

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

2007/0803(CNS) - 23/06/2008 - Final act

PURPOSE: to improve cooperation between the special intervention units of the Member States of the European Union in crisis situations.

LEGISLATIVE ACT: Council Decision 2008/617/JHA on the improvement of cooperation between the special intervention units of the Member States of the European Union in crisis situations;

BACKGROUND: in their Declaration on Solidarity against Terrorism of 25 March 2004, the Heads of State and Government of the Member States of the European Union declared their firm intention that the Member States mobilise all the instruments at their disposal to assist a Member State or an acceding State in its territory at the request of its political authorities in the event of a terrorist attack. Given that no single Member State has all the means, resources and expertise at its disposal to deal effectively with all possible kinds of specific or large-scale crisis situations requiring special intervention, the Council provides a legal framework for circumstances in which Member States concerned agree to request and provide assistance. The availability of this legal framework and of a compilation indicating the competent authorities will allow Member States to react speedily and gain time should such a crisis situation arise.

CONTENT: the Decision lays down general rules and conditions to allow for special intervention units of one Member State to provide assistance and/or operate on the territory of another Member State in cases where they have been invited by the requesting Member State and have agreed to do so in order to deal with a crisis situation. The practical details and implementing arrangements complementing this Decision shall be agreed directly between the requesting Member State and the requested Member State.

Assistance to another Member State: 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 requested Member State may accept or refuse such a request or may propose a different kind of assistance.

Subject to agreement between the Member States concerned, assistance may consist of providing the requesting Member State with equipment and/or expertise and/or of carrying out actions on the territory of that Member State, **using weapons if so required.**

In the case of actions on the territory of the requesting Member State, officers of the assisting special intervention unit shall be authorised to operate in a supporting capacity on the territory of the requesting Member State and take all necessary measures to provide the requested assistance in so far as they:

- operate under the responsibility, authority and direction of the requesting Member State and in accordance with the law of the requesting Member State;
- operate within the limits of their powers under their national law.

The definition of ‘special intervention unit’ shall mean any law enforcement unit of a Member State which is specialised in the control of a crisis situation. The General Secretariat of the Council shall compile and keep up to date the list of the competent authorities of the Member States which may make requests and give authorisations for providing assistance.

Civil and criminal liability: when officers of a Member State operate within another Member State and /or equipment is used under this Decision, the provisions on civil and criminal liability set out in the [Prüm Decision](#) shall apply.

Meetings and joint training: the participating Member States shall ensure that their special intervention units hold meetings and organise joint training and exercises, whenever necessary, with a view to exchanging experience, expertise and general, practical and technical information on dealing with a crisis situation. Such meetings, training and exercises may be funded under possibilities offered by the financial programmes of the Union to obtain grants from the budget of the European Union. In this context, the Member State holding the Presidency of the Union shall endeavour to ensure that such meetings, training and exercises take place.

Costs: the requesting Member State shall bear the operational costs incurred by the requested Member State's special intervention units in connection with the application of Article 3, including transport and accommodation costs, unless otherwise agreed between the Member States concerned.

Relation to other instruments: the Decision is without prejudice to their commitments under other acts adopted pursuant to Title VI of the Treaty, in particular the Prüm Decision. Member States may continue to apply bilateral or multilateral agreements or arrangements on cross-border cooperation in force on 23 June 2008 in so far as such agreements or arrangements are not incompatible with the objectives of this Decision. They may conclude or bring into force bilateral or multilateral agreements or arrangements on cross-border cooperation after 23 December 2008 in so far as such agreements or arrangements provide for the objectives of this Decision to be extended or enlarged.

ENTRY INTO FORCE: 23/12/2008.