




Basic information	
2008/0102(CNS) CNS - Consultation procedure Regulation	Procedure completed
Europol, staff: jurisdictional immunities (amend. Regulation (Euratom, ECSC, EEC) No 549/69) Subject 7.30.05.01 Europol, CEPOL 8.40.09 European officials, EU servants, staff regulations	

Key players				
European Parliament	Committee responsible		Rapporteur	Appointed
	LIBE	Civil Liberties, Justice and Home Affairs	DÍAZ DE MERA GARCÍA CONSUEGRA Agustín (PPE-DE)	26/06/2008
	Committee for opinion		Rapporteur for opinion	Appointed
	JURI	Legal Affairs	The committee decided not to give an opinion.	
Council of the European Union	Council configuration		Meetings	Date
	Justice and Home Affairs (JHA)		2908	2008-11-27
European Commission	Commission DG		Commissioner	
	Legal Service		BARROSO José Manuel	

Key events			
Date	Event	Reference	Summary
23/05/2008	Legislative proposal published	COM(2008)0305 	Summary
19/06/2008	Committee referral announced in Parliament		
08/09/2008	Vote in committee		Summary
11/09/2008	Committee report tabled for plenary, 1st reading/single reading	A6-0339/2008	
23/09/2008	Decision by Parliament	T6-0418/2008	Summary

23/09/2008	Results of vote in Parliament		
27/11/2008	Act adopted by Council after consultation of Parliament		
27/11/2008	End of procedure in Parliament		
15/05/2009	Final act published in Official Journal		

Technical information	
Procedure reference	2008/0102(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	EC Treaty (after Amsterdam) EC 291
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/63556

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee draft report		PE408.024	30/06/2008	
Committee report tabled for plenary, 1st reading/single reading		A6-0339/2008	11/09/2008	
Text adopted by Parliament, 1st reading/single reading		T6-0418/2008	23/09/2008	Summary
European Commission				
Document type	Reference	Date	Summary	
Legislative proposal	COM(2008)0305 	23/05/2008	Summary	
Other institutions and bodies				
Institution/body	Document type	Reference	Date	Summary
CofA	Court of Auditors: opinion, report	52008AA0003 OJ C 199 05.08.2008, p. 0001	17/07/2008	

Additional information		
Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Regulation 2009/0371
OJ L 121 15.05.2009, p. 0001

[Summary](#)

Europol, staff: jurisdictional immunities (amend. Regulation (Euratom, ECSC, EEC) No 549/69)

2008/0102(CNS) - 23/05/2008 - Legislative proposal

PURPOSE: to clarify that immunity from legal proceedings does not apply to EUROPOL staff participating in joint investigation teams and amend Regulation (Euratom, ECSC, EEC) No 549/69.

PROPOSED ACT: Council Regulation.

CONTENT: according to the Council Decision establishing Europol, EUROPOL staff may participate in a support capacity in joint investigation teams provided those teams are investigating criminal offences for which Europol is competent. These joint investigation teams are headed by a team leader representing the competent national authority participating in criminal investigations from the Member State in which the team operates. During the operation of a joint investigation team, EUROPOL staff shall, with respect to offences committed against or by them, be subject to the national law of the Member State of operation applicable to persons with comparable functions.

When the possibility for Europol officials to participate in joint investigation teams was introduced by the Protocol amending the Europol Convention, it was considered that Europol officials should not enjoy immunity from legal proceedings in respect of official acts undertaken when participating in those teams.

The Commission proposes here that Regulation (Euratom, ECSC, EEC) No 549/697 should be amended in order to clarify, in the context of Decision establishing Europol, and exclusively for the purpose of its application, the scope of immunity of Europol staff placed at the disposal of a joint investigation team. In order to ensure that the EUROPOL Decision is applied from 1 January 2010, the amendment to Council Regulation No 549/69 clarifying that immunity from legal proceedings does not apply to EUROPOL staff participating in joint investigation teams, needs to be adopted in good time.

Europol, staff: jurisdictional immunities (amend. Regulation (Euratom, ECSC, EEC) No 549/69)

2008/0102(CNS) - 23/09/2008 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted, by 602 votes in favour to 10 against with 20 abstentions, a legislative resolution approving the proposal for a Council regulation amending Regulation (Euratom, ECSC, EEC) No 549/69 determining the categories of officials and other servants of the European Communities to whom the provisions of Article 12, the second paragraph of Article 13 and Article 14 of the Protocol on the Privileges and Immunities of the Communities apply. The report had been tabled for consideration in plenary by Agustín **DIAZ de MERA GARCIA CONSUEGRA** (EPP-ED, ES) on behalf of the Committee on Civil Liberties, Justice and Home Affairs.

Europol, staff: jurisdictional immunities (amend. Regulation (Euratom, ECSC, EEC) No 549/69)

2008/0102(CNS) - 27/11/2008 - Final act

PURPOSE: to clarify that immunity from legal proceedings does not apply to EUROPOL staff participating in joint investigation teams and amend Regulation (Euratom, ECSC, EEC) No 549/69.

LEGISLATIVE ACT: Council Regulation (EC) No 371/2009 amending Regulation (Euratom, ECSC, EEC) No 549/69 determining the categories of officials and other servants of the European Communities to whom the provisions of Article 12, the second paragraph of Article 13 and Article 14 of the Protocol on the Privileges and Immunities of the Communities apply

CONTENT: this Regulation provides that Article 12(a) of the Protocol on the Privileges and Immunities of the Communities shall not apply to Europol staff placed at the disposal of a joint investigation team in respect of official acts required to be undertaken in fulfilment of the tasks set out in Article 6 of Council Decision 2009/371/JHA establishing Europol. According the latter Council Decision establishing Europol, Europol staff may participate in a support capacity in joint investigation teams created by and at the initiative of two or more Member States provided those teams are investigating

criminal offences for which Europol is competent. These joint investigation teams are headed by a team leader representing the competent national authority participating in criminal investigations from the Member State in which the team operates.

During the operation of a joint investigation team, Europol staff shall, with respect to offences committed against or by them, be subject to the national law of the Member State of operation applicable to persons with comparable functions. When the possibility for Europol officials to participate in joint investigation teams was introduced by the Protocol amending the Europol Convention, it was considered that, given the specificities of the participation of Europol officials in joint investigation teams created by Member States in the context of criminal investigations falling under the competence of Europol, Europol officials should not enjoy immunity from legal proceedings in respect of official acts undertaken when participating in those teams.

Given that Decision 2009/371/JHA does not change the specificities of the participation of Europol staff in joint investigation teams, its adoption should not extend immunity from jurisdiction to Europol staff participating in such teams. Therefore Regulation (Euratom, ECSC, EEC) No 549/69 is amended in order to clarify, in the context of that Decision, and exclusively for the purpose of its application, the scope of immunity of Europol staff placed at the disposal of a joint investigation team.

The privileges and immunities that the Protocol on the Privileges and Immunities of the European Communities grants, solely in the interests of the Communities, to their officials and agents, have a purely functional character, in that they are intended to avoid any interference with the functioning and independence of the Communities.

ENTRY INTO FORCE: 04/06/2009.

APPLICATION: from 01/01/2010.