Europol convention: protocol amending the European Police Office. Initiative Belgium and Spain

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PURPOSE : to present the Belgian and Spanish Initiative which aims to adopt a Council Act drawing up a Protocol amending the Convention of the establishment of a European Police Office (Europol), the Protocol on the interpretation, by way of the preliminary rulings, by the Court of Justice of the European Communities of the Convention on the establishment of a European Police Office and the Protocol on the priviledges and immunities of Europol, the members of its organs, the deputy directors and the employees of Europol. CONTENT : firstly, in accordance with Article 30(2)(a) of the Treaty on European Union, rules need to be laid down governing the participation of the European Police Office (Europol) in joint investigation teams. The rules governing Europol's participation in joint investigation teams should determine the role of Europol officials in these teams, the exchange of information between Europol and the joint investigation team as well as the criminal and civil liability arising from the participation of Europol officials in these teams. Article 30(2)(b) of the Treaty on European Union makes provision for Europol to be allowed to ask the competent authorities of the Member States to conduct and coordinate investigations in specific cases. In order to enable Europol to react in a more flexible way to the changing international environment, the procedure for amending the Europol Convention should be simplified. The jurisdiction of the Court of Justice should be enlarged in such a way as to cover not only the interpretation of the Europol Convention but also the validity and interpretation of acts amending the provisions of the Europol Convention and measures adopted by, or within, the Council of the European Union implementing the Europol Convention. The Court of Justice should also have jurisdiction with regard to the Protocol on the privilidges and immunities of Europol, the members of its organs, the deputy directors and the employees of Europol, as well as the jurisdiction to rule on disputes between Member States regarding the Europol Convention. The Protocol on the priviledges and immunities of Europol, the members of its organs, the deputy directors and the employees of Europol should be amended in order to clarify that the immunity of Europol's staff in respect to words spoken or written, an or acts performed by them, in the exercise of their official functions, does not apply to their participation in the activities of the joint investigation teams. Therefore, this initiative aims to amend the Europol Convention in order to allow it to participate in a support capacity in joint investigation teams and to ask the competent authorities of the Member States concerned to conduct or coordinate investigations in specific cases and it aims to enlarge the jurisdiction of the Court of Justice as stated above.