Basic information

2002/0804(CNS) CNS - Consultation procedure	Procedure completed
Europol convention: protocol amending the European Police Office. Initiative Belgium and Spain **Subject** 7.30.05.01 Europol, CEPOL	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	DEPREZ Gérard (PPE-DE)	20/02/2002

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	2469	2002-11-28
Justice and Home Affairs (JHA)	2423	2002-04-25

Key events

Date	Event	Reference	Summary
28/01/2002	Legislative proposal published	05455/2002	Summary
07/02/2002	Committee referral announced in Parliament		
14/05/2002	Vote in committee		Summary
14/05/2002	Committee report tabled for plenary, 1st reading/single reading	A5-0173/2002	
29/05/2002	Debate in Parliament		
30/05/2002	Decision by Parliament	T5-0269/2002	
28/11/2002	Act adopted by Council after consultation of Parliament		
28/11/2002	End of procedure in Parliament		
16/12/2002	Final act published in Official Journal		

Technical information

Procedure reference	2002/0804(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation

Legal basis	Treaty on European Union (after Amsterdam) M 039-p1
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/5/15898

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0173/2002	14/05/2002	
Text adopted by Parliament, 1st reading/single reading		T5-0268/2002 OJ C 187 07.08.2003, p. 0022-0140 E	30/05/2002	Summary
Text adopted by Parliament, single reading		T5-0269/2002 OJ C 187 07.08.2003, p. 0023-0143 E	30/05/2002	

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	05455/2002 OJ C 042 15.02.2002, p. 0008-0013	28/01/2002	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Non-binding act 2002/1216
OJ C 312 16.12.2002, p. 0001-0004 Summary

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

2002/0804(CNS) - 28/01/2002 - Legislative proposal

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.

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

2002/0804(CNS) - 28/11/2002 - Final act

PURPOSE : to amend the Europol Convention and the Protocol on privileges and immunities of Europol. COMMUNITY MEASURE : Council Act 2002 /C312/01 drawing up a Protocol amending the Convention on the establishment of a European Police Office (Europol Convention) and the Protocol on the privileges and immunities of Europol, the members of its organs, the deputy directors and the employees of Europol. CONTENT : The Europol Convention and the Protocol are amended as follows: - rules are laid down governing participation of Europol in joint investigation teams. Europol officials may participate in a support capacity in such teams, and assist in all activities and exchange information with all members of the team, but they will not take part in any coercive measures. - the administrative implantation of the participation of Europol officials in a joint investigation team will be laid down in an arrangement between Europol and the competent authorities of the Member States participating in the joint investigation team, with the involvement of the National Units. - measures are adopted allowing Europol to ask the competent authorities of the Member States to conduct and coordinate investigation teams in specific cases. - the Protocol on privileges is amended to the effect that the immunity of Europol's staff members in respect of words spoken or written and/or acts performed by them in the exercise of their official functions, does not extend to their activities as participants in the joint investigation teams.

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

2002/0804(CNS) - 30/05/2002 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the report by Gerard DEPREZ (EPP-ED, Belgium) and rejected the Belgian and Spanish initiative on the Europol Convention. (Please refer to the document dated 14/05/02.) In a recommendation to the Council on the future development of Europol, Parliament stated that the extension of powers envisaged by the Belgian and Spanish initiative, through the introduction of joint investigation teams, reinforced the current imbalance between the executive and the legislative bodies. Parliament felt that Europol, as a European body, must be monitored by the European Parliament and not by national parliaments. It added that the opportunities for parliamentary control open to the European Parliament would be considerably increased if a part of Europol's budget were to be incorporated into the Community budget. Bearing this in mind, Parliament addressed the following recommendations to Council: -on the legal base, the Europol Convention, the Protocol on the interpretation of the Convention and the Protocol on the Privileges and immunities of Europol should be replaced with Council decisions taken pursuant to Article 34(2) of the TEU. The Council should take action pursuant to Articles 30 and 31 of the TEU to recast the Europol Convention provisions with particular regard to the basic elements of the criminal acts for which Europol is competent. -on the budget, Europol funding should be amended by replacing part of the contributions of Member States with funding from the EU budget. -Europol's tasks should be changed so that it could, inter alia, ask Member States authorities to conduct investigations in certain cases, as well as equip it with more effective means to combat money-laundering; -the adoption of various provisions in order to strengthen the European Parliament's democratic power of control over Europol; -on data protection, there needs to be a provision which guarantees that the data protection provided and the supervision of compliance with these standards are equivalent to those guaranteed under the first pillar; and - measures are required to ensure close cooperation between Europol, Eurojust and OLAF in order to strengthen the operational efficiency of those bodies in the fight against organised crime and terrorism.