

Police cooperation: joint investigation teams. Framework decision. Initiative Belgium, France, Spain and United Kingdom

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PURPOSE : Draft Council Framework Decision on the setting up and functioning of joint investigation teams. **CONTENT :** This is an initiative of Belgium, France, Spain and the United Kingdom following the European Council in Tampere in October 1999. This called for joint investigation teams to be set up. The Council considers it appropriate to ensure that there is a specific legally binding instrument on joint investigation teams applying to terrorism as a matter of priority. The framework decision provides that the competent authorities of two or more Member States may set up a joint investigation team for a specific purpose and a limited period, which may be extended by mutual consent, to carry out criminal investigations in one or more Member States. The Member States setting up a team should be able to allow persons not representing the competent authorities of Member States take part in the activities of the team. Such persons may include representatives of Europol, OLAF or representatives from non-Member States, and particularly, representatives from the law enforcement authorities of the United States. The legislation sets out general conditions for the operation of the teams, notably: - the team will carry out operations in accordance with the law of the Member State in which it operates. - members of the team from other Member States are "seconded" to the team. - information lawfully obtained by a member or seconded member while part of a joint investigation team which is not otherwise available to the competent authorities of the Member State concerned may be used for certain defined purposes. There are also provisions dealing with criminal liability and civil liability regarding officials.