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

ACT No 1/99 OF THE JOINT SUPERVISORY BODY OF EUROPOL

of 22 April 1999

laying down its rules of procedure

(1999/C 149/01)

THE JOINT SUPERVISORY BODY,

Having regard to the Convention based on Article K.3 of the Treaty on European Union, on the establishment of a European Police Office (Europol Convention) [1], and in particular Article 24(7) thereof,

Whereas it is for the Joint Supervisory Body acting unanimously to lay down its rules of procedure,

HAS ADOPTED THESE RULES OF PROCEDURE:

[1] OJ C 316, 27.11.1995, p. 1.

RULES OF PROCEDURE
OF THE JOINT SUPERVISORY BODY OF EUROPOL

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TITLE I

TASKS AND POWERS OF THE JOINT SUPERVISORY BODY

Article 1

Tasks

1. The Joint Supervisory Body shall have the task of reviewing, in accordance with the Convention, the activities of Europol in order to ensure that the rights of the individual are not violated by the storage, processing and utilisation of the data held by Europol. In addition, it shall monitor the permissibility of the transmission of data originating from Europol (Article 24(1), first and second sentences of the Convention).

2. For this purpose, the Joint Supervisory Body has the following tasks, in particular:

(a) examination of orders opening a data file (Article 12(1), second sentence and (2), third sentence of the Convention);

(b) examination of provisions concerning the drawing up of reports on the retrieval of personal data (Article 16, first sentence of the Convention);

(c) examination of general rules for the communication of personal data by Europol to third States and third bodies (Article 18(2), second sentence of the Convention);

(d) examination of questions relating to:

— the implementation and interpretation of the Convention in connection with Europol's activities as regards the processing and utilisation of personal data (Article 24(3), first alternative of the Convention),

— checks carried out independently by the national supervisory bodies of the Member States (Article 24(3), second alternative of the Convention),

— the exercise of the right to information (Article 24(3), third alternative of the Convention),

— the drawing up of harmonised proposals for common solutions to existing problems (Article 24(3), fourth alternative of the Convention);

(e) examination of the lawfulness and accuracy of a possible collection, storage, processing and utilisation of personal data by Europol at the request of an individual (Article 24(4) of the Convention);

(f) drawing up of activity reports at regular intervals (Article 24(6) of the Convention).

Article 2

Powers

1. The Joint Supervisory Body shall, for the discharge of its tasks, have the powers provided for in the Convention.

2. In particular, the Joint Supervisory Body shall be authorised to obtain information from Europol, to be given access to all documents and paper files as well as access to the data stored by Europol, and to be granted free access to all Europol premises at any time (Article 24(2) of the Convention). This includes information on and access to hardware and software, whenever this is necessary for the performance of the tasks of the Joint Supervisory Body. Details may be stipulated in arrangements between the Joint Supervisory Body and the Management Board of Europol.

Article 3

Committees

1. The Joint Supervisory Body shall set up the committee provided for under Article 24(7) of the Convention.

2. It may set up one or more other internal committees and determine their composition and terms of reference (Article 24(8) of the Convention).

TITLE II

RULES OF PROCEDURE FOR THE JOINT SUPERVISORY BODY

Article 4

Membership

1. The Joint Supervisory Body shall be composed of not more than two members or representatives of each of the national supervisory bodies which shall form a delegation. Each member may have an alternate. The members of the Joint Supervisory Body and their alternates shall be appointed for five years by each Member State (Article 24(1), third sentence of the Convention) which term shall be renewable.

2. The members of the Joint Supervisory Body and their alternates shall be independent, not bound by instructions in the exercise of their duties and subject only to the law. In particular, they must not at the same time be members of another body set up under the Convention or staff members of Europol.

