Fight against terrorism: implementation of national legal provisions. Initiative Spain

2002/0809(CNS) - 28/11/2002 - Final act

PURPOSE : to establish a mechanism to evaluate national legal systems and their implementation in the fight against terrorism. COMMUNITY MEASURE : Council Decision 2002/996/JHA. CONTENT: this Decision establishes a mechanism for peer evaluation of the national arrangements in the fight against terrorism within the framework of international cooperation between Member States. Each Member State must undertake to ensure that its national authorities cooperate with the evaluation teams set up under this decision. The main clauses of the Decision are as follows: - for each evaluation exercise, the specific subject of the evaluation will be defined by the Article 36 Committee on a proposal from the Presidency. A Council Working Party may be designated to carry out the evaluation. - the Presidency will prepare the evaluation assisted by the General Secretariat of the Council which will use the national experts seconded to it for that purpose. The Commission will be involved in the preparatory work. The first evaluation exercise will finish no later than mid 2003. - no later than four weeks after the Article 36 Committee decides to start an evaluation exercise, Member States must designate one to three experts with experience of the particular field. The Presidency will draw up a list of experts. - the Presidency will choose a team of two experts for the evaluation of each Member State, ensuring that they are not nationals of the Member State in question. - the Presidency will draw up a questionnaire for the purpose of evaluating all Member States. It must submit the questionnaire to the Article 36 Committee for approval. The Member State being evaluated must reply within one month. - no later than six weeks after receiving a reply to the questionnaire, the evaluation team may visit the Member State to clarify replies. - no later than 15 days after receiving replies to the questionnaire or the visit, the evaluation team must submit a concise draft report to the Member State evaluated. - the latter must give its opinion within six weeks. - the Article 36 Committee will discuss the draft report and adopt its conclusions by consensus. - the Council may address any recommendations to the Member State and set deadlines. - the Presidency will inform the European Parliament at the end of a complete evaluation exercise of the implementation of the evaluation mechanism. - there are provisions on confidentiality and review of the mechanism. DATE OF EFFECT : 24/12/02.