ACQUIS 325

EUROPEAN UNION
THE COUNCIL

Brussels, 23 April 1999

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LIMITE

EUROPOL 20

NOTE POINT I/A

from :	General Secretariat of the Council
to :	COREPER / Conseil
No. prev. doc.:	7195/99 EUROPOL 18
Subject :	Approval of the Rules of Procedure of the Europol Joint Supervisory Body

1. One of the acts whose entry into force is in accordance with Article 45 (4) Europol Convention a precondition for the taking up of activities relates to the Rules of Procedure of the Europol Joint Supervisory Body. Article 24 (7) of the Europol Convention stipulates that "the joint supervisory body shall unanimously adopt its rules of procedure, which shall be submitted for unanimous approval of the Council".

2. The first step of this procedure has been completed on 22 April 1999, the day the Europol Joint Supervisory Body formally adopted its Rules of Procedure (Act 1/99 of the Joint Supervisory Body) and submitted them for approval to Council. The text of the Rules of Procedure is contained in document 7195/99 EUROPOL 18. It should be noted that the Joint Supervisory Body duly took into account comments made by relevant Council bodies (especially COREPER) and that the text in document 7195/99 EUROPOL 18 has undergone appropriate jurist-linguist screening. The Council should therefore be able to formally approve the Rules of Procedure of the Europol Joint Supervisory Body in order for them to enter into force as soon as possible and order the publication of the Rules of Procedure in the Official Journal of the European Communities.

3. Document 7195/99 EUROPOL 18 furthermore contains a declaration to be adopted by Council when approving the Rules of Procedure of the Europol Joint Supervisory Body and to be published equally in the Official Journal of the European Communities.

4. When adopting the Rules of Procedure the Joint Supervisory Body adopted four declarations of which the Council is invited to take note:

"The four problems which could be resolved by a statement by the Joint Supervisory Body on how provisions of the Rules of Procedure are to be interpreted are as follows:

a) special circumstances within the meaning of the second sentence of Article 17 (5) of the Rules of Procedure always obtain if the applicant is simple not informed separately about the time limits;

b) the reference to Article 19 (3) of the Europol Convention in Article 21 (2) of the Rules of Procedure represents a further definition of the concept of public security; the instances referred to in Article 19 (3) of the Europol Convention therefore apply in so far as public security is involved in the case in question;

c) procedure in Article 20 (1) of the Rules of Procedure means appeal procedure and that neither the access to the files of the procedure nor the hearing in Article 21 does anticipate the decision on appeal;

d) in formulating the decision to be announced in accordance with Article 25 (4) of the Rules of Procedure, the secrecy requirements in respect of public security and the protection of the rights of third parties contained in Article 19 (3) of the Europol Convention are to be observed".

5. Subsequently COREPER is invited to request Council:

a) To formally approved the Rules of Procedure of the Europol Joint Supervisory Body as set out in document 7195/99 EUROPOL 18 and to order their publication in the Official Journal of the European Communities.

b) To adopt the declaration of Council set out in document 7195/99 EUROPOL 18 and to order its publication in the Official Journal of the European Communities.

c) To take note of the declarations adopted by the Europol Joint Supervisory Body when adopting the Rules of Procedure (see point 4).