Where a conflict of interest arises, the person concerned shall declare that interest and withdraw from taking part in the discussion and the decision on the matter. He may, where necessary, be excluded by a majority of the votes cast in a secret ballot by the delegations attending the meeting. The person concerned shall be heard before any exclusion, but shall not take part in the decision. If a person withdraws or is excluded, he may be replaced by his alternate.

3. Only persons having the necessary abilities may be appointed to serve as members of the Joint Supervisory Body or their alternates (Article 24(1), third sentence of the Convention). Particular regard shall be had to the requirements for the Appeals Committee.

4. A member of the Joint Supervisory Body who is unable to attend a meeting may be represented by his alternate.

5. Membership of the Joint Supervisory Body shall cease when the person concerned resigns. It shall also cease when that person ceases to serve as member or representative of the national supervisory body, unless his term of office is reconfirmed by the Member State concerned. Appointment as a member shall not be revoked other than in accordance with national law. This shall apply likewise to the alternates.

Article 5

Chair

1. The Joint Supervisory Body shall elect a chairman and a deputy chairman from among its members by a majority of two thirds of the votes cast in a secret ballot by the delegations attending the meeting. The deputy chairman shall not be a member of the chairman's delegation. If none of the candidates achieves the required majority in the first round of voting, a second round shall take place between the two candidates having received the most votes. The chairman and his deputy shall be elected for a term of office of two years. Election for a second term of one year shall be possible.

2. The chairman shall represent the Joint Supervisory Body and chair its meetings. He shall monitor the smooth functioning of its work. He shall convene the meetings of the Joint Supervisory Body and determine the venue, date and time of such meetings. He shall open and close the meetings. He shall prepare the provisional agenda and ensure the execution of the decisions of the Joint Supervisory Body.

3. The deputy chairman shall act for the chairman if he is unable to attend. In the absence of the deputy chairman the oldest member in terms of age shall act as deputy chairman. The first meeting of the Joint Supervisory Body shall be convened and chaired by the oldest member in terms of age until the election of the Chairman.

4. In order to prepare the work of the Joint Supervisory Body with regard to a particular issue, it may appoint from among its members, on a proposal from the chairman, one or several rapporteurs. If the matter is urgent, such an appointment may be made by the chairman by virtue of his office. In this case he shall inform the members of the Joint Supervisory Body without delay.

5. The chairman or a majority of the delegations may request the attendance at meetings of the director and invite staff members of Europol, national experts, liaison officers and other persons to attend.

Article 6

Working methods

1. The Joint Supervisory Body shall meet at least four times a year. Furthermore, it shall meet at the initiative of the chairman and whenever at least three delegations submit a written proposal stating reasons, or present an oral proposal in a previous meeting. The chairman of the Management Board and the director of Europol shall be entitled to propose items for inclusion on the agenda and to propose that the Joint Supervisory Body be convened.

2. With the exception of cases which the chairman deems to be urgent, the notice convening the meeting shall be transmitted in time to arrive at least two weeks before the meeting. The notice shall include the provisional agenda and the documents needed for the meeting, unless the nature of these documents does not allow so. The final agenda shall be adopted at the beginning of each meeting.

3. A meeting of the Joint Supervisory Body shall only be effective, if at least two thirds of the delegations attend. Decisions shall be taken by a simple majority of the delegations attending, unless provided otherwise in these rules. Each delegation shall be entitled to one vote. In case of a tied vote, the chairman shall have a casting vote.

4. The meetings of the Joint Supervisory Body shall not be public. Its documents shall be confidential, unless the Joint Supervisory Body decides otherwise. However documents submitted by Europol shall be subject to the confidentiality rules referred to in Article 31(1) of the Convention.

5. The Joint Supervisory Body shall meet on the basis of documents and draft papers drawn up in all official languages of the institutions of the European Union. Exceptions to this rule shall be admissible only in cases of urgency. However, each delegation shall have the right to require a translation in its own language.

