

# Procedure file

Basic information		
INI - Own-initiative procedure	<a href="#">1994/2221(INI)</a>	Procedure completed
Europol		
Subject	7.30.05.01 Europol, CEPOL	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>LIBE</b> Civil Liberties and Internal Affairs	PPE <a href="#">NASSAUER Hartmut</a>	06/09/1995
	Former committee responsible		
	<b>LIBE</b> Civil Liberties and Internal Affairs	PPE <a href="#">NASSAUER Hartmut</a>	06/09/1995
	Former committee for opinion		
	<b>ECON</b> Economic and Monetary Affairs, Industrial Policy		
	<b>JURI</b> Legal Affairs, Citizens' Rights		18/07/1995
		UPE <a href="#">SCHAFFNER Anne-Marie</a>	
	<b>CONT</b> Budgetary Control		26/04/1995
		PPE <a href="#">THEATO Diemut R.</a>	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">General Affairs</a>	<a href="#">1903</a>	26/02/1996
	<a href="#">Justice and Home Affairs (JHA)</a>	<a href="#">1885</a>	23/11/1995
	<a href="#">Justice and Home Affairs (JHA)</a>	<a href="#">1859</a>	20/06/1995

Key events			
16/01/1995	Committee referral announced in Parliament		
20/06/1995	Debate in Council	<a href="#">1859</a>	
23/11/1995	Debate in Council	<a href="#">1885</a>	Summary
19/12/1995	Vote in committee		Summary
12/02/1996	Decision by Parliament	<a href="#">A4-0335/1995</a>	
12/02/1996	Report referred back to committee		

27/02/1996	Vote in committee		Summary
27/02/1996	Committee report tabled for plenary	<a href="#">A4-0061/1996</a>	
14/03/1996	Debate in Parliament		Summary
14/03/1996	Decision by Parliament	T4-0129/1996	Summary
14/03/1996	End of procedure in Parliament		
01/04/1996	Final act published in Official Journal		

### Technical information

Procedure reference	1994/2221(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 54
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/4/07617; LIBE/4/06316

### Documentation gateway

Document attached to the procedure	<a href="#">05369/1995</a>	24/01/1995	CSL	Summary
Document attached to the procedure	<a href="#">07965/1995</a>	14/06/1995	CSL	Summary
Document attached to the procedure	<a href="#">N4-0521/1995</a>	08/11/1995	CSL	
Committee report tabled for plenary, single reading	<a href="#">A4-0335/1995</a> <a href="#">OJ C 032 05.02.1996, p. 0005</a>	19/12/1995	EP	
Committee report tabled for plenary, single reading	<a href="#">A4-0061/1996</a> <a href="#">OJ C 096 01.04.1996, p. 0003</a>	27/02/1996	EP	
Text adopted by Parliament, single reading	T4-0129/1996 <a href="#">OJ C 096 01.04.1996, p. 0224-0288</a>	14/03/1996	EP	Summary

## Europol

This initial annual report on the activities of the EUROPOL Drug Unit (EDU/EUROPOL) for the period 1 January to 31 December 1994 basically provided an account of the setting up of the Drug Unit during this first year of activity. It was created under the Copenhagen ministerial agreement of 2 June 1993 and was mandated to monitor illegal drug trafficking, criminal organisations and activities linked to money laundering affecting two or more Member States. The main tasks of the Drug Unit during 1994 had been: - the exchange of information and intelligence (at individual and non-individual level) provided by EUROPOL liaison officers: this involved providing information on investigations in progress (checking names, telephone numbers, number plates) responding to requests concerning drugs themselves or legal issues and providing information in conjunction with law enforcement operations under way; - logistical support: the liaison officers had been invited to assist in transfrontier operations by contributing to coordination of operations in progress and coordinating international developments in these investigations with their colleagues from the other Member States; - criminological analysis: a system of strategic and operational analysis had been set up primarily to draw up comparative studies of the responsibilities of the prosecuting bodies in the Member States, collate statistics and give support to the liaison officers in their operational analysis work as well as to the national services. The report also provided information on the administrative activities of the Drug Unit, and stressed, among other things, that during this first year of its existence significant work had begun and many officials had been recruited. The report emphasised that problems had also arisen because the Drug Unit had no legal status. That was why, working with the competent authorities in the Netherlands, where the Drug Unit was based (The Hague), it had drafted proposals on appropriate diplomatic protection for its officials when they were on mission, the aim being to enable the staff to enjoy, strictly in relation to their professional activities, the immunity from criminal, civil and administrative jurisdiction provided for by the Vienna Convention on Diplomatic Relations. As regards funding, the report stated that the budget of ECU 14.5 million provided for had shown a slight surplus. Those monies were to be reallocated to the 1995 budget. Finally, as regards premises, the first stage of refurbishing the building had been completed, and the Drug Unit was now comfortably and suitably housed. ?

