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

JOINT ACTION

of 22 April 1996

adopted by the Council on the basis of Article K.3 of the Treaty on European Union, concerning a framework for the exchange of liaison magistrates to improve judicial cooperation between the Member States of the European Union

(96/277/JHA)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Article K.3 (2) (b) of the Treaty on European Union,

Having regard to the initiative of the Italian Republic,

Whereas the Member States consider that they have a common interest in adopting measures to improve judicial cooperation, in both criminal and civil matters;

Whereas, to that end, the exchange of magistrates or officials to liaise between the Member States which so wish constitutes a useful and desirable measure;

Whereas the exchange of liaison magistrates of officials could increase the speed and effectiveness of judicial cooperation and at the same time facilitate better mutual understanding between Member States' legal and judicial systems;

Whereas more effective judicial cooperation in criminal matters could also help in effectively combating all forms of transnational crime, particularly organized crime and terrorism as well as fraud affecting the financial interests of the Community;

Whereas this joint action does not affect existing rules of procedure for judicial cooperation or exchanges of information between the Member States and the Commission based on other instruments;

Taking a positive view of the initiatives already undertaken by a number of Member States in sending liaison magistrates or officials to or receiving them from authorities competent for judicial cooperation and current initiatives to establish an effective network of judicial contact points to combat international organized crime;

Having considered the need to define a clear and useful judicial framework for initiatives already under way in order to increase their effectiveness and promote coordination,

HAS ADOPTED THIS JOINT ACTION;

Article 1

Exchange of liaison magistrates

1. This joint action establishes a framework for the posting or the exchange of magistrates of officials with special expertise in judicial cooperation procedures hereafter, referred to as 'liaison magistrates', as between Member States, on the basis of bilateral or multilateral arrangements.

2. The Member States agree that, the guidelines laid down in this joint action will serve as a reference when they decide to send liaison magistrates to another Member State or to exchange liaison magistrates.

3. The main aim of creating a framework for the exchange of liaison magistrates is to increase the speed and effectiveness of judicial cooperation and to promote the pooling of information on the legal and judicial systems of the Member States and to improve their operation.

Article 2

Functions of liaison magistrates

1. The tasks of liaison magistrates shall normally include any activity designed to encourage and accelerate all forms of judicial cooperation in criminal and, where appropriate, civil matters, in particular by establishing direct links with the competent departments and judicial authorities of the host State.

2. Under arrangements agreed between the home Member State and the host Member State, liaison magistrates' tasks may also include any activity connected with handling the exchange of information and statistics designed to promote mutual understanding of the legal systems and legal data bases of the States concerned and to further relations between the legal professions of each of those States.

Article 3

Exchange of information

Member States shall keep each other informed within the Council of initiatives already under way and those taken to implement this joint action. The Member States concerned shall forward information on their exchanges of liaison magistrates to the General Secretariat of the Council annually.

Article 4

Final provision

This joint action shall be published in the Official Journal and shall enter into force on the date of its publication.

Done at Luxembourg, 22 April 1996.

For the Council

The President

S. AGNELLI