

6506/99

LIMITE

JAI 17
EVAL 19

"A" ITEM NOTE

from : Permanent Representatives Committee (Part 2)

to : Council

Subject: Implementation of the Joint Action of 29 June 1998 establishing a mechanism for the collective evaluation of applicant countries in the field of Justice and Home Affairs

- Detachment of specialised national experts and practitioners to the General Secretariat of the Council for a limited period

1. On 17 February 1999 the Permanent Representatives Committee approved a draft Council Decision providing for the detachment to the General Secretariat of the Council of four specialised national experts and practitioners in Justice and Home Affairs and agreed to its being submitted to the Council for adoption. The draft Decision as finalised by the Legal/Linguistic Experts will be found in 6424/99 JAI 16 EVAL 17.
2. The Decision lays down the rules applicable to national experts on detachment to the General Secretariat of the Council.

It reproduces almost exactly the Council Decision of 23 June 1997 on the rules applicable to national experts on detachment to the General Secretariat of the Council (Directorate-General for Justice and Home Affairs) in the context of implementation of the plan to step up the fight against organised crime.

3. Annex 1 contains a note stating the reasons for the detachment of national experts, the required number and profile of the experts and detailing the tasks to be assigned to them.

A financial statement is given in Annex 2.

4. Proposal for a Decision

The Council is requested to adopt the draft Decision on the rules applicable to national experts on detachment to the General Secretariat of the Council (Directorate-General for Justice and Home Affairs) in the context of implementation of the Joint Action of 29 June 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, establishing a mechanism for collective evaluation of the enactment, application and effective implementation by the applicant countries of the acquis of the European Union in the field of Justice and Home Affairs, as contained in 6424/99 JAI 16 EVAL 17.

Recruitment to the General Secretariat of the Council of four national experts and practitioners specialised in Justice and Home Affairs

1. Context

As indicated in the interim report by the Working Party on Collective Evaluation to the Permanent Representatives Committee (14190/98 EVAL 19 ELARG 109), the frequency of proceedings set by the Austrian Presidency and increased by the current and next Presidencies, the need to collect and analyse scarce data from many sources (law enforcement and control administrations and departments in the Member States, the HCR, Interpol, the Council of Europe, NGOs, etc.), the establishment of close contact with the Member States' diplomatic representations in the applicant countries together with the difficulty of making a precise assessment of the reality of the integration of the European Union's acquis in matters as sensitive as, for example, the processing of asylum applications and respect for the rule of law in the conduct of police and judicial business, justify the temporary secondment to Directorate-General H (Justice and Home Affairs) of the Council General Secretariat of four national experts, two in the fields of immigration/asylum/visas/external frontier control, one in police matters and one in civil and criminal law.

The highly successful experiment in the use of national experts for implementation of the action plan to combat organised crime is another argument in favour of using this arrangement.

2. Staff requirements

2.1. It is proposed that four national experts be assigned to Directorate-General H (Justice and Home Affairs) at the General Secretariat of the Council of the European Union.

2.2. The experts should have the following profiles:

- one expert in civil and/or criminal law who has had operational and/or organisational responsibilities;

- one expert from the Member States' law enforcement and control agencies (police, customs) who has had operational and/or organisational responsibilities;
- two experts in the fields of immigration, asylum, visas and the control of external frontiers who have had operational and/or organisational responsibilities.

2.3. These experts would be recruited for two years (with the possibility of a further year). At the end of the first period, the experts will be replaced by the General Secretariat of the Council on the basis of an assessment of the arrangement submitted for discussion in the Permanent Representatives Committee.

2.4. Candidates' international experience, language and computer skills as well as their varying geographical origins will be taken into account in selecting experts. Care will be taken, when the experts are being chosen or replaced, to ensure balance in the representation of the Member States.

3. Tasks

3.1. It should be made clear that the detached experts are not obliged and will not be obliged to perform the normal tasks of General Secretariat officials, namely taking on the secretariat function at Working Parties involved in the Council's normative work and advising the Presidency in the conduct of its legislative programme.

