Basic information

2002/0809(CNS) CNS - Consultation procedure Decision	Procedure completed
Fight against terrorism: implementation of national legal provisions. Initiative Spain **Subject** 7.30.20 Action to combat terrorism	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	GALEOTE Gerardo (PPE-DE)	09/07/2002

Council of the European Union	**Council configuration**	**Meetings**	**Date**
	Justice and Home Affairs (JHA)	2469	2002-11-28
	Justice and Home Affairs (JHA)	2455	2002-10-14

Key events

Date	Event	Reference	Summary
31/05/2002	Initial legislative proposal published	08831/2002	Summary
11/06/2002	Legislative proposal published	08811/2/2002	Summary
01/07/2002	Committee referral announced in Parliament		
12/09/2002	Vote in committee		Summary
12/09/2002	Committee report tabled for plenary, 1st reading/single reading	A5-0305/2002	
24/09/2002	Decision by Parliament	T5-0429/2002	Summary
28/11/2002	Act adopted by Council after consultation of Parliament		
28/11/2002	End of procedure in Parliament		
24/12/2002	Final act published in Official Journal		

Technical information

Procedure reference	2002/0809(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation

Legislative instrument	Decision
Legal basis	Treaty on European Union (after Amsterdam) M 039-p1
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/5/16400

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0305/2002	12/09/2002	
Text adopted by Parliament, 1st reading/single reading		T5-0429/2002 OJ C 273 14.11.2003, p. 0023-0095 E	24/09/2002	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	08811/2002	13/05/2002	
Initial legislative proposal	08831/2002 OJ C 151 25.06.2002, p. 0014	31/05/2002	Summary
Legislative proposal	08811/2/2002	11/06/2002	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2002/0996
OJ L 349 24.12.2002, p. 0001-0003 Summary

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

2002/0809(CNS) - 11/06/2002 - Legislative proposal

This document presents the new version of the draft decision establishing a mechanism for evaluating the legal systems and their implementation at national level in the fight against terrorism. This text is destined for the delegations who will find annexed a new text proposed by the Presidency following the meeting of the Article 36 Committee in 7 June 2002. It should be noted that this is the text used in the Council Conclusions of 20 September 2001. This new text incorporates some editorial and legalistic changes which concern the following issues: - a mechanism for peer evaluation of the national arrangements in the fight against terrorism, on the basis of a legislative nature (Sweden entered a reservation to the effect that the terrorism evaluation mechanism should be restricted to the fulfilment of international commitments); - the fact that the fist evaluation exercise should finish no later than the end of 2002 (some of the delegations said that it was impossible to meet this deadline. However, the mandate from the

JHA Council of 20.09.2001 states that the first evaluation should be carried out by this deadline); - the fact that the Commission should assist the evaluation team in all its tasks; - the possibility for certain Working Groups to be able to participate in the drawing up of the questionnaire; - no later than one month after receiving the reply to the questionnaire, where it is considered appropriate, the evaluation team shall travel to that Member State with a view to clarifying the replies to the questionnaire. The Council wishes the report to be drawn up within the frameowrk of this Decision to be a restricted document. However, the Member States evaluated may publish the report on its own responsibility. It must obtain the Council's consent if it wishes to publish only parts of it. The Netherlands, Irish and United Kingdom entered parliamentary scrutiny reservations.

