

(Acts adopted pursuant to Title VI of the Treaty on European Union)

JOINT ACTION

of 29 November 1996

adopted by the Council on the basis of Article K.3 of the Treaty on European Union, concerning the creation and maintenance of a directory of specialized competences, skills and expertise in the fight against international organized crime, in order to facilitate law enforcement cooperation between the Member States of the European Union

(96/747/JHA)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article K.3 (2) (b) thereof,

Having regard to the initiative of the Presidency and of Belgium,

Having regard to the Joint Action of 10 March 1995 adopted by the Council on the basis of Article K.3 of the Treaty on European Union concerning the Europol Drugs Unit⁽¹⁾ and the Joint Action of 16 December 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union extending the mandate given to the Europol Drugs Unit⁽²⁾,

Recalling that pursuant to Articles K.1 (8) and K.1 (9) of the Treaty, customs and police cooperation for the purposes of preventing and combating international crime are regarded as matters of common interest to the Member States;

Whereas the Council considers that the seriousness and development of certain forms of international crime require a strengthening of the cooperation between Member States' law enforcement agencies, particularly in scientific and technical areas;

Whereas in order to respond to the various threats with which Member States are confronted, national law enforcement authorities fighting organized crime have developed areas of specialized competences, skills and expertise, which should in principle be made available to appropriate authorities in all other Member States, on request, according to their needs and at the appropriate time;

Whereas the creation and maintenance of a directory of these areas of specialized competences, skills and expertise would make the latter more widely and easily available to authorities in Member States, thus enhancing the means at the disposal of Member States in the fight against crime;

Whereas the directory envisaged by this Joint Action is not intended to replace or affect any existing bilateral or multilateral arrangements in the area of scientific and technical law enforcement cooperation, nor to serve as a vehicle for the exchange of operational intelligence, nor to require the setting up of any new structures within the Council;

Considering that the Europol Drugs Unit shall as a first step establish the directory covering the areas of illicit drug trafficking and trafficking in human beings,

HAS ADOPTED THIS JOINT ACTION:

Article 1

The Europol Drugs Unit shall have the task of establishing, maintaining and disseminating a directory of specialized competences, skills and expertise for the fight against crime, which are within the competence of the Europol Drugs Unit (EDU), pursuant to the Joint Actions of 10 March 1995 and of 16 December 1996.

Article 2

1. Member States shall submit their contributions to be entered in the directory to the EDU.
2. The EDU shall compile the directory on the basis of the contributions from the Member States.

⁽¹⁾ OJ No L 62, 20. 3. 1995, p. 1.

⁽²⁾ See page 4 of this Official Journal.

3. When making their contributions to the directory, Member States shall take full account of the security classification and protection established by each Member State.

4. Subsequently, the EDU shall be responsible for the accurate incorporation of any amendments and additions to the directory on the basis of further contributions from Member States, and for drawing these amendments and additions to the attention of Member States.

Article 3

1. Each Member State shall contribute to the directory an indication of any specialized competences, skills or expertise it has developed in the fight against organized crime and which it considers useful to make available to all Member States.

2. The contributions from the Member States, which might conveniently be made on proformas to be agreed within the Council, shall as a minimum give a sufficient description of each particular competence, skill or expertise to enable the appropriate authorities in Member States to make a reasoned judgment as to its likely relevance in the performance of their duties. The contributions shall also indicate precisely how contact should be made, directly and speedily, either with the authorities offering this competence, skill or expertise or with a central contact point within the Member State concerned.

3. Member States shall be responsible for updating these contact details as necessary.

4. Member States may at any time contribute additional entries to, or ask for entries to be withdrawn from, the directory.

5. No personal data, other than the names and contact details required for the operation of the scheme, shall be held in the directory.

Article 4

1. Each Member State shall hold a copy of the directory. Any relevant authorities in a Member State which wishes to avail itself of a particular competence mentioned in the directory shall approach the relevant contact point in the Member State which entered that information. The question of any reimbursement of expenses shall also be settled bilaterally.

2. A Member State which has contributed a competence, skill or expertise to the directory may decline to make it available in a particular case if circumstances so require.

3. Member States agree that, if they make a contact through the directory, they will notify basic details relevant thereto, to be determined by the Council acting unanimously, to the EDU, to allow effective monitoring of the usefulness of the directory.

4. Article 5 (2) and Article 7 of the Joint Action of 10 March 1995 shall apply.

Article 5

This Joint Action shall be published in the Official Journal.

It shall enter into force on the date of its publication.

Done at Brussels, 29 November 1996.

For the Council
The President
N. OWEN