Police cooperation: common use of liaison officers posted abroad by member States. Initiative Denmark

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PURPOSE : to present a draft Council Decision regarding joint use of Member States' liaison officers in third countries. CONTENT : the Joint Action of October 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union providing for a common framework for the initiatives of the Member States concerning liaison officers (96/602/JHA created a first basis for co-operation through liaison officers in third states. In light of the experience in applying the Joint Action and of the provisions of the Treaty of Amsterdam on combating cross-border crimes, co-operation on the posting of liaison officers to third states and international organisations needs to be strengthened and developed. Furthermore, there is a strong need to strengthen parts of the co-operation between Member States' liaison officers in third states and international organisations in order to make the best possible use Member States' resources. This is the aim of this draft Decision. In addition to this, Europol has established and will continue to establish and maintain co-operative relations with a wide range of third states and external organisations. In that connection, Europol needs to be given the necessary support and means to function effectively as the focal point of European police co-operation. The European Council has stressed that Europol plays a central role in co-operation between the authorities of the Member States in investigating cross-border crime by supporting the prevention, analysis and investigation of crime at EU level. At the same time, co-operation between the Member States in this area needs to be strengthened so as to facilitate the exchange of information with a view to the national police authorities. The purpose of the Danish initiative is to further enhance co-operation between Member States' liaison officers and to create the legal basis for Europol and Member States to make use of Member States' liaison officers posted to third states and international organisations. The draft Decision suggests that the Member States shall provide for liaison officers posted to states and international organisations to exchange, as required and on a regular basis, the information obtained on significant general issues or issues of common interest and to taken common initiatives if the Member States concerned deem this necessary. Furthermore, the proposal will create the legal basis for Europol to make use of Member States' liaison officers in third states and external organisations. However, it is not the purpose of the initiative to create a legal basis for Member States' liaison officers to act on behalf of Europol in third states or external organisations. When relevant, Europol should be able to ask a Europol National Unit in a Member State for relevant information from that states' liaison officer posted to a third state or external organisations where Europol is not present. The information will only communicated to Europol in accordance with the Europol Convention and national law. Lastly, it should be made clear that Joint Action 96/602/JHA shall be repealed as soon as the present Decision enters into force.