JOINT ACTION

of 20 December 1996

adopted by the Council on the basis of Article K.3 of the Treaty on European Union providing a common programme for the exchange and training of, and cooperation between, law enforcement authorities ('Oisin')

(97/12/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,

Having regard to the initiative of Ireland,

Recalling the provisions of the La Gomera Declaration on Terrorism;

Recalling the provisions of the report of the group of experts on drugs, approved by the European Council of Madrid on 15 and 16 December 1995;

Considering that Member States consider cooperation between their law enforcement authorities as covered by the terms of Article K.1 (8) and (9) of the Treaty as a matter of common interest;

Whereas the development of a programme for improved law enforcement cooperation is likely to contribute to an increase in the mutual knowledge and understanding of the legal systems and law enforcement practices of the Member States and to raise the level of expertise of law enforcement personnel of the Member States;

Whereas these objectives may appropriately be realized at the level of the European Union and their implementation charged to the general budget of the European Communities;

Whereas this Joint Action does not replace or affect the existing cooperation arrangements of Member States;

Taking into account the need to develop cooperation between Member States and the countries associated with the Union, the countries taking part in the structured dialogue and other third countries;

Whereas the present Joint Action does not replace or affect the forms of cooperation existing between some Member States and third countries,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Establishment of the programme

1. A programme for enhancing law enforcement cooperation to be know as Oisin is hereby established for the period 1997 to 2000 in order to stimulate cooperation between law enforcement authorities of Member States and to provide such authorities with a greater insight into the working methods of their counterparts in other Member States and constraints by which they may be bound.

2. For the purpose of this Joint Action, 'law enforcement authorities' means all public bodies existing in Member States which are responsible under national law for preventing, detecting and combating criminal offences.

3. The programme includes the following categories of action:

— provision of training (to include language training),

— exchange of personnel and the provision of operational expertise,

— research, operational feasibility studies and evaluation,

— information exchange.

Actions which promote cooperation between the different law enforcement authorities of several Member States shall be encouraged under this framework.

4. No funding shall be provided under the programme where an alternative programme under Title VI of the Treaty already exists which can comprehend the individual action proposed.

Article 2

The financial reference amount for the implementation of the programme for the period 1997 to 1999 shall be ECU 8 million.

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

Article 3

Provision of Training

Projects with the following objectives may be considered under training:

— foreign operational language training,

— knowledge of the legislation and operational procedures of other Member States and in particular the application of such legislation and operational procedures to operations between Member States,

— knowledge of operational procedures relating to legislation adopted by the Union under Articles K.1 to K.9 of the Treaty,

— exchange of experience between persons and institutions responsible for training of law enforcement authorities,

— preparation of teaching modules for training projects, or of seminars organized as part of the implementation of this Joint Action.

Article 4

Exchange of Personnel and Provision of Operational Expertise

Projects with the following objectives may be considered under the exchange element of the programme:

— work experience exchanges of limited duration between operational law enforcement authorities of various Member States,

— organization of visits by law enforcement authorities having skill, knowledge or expertise in a particular operational area so as to impart that expertise to law enforcement authorities of other Member States,

— organization of study visits by individuals or groups of law enforcement authorities to law enforcement authorities of other Member States having a particular skill, knowledge or expertise so as to acquire that expertise.

Article 5

Research, Operational Studies and Evaluation and Operational Projects

Projects with the following objectives may be considered under this Article:

— meetings to assess the value of initiatives undertaken under the programme,

— scientific research on topics relating to police cooperation, customs cooperation and to cooperation between police, customs and other law enforcement agencies, by organizations and institutions concerned with matters identified under K.1 (8) and K.1 (9) of the Treaty,

— design, production and dissemination of training materials,

— organization of joint operational projects, having a limited duration, involving the participation of law enforcement authorities.

Article 6

Information Exchange

Projects with the following objectives may be considered under information exchange:

— exchange of information on operational matters of common interest to all Member States,

— organization of multi-disciplinary workshops on operational techniques,

— organization of seminars and conferences,

— preparation of confidential directories of operational areas where Member States have acquired particular knowledge, competence, skill or expertise,

— organization of briefing sessions in connection with pilot joint operations,

— analysis of reports and dissemination of information on initiatives organized within the framework of this Joint Action,

— organization of information dissemination, where appropriate, to non-law enforcement organizations.

Article 7

1. Projects receiving Community financing must be of European interest and involve more than one Member State.

2. Those responsible for the projects may be public or private institutions including, in particular, research institutes as well as institutions responsible for basic training and those responsible for continuing training.

3. The projects to be financed shall be subject to a selection procedure taking into account, in particular:

— consistency of topics covered with work undertaken or provided for in Council action programmes coming under police and customs cooperation,

— input towards the framing or implementation of instruments adopted or to be adopted under Title VI of the Treaty,

— mutual complementarity between the various projects,

— the range of law enforcement authorities which they encompass,

— the quality of the institution responsible,

— the operational and practical nature of the project,

— the degree of preparation of the participants,

— the scope for drawing on results achieved in order to further enhance law enforcement cooperation.

4. These projects may involve those responsible in applicant countries with a view to making them familiar with the achievements of the Union in this area and contributing to their preparation for accession, or in other third countries where it serves the aims of the projects.

Article 8

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

Article 9

1. All types of expenditure which are directly chargeable to the implementation of the project and which have been committed within a contractually agreed period shall be eligible.

2. The proportion of financial support from the Community budget shall not exceed 80 % of the cost of the project.

3. Translation and interpreting costs, computing costs, and expenditure on durable or consumables shall not be taken into consideration unless they are essential for the realization of the project, and shall only be financed 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 have no national purpose or function but are specifically connected with the implementation of the project.

Article 10

1. The Commission shall be responsible for carrying out the actions provided for in this Joint Action and shall adopt detailed rules for its implementation, including the criteria for the eligibility of costs.

2. It shall draw up each year, with the assistance of experts from the relevant professional circles, the draft annual programme implementing this Joint Action in terms of the thematic priorities and the distribution of available appropriations between fields of activity.

3. It shall undertake each year an assessment of the actions carried out in implementing the programme for the previous year.

Article 11

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

2. The Commission shall submit to the Committee the draft annual programme, including a proposal for the distribution of available appropriations between the 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.

Article 12

1. Projects for which financing is requested shall be submitted to the Commission for scrutiny not later than two months after the approval of the annual programme referred to in Article 11 (2).

2. The Commission shall examine the projects that are submitted to it with the assistance of the experts referred to in Article 10 (2).

3. 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 11 (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 the 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.

4. Where the financing requested exceeds ECU 50 000, the representative of the Commission shall submit to the Committee referred to in Article 11 (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 13

1. Actions 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 referred to in Article 12 and the assessments provided for in Article 10, 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.

Article 14

Each year the Commission shall report to the European Parliament and the Council on the implementation of the programme. The first report shall be presented at the end of the 1997 budgetary year.

Article 15

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

It shall be applicable for a period of four years, at the end of which it may be extended.

Article 16

This Joint Action shall be published in the Official Journal.

Done at Brussels, 20 December 1996.

For the Council
The President
S. BARRETT

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