

# Cooperation between the special intervention units of the Member States in crisis situations. Initiative Austria

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The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Mr. Armando **FRANÇA** (PES, PT) under the consultation procedure on the Austrian initiative aimed at improving cooperation between the special intervention units in crisis situations.

Although, overall, MEPs approve the proposed initiative, they suggest that the definition of “crisis situation” be amended and, before that, the possibilities for cooperation between Member States be broadened.

The main amendments adopted by the committee can be summarised as follows:

**Complement the “Prüm Decision”:** Members wanted to state more clearly the role and limits of special intervention units within the framework of the Austrian initiative and insist on its main objective, which is to complement the Prüm Decision on the stepping-up of cross-border cooperation in order to combat terrorism and cross-border crime (see [CNS/2007/0804](#)). The Prüm Decision envisages, in particular, the forms of police cooperation in the case of mass gatherings, major events, natural disasters or serious accidents. MEPs have excluded this type of cooperation from the Austrian initiative, limiting the intervention of special units to “man-made crisis situations or acts of terrorism presenting a serious direct physical threat to persons, property, infrastructure or institutions, in particular hostage taking, hijacking and similar events”.

**Crisis situations:** cooperation should be triggered at the request of the Member State that finds itself in a crisis situation, i.e. in a situation “resulting from a man-made act, taking place in a Member State and leading one to reasonably believe that a criminal act will be or is being committed, which presents a serious direct physical threat to persons, property, infrastructure or institutions in that Member State, in particular those situations referred to in Council Framework Decision 2002/475/JAI (see [CNS/2001/0217](#)) on combating terrorism”.

**“Requested” Member State:** Members suggest that Member States from which help is requested be identified as the “requested Member State”. They also specify that the practical details and implementing arrangements of intervention shall be directly agreed between Member States.

**“Competent authority”:** Members specify the terms for requesting intervention between Member States. They thus provide for there to be a single “authority” in each Member State in charge of “making requests and giving authorisation for the deployment of special intervention units”. By making a request setting out “the nature of the requested assistance” as well as “the operational necessity thereof”, a Member State can ask to be assisted by this specific authority. The competent authority of a requested Member State may refuse such a request or propose a different kind of assistance.

**Strengthening cooperation first:** to strengthen cooperation before a crisis situation arises, Members seek to strengthen the preventative and training measures of the special units. They suggest that these units gather together regularly and organise joint training sessions, so as to benefit from mutual experiences and

to save time when a crisis arises. These meetings, training sessions and joint exercises may be funded by the EU budget under certain ad hoc financial programmes. The Member State holding the Presidency of the EU shall endeavour to ensure that such meetings, training and exercises take place.

**Funding interventions:** Members specify that the requesting Member State shall bear the operational costs incurred by the requested Member State's special intervention units, including transport and accommodation costs (unless otherwise agreed between the Member States concerned).

**Civil and criminal liability:** Members also specify the liability that lies with special intervention units during an operation: in the case of joint police operations or joint actions led by the special intervention units, the host Member State shall be liable for measures taken by the police crossing the border, in accordance with the relevant provisions of the Prüm Decision.

Lastly, MEPs state that nothing in the draft decision may be interpreted as being contrary to “the current rules applicable to international police cooperation according to national legal systems”.