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

2002/0809(CNS) - 31/05/2002 - Initial legislative proposal

In a note addressed to Mr. Javier SOLANA, Secretary-General of the Council of the European Union from Mr Javier CONDE, Permanent Representative of the Kingdom of Spain, this documents proposes an explanatory memorandum of the draft decision establishing a mechanism for evaluating the legal systems and their implementation at national level in the fight against terrorism. In this note, the Spanish Delegation reveals the necessity of the draft decision, in particular with regard to the growing insecurity in the Member States and the rise in terrorism after the 11 September 2001 attacks in the United States. The objective is to propose an alternative and more rapid version of the evaluating mechanism which has been in place since 1997, with the implementation of the Joint Action 97/827/JHA. The present proposal by the Spanish Presidency is inspired from this measure but it lays down some new provisions in order to guarantee the flexibility needed in the implementation of the evaluation mechanism. This proposal therefore sets out a mechanism for peer evaluation of the national legal systems in the fight against terrorism and their implementation, and in particular of actions against terrorism within the framework of international cooperation between Member States, shall be established in accordance with the detailed rules set out below: - each Member State shall undertake to ensure that its national authorities cooperate fully with the evaluation teams set up under this Decision with a view to its implementation, with due regard for the rules of law and ethics applicable at national level. - each year, the specific subject of the evaluation as well as the order in which Member States are to be evaluated, shall be defined by the Article 36 Committee, on a proposal from the Presidency. - depending on the specific subject chosen for the evaluation, the Article 36 Committee shall also decide whether to designate Council Working Parties to carry out the evaluation or to carry it out itself. - the Presidency of the Council shall prepare the evaluation assisted by the General Secretariat of the Council which shall use in particular the national experts seconded to it for that purpose. The Commission shall be fully involved in the preparatory work. - the first evaluation exercise shall finish no later than the end of 2002. - each Member State shall send the General Secretariat of the Council, at the Presidency's initiative, and no later than 15 days after the date on which the Article 36 Committee decides to start an evaluation on a specific subject, the names of one to three experts having substantial experience of the subject to which the evaluation relates in the field of combating terrorism and who are prepared to participate in at least one evaluation exercise. - the Presidency shall draw up a list of the experts designated by the Member States and shall forward it to the Article 36 Committee or to the Working Party designated for the purpose. - On the basis of the list, the Presidency shall 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 names of the experts chosen to make up each evaluation teamshall be notified to the Article 36 Committee or to the Working Party designated for the purpose. - the evaluation team shall be assisted in all its tasks by the General Secretariat of the Council. - the Presidency shall, with the assistance of the General Secretariat of the Council, draw up a questionnaire for the purposes of evaluating all Member States in the framework of the specific subject and shall submit it for approval to the Article 36 Committee or to the Working Party designated for the purpose. The questionnaire shall be designed to establish all information useful for the conduct of the evaluation. The Member State being evaluated shall ensure that it replies to the questionnaire within one month and as fully as possible and attaches where necessary all legal provisions and technical and practical data required. - no later than one month after receiving the reply to the questionnaire, the evaluation team shall go to that Member State with a programme of visits arranged by the Member State visited on the basis of the evaluation team's proposal, for interviews with the political, administrative, police, customs and judicial authorities and any other relevant body. - no later than fifteen days after the visit referred to in Article 6, the evaluation team shall draw up a draft report and submit it to the Member State evaluated which shall give its opinion within 15 days. If the evaluation team deems it appropriate, it shall amend its report in the light of the comments made by the Member State evaluated. - the Presidency shall forward the draft report, which shall be confidential, to the members of the Article 36 Committee or to the Working Party designated for the purpose, together with any of the comments by the Member State evaluated which were not accepted by the evaluation team. - the meeting of the Article 36 Committee or the Working Party designated for the purpose shall begin with a presentation of the draft report by the members of the evaluation team. The representative of the Member State evaluated shall then provide any comment, information or explanation he deems necessary. The Article 36 Committee or the Working Party designated for the purpose shall then discuss the draft report and adopt its conclusions by consensus. - the Presidency shall inform the Council once a year of the results of the evaluation exercises. The Council may, where it sees fit, address any recommendations to the Member State concerned and may invite it to report back to the Council on the progress it has made by a deadline to be set by the Council.

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.

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

2002/0809(CNS) - 14/10/2002

The Council, subject to some parliamentary reservations, reached a general approach on a Decision establishing a mechanism for evaluating the legal systems and their implementation at national level in the fight against terrorism. The Decision will establish a mechanism for peer evaluation of the national arrangements in the fight against terrorism within the framework of international cooperation between Member States. Once the parliamentary reservations have been lifted, the Council will normally adopt the Decision at a forthcoming session.

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

2002/0809(CNS) - 24/09/2002 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Gerardo GALEOTE QUECEDO (EPP-ED, Spain) on the Spanish initiative for a mechanism for evaluating legal systems and their implementation in the fight against terrorism. (Please refer to the document dated 12/09/02).