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The common use of liaison officers posted abroad by the law enforcement agencies of the Member States *

European Parliament legislative resolution on the initiative of the United Kingdom of Great Britain and Northern Ireland with a view to the adoption of a Council Decision amending Decision 2003/170/JHA on the common use of liaison officers posted abroad by the law enforcement agencies of the Member States (10706/2005 – C6-0255/2005 – 2005/0808 (CNS))

(Consultation procedure)

The European Parliament,

- having regard to the initiative of the United Kingdom of Great Britain and Northern Ireland (10706/2005),
 - having regard to Article 34(2)(c) of the EU Treaty,
 - having regard to Article 39(1) of the EU Treaty, pursuant to which it was consulted by the Council (C6-0255/2005),
 - having regard to Rules 93 and 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A6-0064/2006),
1. Approves the initiative of the United Kingdom of Great Britain and Northern Ireland as amended;
 2. Calls on the Council to amend the text of the initiative accordingly;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Asks to be consulted again if the Council intends to make substantial amendments to the initiative of the United Kingdom of Great Britain and Northern Ireland;
 5. Instructs its President to forward its position to the Council and Commission and to the Government of the United Kingdom of Great Britain and Northern Ireland.

Text proposed by the United Kingdom of
Great Britain and Northern Ireland

Amendments by Parliament

Amendment 1
RECITAL 1 A (new)

(1a) As regards Iceland and Norway, this Decision (with the exception of the first and second paragraphs of Article 1) constitutes a development of the Schengen acquis provisions within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen acquis¹, which fall within the field referred to in Article 1(H) of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement²,

¹ OJ L 176, 10.7.1999, p. 36.

² OJ L 176, 10.7.1999, p. 31.

Amendment 2
ARTICLE 1, POINT 1

Article 1, paragraph 1, subparagraph 1 a (Decision 2003/170/JHA)

In this Decision, "Europol liaison officer" means a Europol employee, posted abroad to one or more third countries or to international organisations to support and coordinate the cooperation *with* the authorities in those countries or organisations and Europol by facilitating the exchange of information between them.

In this Decision, "Europol liaison officer" means a Europol employee, posted abroad to one or more third countries or to international organisations to support and coordinate the cooperation ***both between*** the authorities in those countries or organisations and Europol ***and amongst the liaison officers posted by the Member States' law enforcement agencies to the third country or international organisation to which he is posted***, by facilitating the exchange of information between them.

Amendment 3
ARTICLE 1, POINT 2

Article 1, paragraph 2, subparagraph 1 a (Decision 2003/170/JHA)

This Decision is without prejudice to Europol liaison officers' tasks within the framework of the Europol Convention, ***its implementing arrangements***, and cooperation agreements concluded between Europol and the third country or

This Decision is without prejudice to Europol liaison officers' tasks within the framework of the Europol Convention, ***the arrangements made for its implementation***, and cooperation agreements concluded between Europol

international organisation concerned.

and the third country or international organisation concerned.

Amendment 4

ARTICLE 1, POINT 2 A (new)

Article 2, paragraph 1 (Decision 2003/170/JHA)

2a) in Article 2, paragraph 1 shall be replaced by the following text:

“1. Each Member State shall duly ensure both that its liaison officers establish and maintain direct contacts with competent authorities in the host State or the international organisation with a view to facilitating and expediting the collection and exchange of information and that its liaison officers immediately and directly exchange the information collected with Europol.”;

Amendment 5

ARTICLE 1, POINT 2 B (new)

Article 2, paragraph 3 (Decision 2003/170/JHA)

2b) in Article 2, paragraph 3 shall be replaced by the following text:

“3. Liaison officers shall carry out their tasks within the framework of their responsibilities and in compliance with the provisions, including those on the protection of personal data, laid down in their country’s laws, in the Europol Convention and in any agreements concluded with the host States or international organisations.”;

Amendment 6

ARTICLE 1, POINT 2 C (new)

Article 2, paragraph 3 a (new) (Decision 2003/170/JHA)

2c) the following paragraph shall be added to Article 2:

“3a. Where liaison officers are several in number and are posted by different Member States to the same third country or international organisation, they shall coordinate their activities and their tasks

in such a way that any overlap in their work is reduced to a minimum. To this end they shall organise themselves with a view to working as a team and they shall seek to develop links with liaison officers seconded to other countries with whom cooperation is necessary or useful in the task of collecting, adding to and linking information beyond the national, multinational or organisational framework within which they are posted.”;

Amendment 7

ARTICLE 1, POINT 3

Article 4, paragraph 1, new sentence (Decision 2003/170/JHA)

“Such meetings may also be held at the initiative of any other Member State and especially of those Member States acting as a “lead nation” for the EU cooperation in a particular country or region.”;

“Such meetings may also be held at the initiative of ***Europol*** or any other Member State and especially of those Member States acting as a “lead nation” for the EU cooperation in a particular country or region.”;

Amendment 8

ARTICLE 1, POINT 3 A (new)

Article 4, paragraph 2 (Decision 2003/170/JHA)

3a) in Article 4, paragraph 2 shall be replaced by the following text:

“2. Member States shall ensure that their liaison officers posted to the same third country or international organisation provide each other with assistance in contacts with the authorities of the host State. The Member States shall seek mutual agreement on how the tasks to be performed are distributed amongst their liaison officers posted to the same third country or international organisation, ensuring that the interests of all EU countries are identified and duly taken into account. If such distribution of tasks is not agreed amongst the Member States, Europol and its liaison officer posted to that third country or international organisation (in cases where there is such an officer) shall undertake to effect and

implement such a distribution.”;

Amendment 9

ARTICLE 1, POINT 3 B (new)

Article 4, paragraph 3 (Decision 2003/170/JHA)

3b) in Article 4, paragraph 3 shall be replaced by the following text:

“3. Member States shall bilaterally or multilaterally instruct liaison officers who are posted to a third country or an international organisation by a Member State to look after the particular interests of one or more other Member States and shall act more globally, taking into account the EU interest.”;

Amendment 10

ARTICLE 1, POINT 3 C (new)

Article 5, paragraph 1 (Decision 2003/170/JHA)

3c) in Article 5, paragraph 1 shall be replaced by the following text:

“1. Member States shall ensure that their liaison officers in third countries and international organisations shall, in accordance with national law, the Europol Convention and relevant international instruments and subject to compliance with applicable provisions governing the protection of personal data, provide their respective national authorities and Europol with information relating to serious criminal threats to other Member States not represented by their own liaison officers in the third country or international organisation concerned. National authorities shall assess, in accordance with national law and the Europol Convention and according to the seriousness of the threat, whether the Member States concerned should be informed.”;

Amendment 11

ARTICLE 1, POINT 3 D (new)

Article 5, paragraph 2 (Decision 2003/170/JHA)

3d) in Article 5, paragraph 2 shall be replaced by the following text:

“2. Member States’ liaison officers in third countries or international organisations shall, in accordance with national law, the Europol Convention and relevant international instruments and subject to compliance with applicable provisions governing the protection of personal data, provide information relating to serious criminal threats to other Member States directly to the liaison officers of the Member State in question and Europol, if that Member State is represented in the third country or international organisation concerned.”;

Amendment 12

ARTICLE 1, POINT 3 E (new)

Article 5, paragraph 4 (Decision 2003/170/JHA)

3e) in Article 5, paragraph 4 shall be replaced by the following text:

“4. Member States shall deal with any request as described in paragraph 3 in accordance with their respective national law, the Europol Convention and relevant international instruments, and shall state as speedily as possible whether such a request may be met.”;

Amendment 13

ARTICLE 1, POINT 4

Article 8, paragraph 3 (Decision 2003/170/JHA)

“3. In accordance with *national law and* the Europol Convention, Member States *may make* a request to Europol *to use Europol* liaison officers seconded to third countries or international organisations, *with a view to the exchange of* relevant information. Requests shall be addressed to Europol via the Member States’ national units in accordance with the Europol Convention.”

“3. In accordance with the Europol Convention, Member States *shall ensure that, where possible and necessary,* a request *is made* to Europol *with a view to securing access to its* liaison officers seconded to third countries or international organisations, *so that full use can be made of Europol channels for the purpose of exchanging* relevant information. Requests shall be addressed to Europol via the Member States’ national units in accordance with the Europol Convention. ”