They will not, however, form a separate entity but will be an integral part of the General Secretariat of the Council. Experts will work to the Director-General responsible for cooperation in the field of Justice and Home Affairs.

3.2. They will be asked to help with the preparation of assessment reports on the applicant countries, the drafting of questionnaires to be sent to the Member States' embassies in the applicant countries and the preparation and conduct of any evaluation missions in the field under the terms of the Joint Action of 29 June 1998.

4. Rules applicable

The General Secretariat will recruit national experts for detachment on the basis of the Council Decision establishing the rules applicable to national experts on detachment to the Directorate-General for Justice and Home Affairs of the General Secretariat of the Council of the European Union in the context of implementation of the Joint Action of 29 June 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, establishing a mechanism for collective evaluation of the enactment, application and effective implementation by the applicant countries of the acquis of the European Union in the field of Justice and Home Affairs.

FINANCIAL STATEMENT
BUDGETARY ESTIMATE
OF THE COST OF NATIONAL EXPERTS ON DETACHMENT (JHA)

Estimated requirements are four national experts.

These experts will be placed on detachment and paid by their national administrations. The period of detachment is two years, renewable for one year (three years max.). The estimated starting date for contracts is 1 May 1999.

There are two hypotheses: the expert decides or does not decide to move to the area of the European Union's headquarters (Brussels).

	Reference to the draft Decision	Hypothesis A Expert moves to Brussels	Hypothesis B Expert does not move to Brussels
Sickness insurance	Art. 5(4)	EUR 190 a month	
Accident insurance	Art. 5(3)	EUR 75 a month	
Subsistence allowance	Art. 12	EUR 3 121 a month	
Additional flat-rate allowance	Art. 13	n/a	
Travel expenses	Art. 14(1)		EUR 600 a month
	Art. 14(2)	EUR 1 750 per annum	
	Art. 14(3)(a)	EUR 500 on taking up duties EUR 500 on termination of service	
	Art. 14(3)(b)	EUR 1 500 when removal takes place EUR 1 500 on termination of service	
Removal expenses	Art. 15	EUR 5 350 on taking up duties EUR 5 350 on termination of service	
Mission expenses	Art. 16	EUR 750 a month	
Adjustment of the additional flat-rate allowance	Art. 17	n/a	
"Single" amounts		EUR 7 350 on taking up duties EUR 7 350 on termination of service EUR 1 750 per annum	EUR 500 on taking up duties EUR 500 on termination of service
Monthly amount		EUR 4 165 a month	EUR 4 765 a month
Annual cost		EUR 49 980 per annum	EUR 57 180 per annum

Schedule

	1999 (8 months)	2000	2001	2002 (4 months)
Hypothesis A	EUR 7 350 + EUR 1 750 + (8 x 4 165) = EUR 42 420	EUR 1 750 + (12 x 4 165) = EUR 51 730	EUR 1 750 + (12 x 4 165) = EUR 51 730	EUR 7 350 + (4 x 4 165) = EUR 24 010
Two experts:	EUR 84 840	EUR 103 460	EUR 103 460	EUR 48 020
Hypothesis B	EUR 500 + (8 x 4 765) = EUR 38 620	(12 x 4 765) = EUR 57 180	(12 x 4 765) = EUR 57 180	EUR 500 + (4 x 4 765) = EUR 19 560
Two experts:	EUR 77 240	EUR 114 360	EUR 114 360	EUR 39 120
TOTAL	EUR 162 080	EUR 217 820	EUR 217 820	EUR 87 140
Round figures	EUR 170 000	EUR 220 000	EUR 220 000	EUR 90 000 ⁽¹⁾

These amounts will be charged against heading 1113 – "Special advisers and other persons mandated by the Council" of Section II – Council – of the Budget.

⁽¹⁾ Experts may have to be replaced during the third year. The estimated cost for the full year would then be EUR 250 000.