6. Decisions of the Joint Supervisory Body may be taken by written procedure in so far as all delegations have approved this procedure in a meeting. In urgent cases the chairman shall be entitled to initiate the written procedure. In both cases the chairman shall transmit a draft decision to the members of the Joint Supervisory Body. If the delegations do not object to the draft decision, translated into the respective official languages, within a period specified by the chairman of at least 14 days after receipt, the proposal shall be deemed to be adopted. If a delegation, within five working days after receipt of the draft decision, requests that it be orally discussed by the Joint Supervisory Body, the written procedure shall be discontinued.

Article 7

Checks on location and experts

1. In the framework of its powers in accordance with Article 24 of the Convention, the Joint Supervisory Body may carry out data protection checks at Europol.

2. The Joint Supervisory Body may appoint one or more members for carrying out these checks. Such members may be assisted by experts as deemed appropriate by the Joint Supervisory Body, drawn only from a list of experts established by the Joint Supervisory Body in advance and communicated to Europol. Experts on this list shall come from within national supervisory bodies and government agencies, unless such experts are not available. All experts must meet the security requirements applying under their national law.

3. Where the chairman deems a case to be urgent, he may appoint such members and experts by virtue of his office. In this case he shall inform the members of the Joint Supervisory Body without delay.

4. The members of the Joint Supervisory Body entrusted with carrying out a check shall report to the Joint Supervisory Body on the results of their work.

Article 8

Procedure in the event of violations

If the Joint Supervisory Body notes violations of the provisions of the Convention with regard to the storage, processing or utilisation of personal data, it shall inform the director of Europol accordingly and shall request him in writing to reply within a given

period. If the Joint Supervisory Body considers the reply to be insufficient or not submitted in time, or if any other difficulty arises, the Joint Supervisory Body shall refer the matter in writing to the Management Board (Article 24(5), third sentence of the Convention). Failure to comply with a final decision of the Appeals Committee shall be regarded as a violation of the Convention.

Article 9

Minutes

Minutes shall be made of all meetings of the Joint Supervisory Body. The draft minutes shall be prepared by the Secretariat under the direction of the chairman and submitted to the Joint Supervisory Body for adoption at its next meeting. Each member shall have the right to have the draft minutes amended to reflect comments made by that member at the meeting.

Article 10

Acitivity report

1. The Joint Supervisory Body shall draw up an activity report at least once every two years. At least one month before the activity report is forwarded to the Council, the Management Board shall have the opportunity to deliver an opinion, which shall be attached to the report (Article 24(6) of the Convention).

2. The Joint Supervisory Body shall decide whether or not to publish its activity report, and, if it decides to do so, determine how it should be published.

TITLE III

RULES OF PROCEDURE OF THE APPEALS COMMITTEE

Article 11

Tasks of the Appeals Committee

1. The Appeals Committee (hereinafter called 'the Committee') shall examine the appeals provided for in Article 19(6), (7) and (8), Article 20(4) and Article 22(3) of the Convention.

2. The Committee shall take final decisions in respect of the matters referred to in paragraph 1.

3. In addition to the powers referred to in Article 2(2), the Committee shall have the powers provided for in this chapter.

Article 12

Membership

1. The Committee shall be composed of one member of each delegation in the Joint Supervisory Body. Each member may have an alternate. The members of the Committee and their alternates shall be appointed for five years by the Joint Supervisory Body, on the nomination of the delegation concerned, which term shall be renewable.

2. The members of the Committee and their alternates shall have the necessary qualifications for examining and deciding the appeals referred to in Article 11(1), involving, *inter alia*, legal expertise, experience in conflict resolution and experience in data protection matters.

3. A member of the Committee who is unable to attend a meeting may be represented by his alternate.

4. Membership of the Committee shall cease when the person concerned resigns or ceases to be a member of the Joint Supervisory Body. This shall apply also to the alternates.

