

10569/98

LIMITE

EUROPOL 77

NOTE

from : Austrian Presidency

to : Working Party

No. prev. doc.: 12469/97 EUROPOL 65 + COR 1 REV 1

Subject: Exercise of the powers of the Europol Director following entry into force of the
Europol Convention

Background

1. In accordance with Article 45(4) of the Europol Convention, Europol will not take up its activities until inter alia the act provided for in Article 37 of the Convention, namely the Headquarters Agreement, enters into force.
2. In accordance with Article 37 of the Convention, the Headquarters Agreement will be concluded between Europol and the Kingdom of the Netherlands after obtaining the unanimous approval of the Management Board. Under Article 29(5) of the Convention, the person responsible for concluding the Agreement on behalf of Europol is the Director.
3. In the Decision adopted by the JHA Council in December 1997 (12469/97 EUROPOL 65 + COR 1 REV 1), the EDU Coordinators were reconfirmed in their functions for a maximum period of six months following the entry into force of the Convention, and, from when Europol takes up its activities within that maximum period were appointed as Director ad interim or Deputy Directors ad interim.

4. This means that, according to the wording of the Council Decision, no Europol Director is available before Europol takes up its activities; however, the involvement of the Europol Director is necessary for the Headquarters Agreement to come into existence and is therefore one of the prerequisites for the taking up of activities in accordance with Article 45(4) of the Europol Convention.

Conclusion

5. It is therefore necessary to supplement the Council Decision (12469/97 EUROPOL 65 + COR 1 REV 1) as follows, to allow the procedure to be followed which will enable the activities to be taken up.

The following Article will be inserted in the Council Decision of 4 December 1997 extending the appointments of the Coordinator, the Assistant Coordinators and the other members of the Management Team of the Europol Drugs Unit:

Article 4a

After the entry into force of the Europol Convention, the Coordinator/Assistant Coordinators shall exercise the powers of the Europol Director/Deputy Directors that are required to enable Europol to take up its activities in accordance with Article 45(4) of the Europol Convention.
