

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

2007/0803(CNS) - 31/01/2008 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution based on the report drafted by Armando FRANÇA (PES, PT) on the Austrian initiative aimed at improving cooperation between the special intervention units in crisis situations. The resolution was adopted by 558 votes for 56 against and 10 abstentions.

The main amendments were 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 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 proposal, 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”. With this in view, each Member State should indicate the competent national authorities from which the other Member States concerned may request assistance or intervention.

**Crisis situations:** cooperation should be triggered at the request of the Member State that finds itself in a crisis situation, i.e. any man-made situation in a Member State giving rise to reasonable grounds for believing that a criminal act has been, is being or will be committed, which presents a serious direct physical threat to persons, property, infrastructure or institutions in that Member State, in particular the situations referred to in Article 1(1) of Council Framework Decision 2002/475/JHA on combating terrorism.

The practical details and arrangements for implementing the Decision shall be agreed directly between the requesting Member State and the addressee Member State.

**“Competent authority”:** this means the national authority which may make requests and give authorisations regarding the deployment of the special intervention units. Through a request via the competent authorities setting out the nature of the assistance requested as well as the operational necessity, a Member State may ask to be assisted by a special intervention unit of another Member State with a view to dealing with a crisis situation. The competent authority of the addressee Member State may accept or refuse such a request or may propose a different kind of assistance.

**Liability:** Parliament deleted the Commission’s clauses on “General rules on liability” and “Criminal liability. It stated instead that where officers of a Member State operate within the territory of another Member State and/or equipment is used under the Decision, the provisions on civil and criminal liability set out in Articles 21 and 22 of the Prüm Decision shall apply.

**Training:** all participating Member States shall ensure that their special intervention units hold meetings and regularly organise joint training courses and exercises, with a view to exchanging experience, expertise and general, practical and technical information about providing assistance in crisis situations. Such meetings, training courses and exercises may be funded under certain financial programmes of the

Union and obtain grants financed from the general budget of the European Union. In this context, the Member State holding the Presidency of the EU shall endeavour to ensure that such meetings, training courses and exercises take place.

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

Lastly, MEPs state that nothing in the Decision shall be construed as permitting the application of these rules governing cooperation among the law enforcement agencies of the Member States to relations with the relevant agencies of third countries in circumvention of the existing rules of national legal systems applicable to international police cooperation.