Article 13

Independence and impartiality

1. The members of the Committee shall be independent and impartial, not bound by directions of

the Joint Supervisory Body or anyone else in the exercise of their duties and subject only to the law. They may not engage in any activity during their term of office which is incompatible with their independence and impartiality as members of the Committee or with the required availability for service on the Committee. Activities which are being carried out or have been carried out on behalf of the national supervisory body shall not be regarded as incompatible with work on the Committee. The provisions of this paragraph shall apply also to the alternates.

2. Where a member of the Committee or an alternate has been involved in the case in such a manner as to give rise to serious doubts as to his impartiality, or any other circumstance arises which might prejudice the proper determination of an appeal, he shall declare this and withdraw from the case.

3. If a member or alternate is challenged by a party on grounds relating to paragraphs 1 and 2, the Committee shall hear the person concerned and the other parties and subsequently decide on the challenge in the absence of the person concerned by means of a secret ballot.

4. If a person withdraws or is excluded from the case pursuant to paragraph 3, he shall be replaced by his alternate.

Article 14

Chair

1. The Committee shall elect a chairman and a deputy chairman from among its members by a majority of two thirds of the votes cast in a secret ballot by the members attending the meeting. If none of the candidates achieves the required majority in the first round of voting, a second round shall take place between the two candidates having received most votes. The chairman or deputy chairman of the Joint Supervisory Body may not be elected chairman or deputy chairman of the Committee nor be a member of the same delegation. The chairman and his deputy shall be elected for a term of two years. Election for a second term of one year shall be possible.

2. The chairman shall preside over the meetings of the Committee. He shall monitor the smooth and proper functioning of its work. He shall convene the meetings of the Committee and determine the venue, date and time of such meetings. He shall prepare the provisional agenda.

3. The deputy chairman shall act for the chairman if he is unable to attend. In the absence of the deputy chairman the oldest member in terms of age shall act as deputy chairman. The first meeting of the Committee shall be convened and chaired by the oldest member in terms of age until the election of the chairman.

4. In order to prepare its deliberations, the Committee may appoint from among its members, on a proposal from the chairman, one or several rapporteurs. In such cases in principle, the member appointed as rapporteur shall be from the Member State from which the applicant comes or, if the applicant comes from a non-Member State, from the Member State to which the case is most closely connected. If the matter is urgent, such an appointment may be made by the chairman by virtue of his office. In this case he shall inform the members of the Committee without delay. The rapporteur shall examine the appeal and submit a report to the Committee on its admissibility and a proposal for further proceedings, in particular with regard to what preparatory measures are needed.

Article 15

Representation

The applicant may be assisted or represented by a lawyer or another adviser. A lawyer or an adviser may be excluded from the proceedings by the Committee in cases of serious misconduct. If a lawyer or an adviser is excluded, the chairman shall stipulate a deadline for the party concerned to enable him to appoint another lawyer or adviser; the proceedings shall be suspended until the expiration of this deadline. A lawyer or an adviser shall produce proper authorisation from the applicant, if so requested by the Committee.

Article 16

Languages

1. The procedure shall be conducted in one of the official languages of the institutions of the European Union. The applicant shall choose the official language in which the procedure shall be conducted. The language of the procedure shall be used in the oral statements and in the written documentation of the parties and in the minutes and decisions of the Committee.

2. Documents in a language other than the procedural language shall be accompanied by a translation into the procedural language. Where

documents are lengthy, the translation submitted may be restricted to excerpts or summaries. The Committee may by virtue of its office or on application from a party require a full translation at any time.

3. Where necessary, interpretation services and translations shall be provided for each member of the Committee and for the parties free of charge. The decisions of the Committee shall be translated into all official languages of the institutions of the European Union.

4. In cases where none of the official languages of the institutions of the European Union is accessible to the applicant, the complaint may be lodged in another language. The applicant is obliged to submit a summary in one of the official languages. The chairman or rapporteur shall have the complaint translated into the chosen language.

