made available at their request to appropriate agencies in all other Member States as and when they have need of them;

Whereas the creation and maintenance of a Directory of these areas of specialized competences, skills or expertise would make them more widely and readily available to agencies in all Member States, thus enhancing Member States' counter-terrorist capability;

Whereas the Directory envisaged by this joint action is not intended to replace or affect any existing bilateral or multilateral arrangements for counter-terrorism cooperation, nor to be a vehicle for the exchange of operational intelligence, nor to require the setting up of any new structures within the Council,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Council shall designate the United Kingdom as responsible during the start-up phase of one year for compiling, maintaining and disseminating a Directory of specialized counter-terrorist skills or expertise ("the Directory"). Thereafter, this task shall be the responsibility of the Member State holding the Presidency.

2. The designated Member State shall appoint a particular office to compile, maintain and disseminate the Directory ("the Directory Manager").

3. The Directory Manager may be so designated indefinitely or for a fixed period of time. The Council may decide as appropriate, to replace the Directory Manager.

Article 2

1. Member States shall send their contributions to be entered in the Directory to the Directory Manager.

2. The Directory Manager shall compile the Directory on the basis of those entries. The Directory Manager shall arrange for the Directory to be translated into English, French and German, and to be distributed to the Member States. Costs of such translation shall be financed from Member States' voluntary contributions.

3. When making their contributions to the Directory, Member States shall take full account of the security classification and protection established by each Member State.

4. Subsequently, the Directory Manager shall be responsible for the accurate incorporation of any amendments and additions to the Directory on the basis of further contributions from Member States, and for drawing these to the attention of Member States.

5. The Directory Manager shall be responsible for maintaining statistics on the use of the Directory, and making a twice-yearly report to the Council on the effectiveness of the scheme.

Article 3

1. Each Member State shall contribute to the Directory an indication of any specialized counter-terrorist competences, skills or experience it has developed and which it considers useful to make available to all Member States.

2. These contributions, which might conveniently be made on pro-formas to be agreed within the Council, shall as a minimum give a sufficient description of each particular competence, skill or expertise to allow the appropriate agencies in Member States to make a reasoned judgment as to its likely relevance in the performance of their counter-terrorist duties. The contributions shall also indicate precisely how contact should be made, directly and speedily, either with the location offering this competence, skill or expertise or with a central contact point within the Member State.

3. Member States shall be responsible for updating these contact details when necessary.

4. Member States may at any time contribute additional entries to, or ask for entries to be withdrawn from, the Directory.

5. No personal data, other than the names and contact details required for the operation of the scheme, shall be held in the Directory.

Article 4

1. Each Member State shall hold a copy of the Directory. Any relevant agency in a Member State which wishes to avail itself of a particular competence mentioned in the Directory shall approach the relevant contact point in the Member State which entered that information. The question of any reimbursement of expenses shall also be settled bilaterally.

2. A Member State which has contributed a competence, skill or expertise to the Directory may decline to make it available in a particular case if circumstances so require.

3. Member States agree that, if they make a contact through the Directory, they will notify the basic details, to be agreed by the Council, to the Directory Manager, to allow effective monitoring of the usefulness of the Directory.

Article 5

Decisions by or within the Council with regard to matters covered by Articles 1, 3 and 4 shall be made on the basis of unanimity.

Article 6

This joint action shall be published in the Official Journal of the European Communities and shall enter into force on the date of its publication.

Done at ....