

Europol, staff: jurisdictional immunities (amend. Regulation (Euratom, ECSC, EEC) No 549/69)

2008/0102(CNS) - 23/05/2008 - Legislative proposal

PURPOSE: to clarify that immunity from legal proceedings does not apply to EUROPOL staff participating in joint investigation teams and amend Regulation (Euratom, ECSC, EEC) No 549/69.

PROPOSED ACT: Council Regulation.

CONTENT: according to the Council Decision establishing Europol, EUROPOL staff may participate in a support capacity in joint investigation teams provided those teams are investigating criminal offences for which Europol is competent. These joint investigation teams are headed by a team leader representing the competent national authority participating in criminal investigations from the Member State in which the team operates. During the operation of a joint investigation team, EUROPOL staff shall, with respect to offences committed against or by them, be subject to the national law of the Member State of operation applicable to persons with comparable functions.

When the possibility for Europol officials to participate in joint investigation teams was introduced by the Protocol amending the Europol Convention, it was considered that Europol officials should not enjoy immunity from legal proceedings in respect of official acts undertaken when participating in those teams.

The Commission proposes here that Regulation (Euratom, ECSC, EEC) No 549/697 should be amended in order to clarify, in the context of Decision establishing Europol, and exclusively for the purpose of its application, the scope of immunity of Europol staff placed at the disposal of a joint investigation team. In order to ensure that the EUROPOL Decision is applied from 1 January 2010, the amendment to Council Regulation No 549/69 clarifying that immunity from legal proceedings does not apply to EUROPOL staff participating in joint investigation teams, needs to be adopted in good time.