JOINT ACTION

of 28 October 1996

adopted by the Council on the basis of Article K.3 of the Treaty on European Union introducing a programme of training, exchanges and cooperation in the field of identity documents ('Sherlock')

(96/637/JHA)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles K.3 (2) (b) and K.8 (2) thereof,

Whereas the Member States consider identity checks on persons crossing the external borders of the Union and the security of identity documents to be a matter of common interest;

Whereas the establishment of a framework for training, information, study and exchange activities will serve to improve officials' familiarity with the techniques applied in the production and checking of identity documents in other Member States and consequently lend greater effectiveness to the efforts made to combat forgery;

Whereas, thanks to the economies of scale and cumulative effects implicit in the intended measures, these objectives can be achieved more effectively at European Union level than at the level of the individual Member States;

Whereas this joint action will not prejudice the powers of the Community, especially in the field of vocational training, and will therefore not detract from the Community measures taken in implementation of this policy, and in particular the Leonardo da Vinci programme,

HAS ADOPTED THE FOLLOWING JOINT ACTION:

SECTION I

GENERAL

Article 1

Principle and objectives

1. A programme, to be known as 'the Sherlock programme', of training, exchange and cooperation in the field of the security of identity documents within the meaning of the definitions in Article 3, which shall qualify for Community financial support, is hereby established for the period from 1996 to 2000.

2. Without prejudice to the powers of the Community, the general objective of the programme shall be to extend existing cooperation in the matter of identity documents thanks to its multiannual organization. The definition of clear priorities will serve to rationalize this cooperation in the long term.

Article 2

Total appropriations

The financial reference amount for the implementation of the programme for the period 1996—2000 shall be ECU 5 million.

The annual appropriations shall be authorized by the budgetary authority within the limits of the financial perspective.

Article 3

Definitions

The following definitions shall apply for the purposes of the Sherlock programme:

— Identity documents: documents issued by Member States and non-member countries enabling their holders to prove their identity and cross external borders,

— Training: organization of seminars focusing on theoretical and practical understanding of the security of identity documents,

— Exchange: period spent by an official in a Member State other than his own for the purpose of improving his knowledge of control techniques through first-hand experience,

— Studies: design and dissemination of teaching material for combating of forged identity documents.

SECTION II

STRUCTURE OF THE PROGRAMME

Article 4

Objectives

The main component of the Sherlock programme shall be following annual programmes:

— basic training for instructors,

— further training seminar for recognized specialists on the analysis of documents.

Article 5

Exchanges

The Sherlock programme shall also comprise exchanges of officials. Exchanges shall take the form in particular of work placements of limited duration within the national administrative departments responsible for checking identity documents.

Article 6

Study and research

1. The Sherlock programme shall comprise the design, production and dissemination of teaching material.

2. Ways of improving the circulation of information concerning the fraudulent use of forged identity documents may also be a matter for study and research.

SECTION III

FINANCIAL PROVISIONS

Article 7

Financing criteria

To qualify for Community finance, projects must be of demonstrable interest to the European Union and involve at least three Member States.

These projects may associate participants from the states which have applied for membership where this would contribute to their preparation for accession or other non-member countries where this would be useful for the purpose of the projects.

Article 8

Financial control

The financing decisions and the contracts arising therefrom shall provide for monitoring and financial control by the Commission and audits by the Court of Auditors.

Article 9

Level of Community finance

1. All types of expenditure which are directly chargeable to the implementation of this joint action and have been incurred over a specific, contractually defined period shall be eligible.

2. The proportion of financial support from the Community shall not exceed 60 % of the total cost of the programme save in exceptional cases where, subject to the procedures laid down in Section IV, it shall not exceed 80 %.

3. Translation and interpreting costs, computing costs and expenditure on durables or consumables shall not be considered unless they are essential for the realization of the project and shall be financed only up to a limit of 50 % of the grant, or 80 % in cases where the nature of the project makes them indispensable.

4. Expenditure relating to premises, collective facilities and the salaries of officials of the State and public bodies shall be eligible only if it corresponds to postings and tasks which are not connected with national use or function but are specifically connected with the implementation of this joint action.

Article 10

Rules of procedure

1. Measures incorporated in the programme and financed by the general budget of the European Communities shall be managed by the Commission in conformity with the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities [1].

2. When presenting the financing proposals, the Commission shall take account of the principles of sound financial management and in particular of economy and cost-effectiveness as required by Article 2 of the Financial Regulation.

SECTION IV

MANAGEMENT AND MONITORING

Article 11

Management of programme

1. The Commission shall be responsible for managing and monitoring the programme and shall take such measures as are necessary to this effect.

[1] OJ No L 356, 31. 12. 1977, p. 1. Regulation as last amended by Regulation (EC) No 2335/95 of 18 September 1995 (OJ No L 240, 7. 10. 1995, p. 12).

2. The Commission shall draw up a draft annual programme comprising a breakdown of the appropriations available and based on thematic priorities corresponding to the structure and objectives of the programme.

To this effect, the Commission shall scrutinize the projects submitted to it in the light of the following criteria:

— the innovative character of the proposed measure,

— the urgency of the need for the initiative as a way of improving the security of documents,

— the overall consistency of the programme.

Article 12

Annual implementation of the programme

1. The Commission shall be assisted by a committee consisting of one representative from each Member State and chaired by the Commission.

2. The Commission shall submit to the committee the draft annual programme, including a proposal for the distribution of available appropriations between fields of activity and proposals for implementing rules, and for project assessment. The opinion shall be delivered by the committee acting unanimously within a period of two months. This period may be reduced by the chairman for reasons of urgency. The chairman shall not vote.

If a favourable opinion is not delivered within the time limit, the Commission shall either withdraw its proposal or submit a proposal to the Council which shall take a decision unanimously within two months.

SECTION V

FINAL PROVISIONS

Article 13

Devising of programme

1. From the second financial year onwards, projects for which financing is requested shall be submitted to the Commission for scrutiny before 31 March of the financial year to which they are to be charged.

2. Where the financing requested is less than ECU 50 000, the representative of the Commission shall submit a draft to the committee referred to in Article 12 (1). The committee, acting by the majority provided for in the second subparagraph of Article K.4 (3) of the Treaty, shall deliver its opinion on this draft within a time limit which the Chairman may lay down according to the urgency of the matter. The Chairman shall not vote.

The opinion shall be recorded in the minutes; furthermore, each Member State shall have the right to ask that its position be recorded in the minutes.

The Commission shall take full account of the opinion delivered by the Committee. It shall inform the Committee of how it has done so.

3. Where the financing requested exceeds ECU 50 000, the Commission shall submit to the committee referred to in Article 12 (1) a list of the projects submitted to it under the annual programme. The Commission shall indicate the projects it selects and shall give reasons for its selection. The committee, acting by the majority provided for in the second subparagraph of Article K.4 (3) of the Treaty, shall deliver its opinion on the various projects within a period of two months. The Chairman shall not vote. If a favourable opinion is not delivered within the time limit, the Commission shall either withdraw the project(s) concerned or submit it (them), with any opinion from the committee, to the Council which, acting by the majority provided for in the second subparagraph of Article K.4 (3) of the Treaty, shall take a decision within two months.

Article 14

Evaluation

Each year the Commission shall undertake an assessment of the measures taken during the previous year and shall address a report to the European Parliament and the Council.

Article 15

Entry into force

This Joint Action shall enter into force on the day of its adoption.

It shall be published in the Official Journal.

Done at Luxembourg, 28 October 1996.

For the Council

The President

D. SPRING