Article 17

Institution of the procedure

1. The appeal shall be lodged by submission of a written complaint at the Secretariat of the Joint Supervisory Body within three months of the decision of Europol being received by the applicant. When there is no decision, the appeal shall be lodged within three months after the expiration of the relevant time limits referred to in Article 19(6), Article 20(4) and Article 22(3) of the Convention. Any doubt about compliance with time limits shall be determined in favour of the applicant.

2. The applicant shall outline the basis of the complaint. It must be clear who is complaining, what he is complaining about and on what grounds. The complaint shall be accompanied by any supporting documentation available. The applicant may withdraw his appeal at any time.

3. The Secretariat shall acknowledge the receipt of the complaint within four weeks and give general information on the course of the procedure.

4. If the complaint does not meet the requirements set out in paragraph 2, first and second sentences and in Article 16(4), second sentence, the Secretariat shall invite the applicant to rectify any omissions within four weeks.

5. Appeals which do not meet the requirements shall be refused by the Committee on the proposal of the chairman or of the rapporteur. An appeal which does not comply with the time limits mentioned in paragraph 1 may be accepted, if special circumstances can justify the delay.

Article 18

Preliminary consideration

1. If the complaint meets the requirements, it shall be considered by the Committee on the basis of the following provisions taking into account the Convention especially Articles 19, 20 and 22.

2. A copy of the complaint shall be forwarded to Europol for its observations, which shall be submitted within four weeks, extension for two further weeks being possible.

3. The Committee may decide on a case-by-case basis additionally to involve in the appeals procedure one or more national units. The applicant and Europol shall be informed of this decision. The relevant national units shall be sent a copy of the observations from Europol and the applicant in order to enable them to submit their own observations, to be submitted within four weeks, extension for two further weeks being possible.

4. After the observations have been received or the deadlines have expired, the complaint shall be dealt with by the Committee within the ensuing three months.

Article 19

Additional information

1. The Committee may ask the applicant, Europol, the national units, the national supervisory bodies or any other body to provide information, evidence or comments to the Committee. The parties are entitled to make suggestions to the Committee regarding the taking of evidence or to call for the admission of evidence. The Committee shall follow up these suggestions and calls for admission to the extent necessary for the examination of the case.

2. The Committee may also decide to investigate on location at Europol. Article 7 applies likewise. In this case, the applicant or his adviser shall be informed of the result of the investigation.

Article 20

Access to file of procedure

1. All parties shall, if they wish, have access to the file of the procedure, and require the Secretariat of the Joint Supervisory Body to provide them with excerpts or photocopies at their own expense. Access shall be refused where such refusal is necessary in order:

— to enable Europol to fulfil its duties properly,

— to protect security and public order in the Member States or to prevent crime,

— to protect the rights and freedoms of third parties,

considerations which cannot be overridden by the interests of the person concerned.

2. Europol, national units and national supervisory bodies may indicate to what extent the information they provide should not be made available to the applicant, stating the reasons for such a restriction. The Committee may ask for further reasons. To the extent that the Committee finds such reasons acceptable, the information concerned shall be withheld. The Committee may decide otherwise only in the absence of acceptable reasons and only unanimously. In this case, the Committee may require a summary to be made available to the applicant or require that certain information shall be provided to the applicant.

Article 21

Hearing

1. The parties shall be heard by the Committee should they so request. The Committee shall duly inform the parties of their right to be heard. This right shall be exercised in writing. The Committee shall decide to hold an oral hearing on request from one of the parties involved in the proceeding to the extent deemed necessary for the examination of the case. The Committee shall duly inform the parties of their right to request an oral hearing. All parties shall be notified in due time of the oral hearing and have the right to be present.