## Europol

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This convention seeks to establish a European police office, known as Europol (on the basis of Article K.3 of the TEU) with the task of improving police cooperation in the field of terrorism, unlawful trafficking in drugs and other serious forms of international crime through the constant, certain and intensive exchange of information between this body and the national units of the Member States. The Convention defines the tasks of Europol, the information system which this body should establish, the method of dealing with the information gathered, the legal status of the body, its internal organization and the associated financial provisions.

- tasks: initially Europol's main task will be the prevention and combating of unlawful drug trafficking, trafficking in nuclear and radioactive substances, illegal immigrant smuggling, trade in human beings and motor vehicle crime. Two years after the entry into force of this Convention (or earlier if the Council so decides acting unanimously), Europol can also deal with problems relating to terrorism. Europol should facilitate:
  - the exchange of information between Member States,
  - the collection of information through the national Europol units (liaison between Europol and the competent national departments),
  - the communication of information to the Member States which will facilitate inquiries.
- information systems: creation of a computerized information system fed by the Member States (national Europol units) and Europol and comprising information on:
  - persons who in accordance with national law are suspected of having committed offences for which Europol is competent,
  - persons where there are serious grounds for believing will commit criminal offences for which Europol is competent. The data on these persons are data relating to name, nationality, date and place of birth, sex and certain physical characteristics likely to assist in their identification.
- protection of data of a personal nature: each Member State must adopt measures at the latest before the entry into force of this Convention to guarantee a level of data protection corresponding to that laid down in the Council of Europe Convention of 28 January 1981. The responsibility for the data rests with the Member State which has input the data and with Europol. In specific cases Europol may communicate certain information to third States.
- right of access: any individual wishing to have access to data relating to him may request Europol to have the data relating to him checked by making a request to the national competent authority. Europol must correct the incorrect data and inform the persons concerned of this.
- supervisory body: each Member State shall designate a supervisory body with the task of monitoring independently the input and consultation of personal data. A supervisory body shall also monitor Europol activity and the lawfulness of the communication of certain data.
- legal status: Europol has legal personality and the most extensive legal capacity available to legal persons under national law.
- administrative provisions for the internal organization of Europol: Europol shall have a Management Board, a director, a financial controller and a financial committee. Europol organs, members and employees (including liaison officers) are under an obligation of confidentiality in respect of their activities and may not divulge any fact or information relating to the performance of their duties (obligation of discretion).
- budget: a budget containing the revenue and expenditure for the year is to be drawn up each year on the basis of a five-year plan. This budget is financed by Member States' contributions (in proportion to their respective GNP) and by other incidental income.
- information to the European Parliament: the Council Presidency will forward each year a special report to the EP on the work of Europol. Parliament will be consulted in the event of any amendment to this Convention.
- entry into force: the Convention is subject to ratification by the Member States and will enter into force three months after the last ratification instrument has been notified. When Europol takes up its activities, the activities of the Europol Drugs Unit will end and it will be reincorporated into Europol.

## Europol

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The Council agreed to the Rules of Procedure of the Europol Management Board, with the proviso that it was to be adopted by the Board at its first meeting. The Rules of Procedure determine, among other things, the composition of the Management Board, its administrative support, the Chairman's duties, its functions and its voting procedures. This is the first of seven sets of such Rules that have to be adopted in order for the Europol Convention to become fully operational after ratification by the Member States.

## Europol

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The committee adopted the report by Mr Hartmut NASSAUER (PPE, D) on the Europol convention by 19 votes to 3 with 2 abstentions. EUROPOL is an essential instrument in the fight against the organized crime which has developed in Europe. Frontiers have been no object to organized crime for a long time now. The report deplored the fact that the Member States had taken over three years to conclude the convention. It called on the national parliaments to ratify it and stressed the need to guarantee judicial control of its application through the Court of Justice, calling in this respect for an agreement on the powers of the Court with regard to preliminary rulings to be concluded at the European Council in June 1996 at the latest. The report called on the Member States to adopt the national legislation needed in order to guarantee the protection of personal data, as required under the convention. Members listed a series of points in the convention on which they considered that Council should consult Parliament pursuant to Article K.6 and confirmed their wish to be consulted on the appointment of the director and deputy directors of Europol. The convention should be reviewed within a maximum of two years in order to grant Europol investigatory powers, because the fight against organized crime would only be efficient if based on police action launched from a central office and conducted simultaneously throughout the EU. Finally, the report calls for Europol to be given operational powers, subject to the instructions of a member of the Commission and for Europol to be made accountable to the European Parliament and the national parliaments.

