

5459/96

LIMITE

EUROPOL 17

"I"/"A" ITEM NOTE

from : K.4 Committee
to : ~~COREPER/Council~~

No. prev. doc.: 9207/6/95 EUROPOL 76 REV 6, 5163/96 EUROPOL 16

Subject: **Europol: Rights and obligations of liaison officers**

1. At its meeting on 28 February 1996 the K.4 Committee agreed on the text set out in the Annex on the rights and obligations of liaison officers.
2. It invited the Permanent Representatives Committee to suggest that the Council confirm that agreement and freeze the text, on the understanding that it would be for the Management Board of Europol to approve it.

RIGHTS AND OBLIGATIONS OF LIAISON OFFICERS

HAVING REGARD to the Treaty on European Union and in particular Articles K.1(9) and K.3 thereof,

HAVING REGARD to the Convention on the establishment of a European Police Office (Europol) and in particular Article 5(7) thereof, whereby, without prejudice to the other provisions of that Convention, the rights and obligations of liaison officers in relation to Europol shall be determined unanimously by the Management Board,

HAVING REGARD to Article 28(1)(2) of the Europol Convention,

The Management Board **UNANIMOUSLY AGREES TO ADOPT:**

THE RIGHTS AND OBLIGATIONS OF LIAISON OFFICERS IN RELATION TO EUROPOL.

Article 1

Purpose

This act is adopted pursuant to Article 5 of the Europol Convention on the rights and obligations of liaison officers to Europol.

Article 2

General Provisions

The liaison officers to Europol shall be those appointed by each Member State. The Director of Europol shall be informed of those appointments and shall submit a list of them to the Management Board.

Article 3

Requirements

In order to be able to carry out their functions in Europol, the Member States' liaison officers shall meet at least the following requirements, which shall be assessed by each Member State:

1. they shall, under the law of the appointing Member State, be officials of the services responsible for preventing and combating criminal offences within Europol's sphere of competence in accordance with Article 2 of the Convention;
2. they shall know at least two of the official languages of the European Union;
3. they shall meet the required conditions of suitability and have the qualifications necessary to carry out their functions.

Article 4
Relations between liaison officers

Within the framework laid down in Article 5 of the Europol Convention, liaison officers shall cooperate actively among themselves in exchanging information and shall provide the necessary support and advice.

Article 5
Obligations of Europol towards liaison officers

1. Europol shall support liaison officers in the execution of their duties. The Director of Europol shall take the necessary organizational measures to:
 - (a) ensure that the activities of the liaison officers are efficient;
 - (b) deal with their requests and give them the necessary advice;
 - (c) settle matters arising from the normal exercise of the duties assigned to them.
2. Liaison officers shall be informed by Europol of activities which may concern them and other circumstances which may be of interest to them or to the Member State which appointed them, whether supplied by Europol itself or by the liaison officers of another Member State or by third bodies or States.

Article 6
Obligations of the liaison officers towards Europol

1. The liaison officers, in close cooperation with Europol staff, shall endeavour to achieve Europol's aims and objectives.
2. The liaison officers shall comply with Europol's internal regulations, without prejudice to their national legislation.
3. In performing their duties, liaison officers shall be responsible for complying with the various provisions of their own national laws on data protection, subject to the specific provisions of the Convention on the establishment of a European Police Office (Europol).

Article 7
Obligation to inform Europol

If permitted by the law of their State of origin, the liaison officers shall, as far as possible, inform the Director of Europol of the activities carried out by them within Europol, and more especially:

- (a) inform it principally of matters exceeding the framework of bilateral exchanges between Member States which may have an impact on Europol;
- (b) respond to any request for additional information made by Europol;
- (c) supply a brief monthly statistical report on all of their activities.

Article 8
Liability with regard to Europol

The liability of the State of origin for damage caused to Europol and attributable to liaison officers will be assessed in the light of the national legislation of that State.

Article 9
Availability with regard to Europol

In order to ensure the attainment of the objectives and efficient operation of the functions of Europol provided for in Articles 2 and 3, together with the functions assigned to the liaison officers under Article 5 of the Convention, each Member State, acting in compliance with its national regulations, shall lay down the general rules governing its liaison officers' working hours and a system ensuring their availability, which, without necessarily requiring physical presence at Europol, will guarantee the continuity of the service. The Director of Europol shall be duly notified of such measures.

Article 10
Leave

1. Liaison officers shall remain under the responsibility of the authorities seconding them and shall be subject to national rules.
2. Responsibility for the administration of annual leave and other leave shall lie with the seconding authority and the liaison officer.

3. Liaison officers shall notify the Director of Europol as early as possible of leave they intend applying for.
4. The Director of Europol may object to any request for leave which may conflict with the Institution's interests. The decision shall be taken by the Member State which sent the liaison officer in question after hearing the Director's objections.

Article 11

Public holidays

1. Liaison officers shall be subject to the provisions of their national regulations concerning the number of holidays they may take each year.
2. As far as possible, liaison officers shall respect the holiday dates determined by the Director of Europol in agreement with the Management Board and their own national holiday.
3. Public holiday arrangements for each liaison officer shall be communicated by each National Unit to the Director of Europol in sufficient time to enable him to plan the activities of the organization.

Article 12

Other absences

In the case of absence for reasons other than those laid down in Articles 10 and 11 which prevent them from being present at their place of work, liaison officers must inform the Director of Europol of their unavailability as soon as possible, stating the reason for their absence and giving details of how they can be contacted.

FINAL PROVISIONS

This act shall enter into force on the day following that of its adoption by the Management Board.

Any amendments to this act shall be adopted unanimously by the Management Board.