2. An oral hearing shall be held in public unless the Committee decides by virtue of its office or on application from one of the parties to exclude the public wholly or partly where the interests of public security, especially on the grounds referred to in Article 19(3) of the Convention, or the protection of the privacy of an individual so require, or to the extent strictly necessary in the opinion of the Committee in special circumstances where publicity would prejudice the proper determination of the appeal. If a Member State that is a party to the proceedings, or Europol, requests that the public be excluded from the proceedings, the Committee may decide otherwise only on the grounds that no reasons as referred to in the first sentence obtain, and only unanimously.

3. The Committee may decide, at the request of a party or at its own initiative, to hear a party without other parties being present, where this is required in order to ensure the proper functioning of Europol, to safeguard the security of a Member State or to protect the interests of the applicant or a third party. The absent parties shall be informed of proceedings taking place in their absence.

Article 22

Hearing of witnesses and experts

1. The Committee may decide, at the request of a party or at its own initiative, to hear witnesses. All parties and the witnesses concerned shall be notified in due course of the hearing. Article 21(2) and (3) shall also apply.

2. Witnesses notified by the Committee shall be entitled to reimbursement of their travel and accommodation expenses and to compensation for loss of earnings, to the extent the Committee finds equitable. They may receive the necessary advance payments. All payments shall be made from the budget of the Joint Supervisory Body.

3. The witnesses shall be heard by the Committee. The members of the Committee may address questions to the witnesses. With the permission of the chairman, the parties may address questions to the witnesses. Before the hearing begins, the chairman shall remind the witnesses that they should speak the truth.

4. The Committee may appoint an expert and define his mandate. The expert is entitled to remuneration for his work. The Committee may decide to hear the expert. The rules regarding the hearing of witnesses shall also apply.

Article 23

Closing statements

Before reaching a final decision, the Committee shall invite all parties to submit final comments.

Article 24

Minutes

1. The Committee shall keep minutes of its proceedings which shall reflect the course of each hearing and the statements made in it. The parties may request that certain documents or statements be included wholly or partly in the minutes. The minutes shall be signed by the chairman, forwarded to the parties and added to the file of the case. In cases referred to in Article 21(2) or Article 22(1), the Committee shall impose restrictions.

2. Article 9 shall also apply to all meetings of the Committee which are not attended by the parties.

Article 25

Decisions and confidentiality

1. Any meeting of the Committee shall only be effective if four fifths of the members or their alternates attend.

2. Decisions shall be taken by a simple majority of the members or alternates attending the meeting, unless provided otherwise either in these rules or in the Convention. In case of a tied vote, the chairman shall have a casting vote. All persons taking part in the final decision must have attended an oral hearing.

3. The deliberations of the Committee shall remain confidential.

4. The final decision of the Committee shall contain the names of the parties and their representatives, the names of the members of the Committee taking part in the decision, the date on which the decision is announced, the operative part of the decision, a brief presentation of the facts of the case and the reasons for the decision. It shall be announced at a public meeting and conveyed to the parties. A copy of the decision shall be forwarded to the Joint Supervisory Body.

Article 26

Notifications

Notifications and other communications to parties, witnesses and experts shall be made by means that reasonably ensure that they are duly informed and can be verified when necessary.

Article 27

Costs

1. The Committee shall decide on the costs of the procedure in its final decision. The procedure before the Committee shall be free of charge. If the appeal is upheld, wholly or partially, the necessary costs incurred by the applicant for lodging and processing the complaint shall be borne by Europol to the extent that the Committee considers this equitable.

2. If an applicant is unable to bear all or part of the costs of the procedure, he may at any time on request be granted assistance for the costs. When he submits the application, he shall enclose documentation demonstrating that he is in need. The Committee may withdraw the assistance at any time if the preconditions under which it was granted change in the course of the proceedings. If assistance is approved, the costs will be disbursed from the budget of the Joint Supervisory Body. Where this is fair, the final decision may require a party to reimburse to the budget of the Joint Supervisory Body the advance payments granted. In submitting his application, the applicant shall declare his agreement to reimburse the costs if required by the final decision.