## Europol

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The committee voted again and adopted some twenty amendments. These amendments do not alter the main thrust of the report; however, the new text specifically calls for the national parliaments not to ratify the EUROPOL convention until powers to give preliminary rulings have been conferred upon the European Court of Justice. The members also adopted a number of amendments to strengthen guarantees to citizens concerning the protection of personal data held in EUROPOL files: by banning the registration of data on political affiliation, religious belief, race etc. provided by a third country or another organization, by calling for provision to be made for courts and lawyers to check the data, by calling for the time at which data are to be deleted to be precisely defined etc. Members called for the convention to be reviewed within two years of ratification with a view to transferring investigative powers to EUROPOL and ensuring that its operational powers were

subject to the instructions of the Commission and that EUROPOL was made accountable to the European Parliament and national parliaments. Members also stressed that this revision should not take place until the powers of the Court of Justice to give preliminary rulings had been recognized. The new text was adopted by 25 votes to 4 with 1 abstention.?

## Europol

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The rapporteur, Mr Nassauer (EPP, D), called on Parliament to give a clear political signal for the creation of Europol ? which was the most important project of the third pillar ? in order that this organisation might be able to start work. Mr Nassauer said that Europol should provide an independent European response to the growing problem of organised crime, with a view to ensuring maximum protection for Community citizens. He considered that Europol would be more effective than Interpol or than any simple form of cooperation between police organisations, as it was to have on-line access to databases and could guarantee a high degree of protection when accessing these data. Finally, he called for a revision of the Europol convention as regards increased parliamentary scrutiny and for the European Court of Justice to be conferred with powers to give preliminary rulings. Commissioner Fischler took the view that the creation of Europol was a symbol of the Union?s willingness to combat organised crime. As far as the Court of Justice was concerned, he thought that the compromise proposed by the Spanish Presidency (for a separate protocol on the jurisdiction of the Court, which would be signed by those Member States that accepted this role) was quite acceptable. He also wanted to see the ratification procedures completed as quickly as possible. Finally, the Commissioner was of the opinion that Parliament was quite justified in its complaint that it had not been consulted during Europol?s preparatory phase. This was why he was in favour of a stronger consultative role for Parliament under the third pillar.

## Europol

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In adopting the report by Mr Hartmut NASSAUER (EPP, D) Parliament called on the Parliaments of the Member States not to embark upon ratification of the Europol Convention until powers to give preliminary rulings had been conferred upon the European Court of Justice, a matter which should be settled by the European Council in June 1996. It also called on them to ensure that Europol was able to start work as soon as possible. Parliament strengthened the guarantees to citizens concerning the protection of personal data held in Europol files. In particular there should be a ban on the registration of data on political affiliation, religious persuasion, race, sexual behaviour, etc. It opposed the Council's proposal to record this type of data in Europol files and called for an extension of the rights of individuals with regard to the checking of data. It also called for provision to be made for courts and lawyers to check the data, for the time at which data are to be deleted to be determined more precisely and for the actions of Europol to be subject to investigation by the European Ombudsman. Parliament listed a series of points on which it should be consulted pursuant to Article K.6 of the TEU (decision to instruct Europol to deal with terrorist activities, implementing rules for data files, rules for the communication of personal data, activity reports of the joint supervisory body, staff regulations, rules on confidentiality, budget and financial control provisions, interpretation of the Convention, definition of other forms of crime, etc.). It also asked to be consulted on the appointment of the Director and Deputy Directors of Europol and on the main activities of this body. Parliament called for the Convention to be reviewed at a later date, and not two years after its ratification, with a view to examining the transfer to Europol of investigatory powers within the scope of its competences. It called for the operational powers to be given to Europol only if it was subject to the instructions of the Commission and was made accountable to the European Parliament and the national parliaments. Parliament insisted that any revision of the Convention should not take place before the power for the Court of Justice of the Communities to give preliminary rulings was guaranteed. ?