

II

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

COUNCIL RECOMMENDATION**of 30 November 2000****to Member States in respect of Europol's assistance to joint investigative teams set up by the Member States**

(2000/C 357/06)

THE COUNCIL OF THE EUROPEAN UNION,

Whereas:

- (1) Article 30(2)(a) of the Treaty on European Union calls for the Council to enable Europol to facilitate and support the preparation, and to encourage the coordination and carrying out, of specific investigative actions by the competent authorities of the Member States, including operational actions of joint teams comprising representatives of Europol in a support capacity.
- (2) Recommendation 43 of the Conclusions of the meeting of the European Council in Tampere on 15 and 16 October 1999 calls for joint investigative teams as provided for in the Treaty to be set up without delay, as a first step, to combat trafficking in drugs and human beings as well as terrorism. The rules to be established in this respect should allow representatives of Europol to participate, as appropriate, in such teams in a support capacity.
- (3) The Council on 29 May 2000 adopted the Act establishing, in accordance with Article 34 of the Treaty on European Union, the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union ⁽¹⁾, which provides for the setting-up of joint investigative teams.
- (4) Member States may already create joint investigative teams on a bilateral or multilateral basis.
- (5) The Convention on the establishment of a European Police Office (Europol Convention) ⁽²⁾ enables Europol to provide support to joint investigative teams set up on bilateral or multilateral bases.
- (6) This Recommendation constitutes the first step in the implementation of Recommendation 43 of the Tampere Conclusions,

HEREBY RECOMMENDS Member States, with due regard to the Europol Convention and to its implementing rules, to make full use of the possibilities for Europol support for joint investigative teams.

⁽¹⁾ OJ C 197, 12.7.2000, p. 1.

⁽²⁾ OJ C 316, 27.11.1995, p. 2.

Europol will through the national units provide support to the joint investigative teams in accordance with the Europol Convention and in particular with Articles 3 and 4 thereof, especially for the following purposes and according to the following arrangements:

- Place Europol's knowledge of the criminal world at the disposal of joint investigative teams:

Europol could place its knowledge of the criminal world at the disposal of members of the joint investigative teams in accordance with the Europol Convention which allows Europol to aid investigations in the Member States by forwarding all relevant information to the national units and to assist the Member States by providing advice on investigative procedures (also taking into account Europol's linguistic capabilities).

- Assist with coordination of operations by joint investigative teams:

Europol could assist Member States with centralised coordination of operations by joint investigative teams in accordance with the Europol Convention which enables Europol to facilitate the exchange of information between Member States.

- Provide advice to joint investigative teams on technical matters:

Europol could advise Member States on appropriate techniques for use in investigations with a cross-border dimension in accordance with the Europol Convention, which enables Europol to give advice on organisation, equipment of authorities and on technical and forensic police methods.

- Help with the analysis of offences:

If Europol already has an analysis file on the facts being investigated by the joint investigative team, members of the team may seek the assistance of the relevant analytical group, subject to compliance with Article 10(8) of the Europol Convention.

In addition, members of the joint investigative team could call on Europol in order to obtain, pursuant to the said Convention, an authorised opinion on whether or not an analysis file should be opened.

Any data resulting from the work of the joint investigative team must be forwarded to Europol under the conditions set out in Article 10 of the said Convention. In the opposite direction (from Europol to the joint investigative team), data may not be retrieved from an analysis file open to Europol without the agreement of the analysis group, in accordance with Article 10(8) of the said Convention.

Communication to members of the joint investigative teams via competent national units of data retrieved from Europol's general information system requires no preliminary authorisation.

Done at Brussels, 30 November 2000.

For the Council

The President

M. LEBRANCHU