Article 28

Due process

In cases not provided for in these rules, the Committee shall conduct its procedures in accordance with the general principles of Community law referred to in Article F(2) of the Treaty on European Union.

TITLE IV

FINAL PROVISIONS

Article 29

Secretariat

1. The Joint Supervisory Body shall have a Secretariat based at its headquarters to assist it in the performance of its tasks. The Secretariat shall be a permanent body and its members recruited only on the basis of competence. The members of the Secretariat shall act solely in the best interests of the Joint Supervisory Body, shall be fully independent from Europol and shall not accept instructions from any other authority. Recruitment or secondment to the Secretariat shall take place on a proposal from the Joint Supervisory Body. Staff members of the Secretariat shall not undertake other work without permission of the chairman of the Joint Supervisory Body.

2. The Secretariat shall operate under the direction of the chairman of the Joint Supervisory Body in accordance with the rules established by the Joint Supervisory Body. The Secretariat shall also provide services to the Appeals Committee. In the performance of these functions it shall operate under the direction of the chairman of that Committee. The Secretariat shall keep a register of appeals and all other documents.

3. The Secretariat shall ensure that the obligations under Article 32 of the Convention shall also be respected in the work of the Joint Supervisory Body.

Article 30

Confidentiality

1. Members of the Joint Supervisory Body, alternates, experts and members of the Secretariat shall be obliged to treat in a confidential manner the circumstances which come to their knowledge in the context of their activity, unless the proper discharge of their task requires otherwise. This obligation shall continue to apply also when they cease to be active in that capacity.

2. On appointment, members of the Joint Supervisory Body, alternates, experts and members of the Secretariat shall declare their acceptance of these obligations.

3. In the case of a breach of confidentiality, a member of the Joint Supervisory Body or his alternate may be suspended by a majority of two thirds of the votes cast in a secret ballot by the delegations attending a meeting of the Joint Supervisory Body. The person concerned shall be heard before, but shall not take part in the decision. This provision shall apply equally to the Appeals Committee, where the breach of confidentiality relates to the work of that Committee. In the latter case, the Joint Supervisory Body shall be informed without delay.

In the case of a suspension, the place of the suspended member shall be taken by his alternate. A suspension shall be communicated to the national supervisory body responsible for the appointment of the suspended member.

Article 31

Budget and costs

1. The Secretariat shall prepare proposals for an annual budget for the Joint Supervisory Body, which on approval shall be forwarded to the Management Board prior to the consultation, required in Article 24(9) of the Convention.

2. The Joint Supervisory Body shall decide on the disbursement of the budget allocated to it which shall be administered by the Secretariat.

3. The costs of the Joint Supervisory Body and the Appeals Committee, including the expenses for the members of the Appeals Committee and their alternates, which are necessary for the proper exercise of their duties, shall be borne by the budget of the Joint Supervisory Body in accordance with rules established by it.

Article 32

Amendment of the Rules of Procedure

Amendments to these Rules of Procedure shall be unanimously adopted by the Joint Supervisory Body and shall be submitted to the Council for unanimous approval (Article 24(7), first sentence of the Convention).

Article 33

Evaluation

These Rules of Procedure shall be evaluated by the Joint Supervisory Body between one and three years after their entry into force.

Article 34

Entry into force of the Rules of Procedure

These Rules of Procedure shall enter into force on the day following their approval by the Council in accordance with Article 24(7) of the Convention (*).

Done at Brussels, 22 April 1999

For the Joint Supervisory Body
The Chairman
Fergus GLAVEY

(*) The Rules of Procedure were approved by the Council on 29 April 1999.

COUNCIL DECLARATION

on Article 4(5) and Article 12(4) adopted when approving the Rules of Procedure of the Joint Supervisory Body of Europol

The Member States agreed that membership of the Joint Supervisory Body (of a member or an alternate) in particular may not cease before the end of the term of office on grounds connected with the exercise of a function in the Appeals Committee.