

DECISION OF THE MANAGEMENT BOARD**of 20 March 2007****laying down the rules governing the arrangements regulating the administrative implementation of the participation of Europol officials in Joint investigation Teams**

(2007/C 72/16)

THE MANAGEMENT BOARD OF EUROPOL,

Having regard to the Europol Convention, as amended by the Council Act of 28 November 2002 drawing up, on the basis of Article 43(1) of the Convention on the Establishment of a European Police Office a Protocol, and the Protocol on the privileges and immunities of Europol, the members of its organs, the deputy directors and the employees of Europol, and in particular Article 3(a) thereof,

Having regard to the opinion issued by the Joint Supervisory Body,

Whereas it is for the Management Board, acting by a majority of two thirds of its members, to determine the rules governing the arrangements laying down the administrative implementation of the participation of Europol officials in joint investigation teams.

HAS ADOPTED THE FOLLOWING DECISION:

*Article 1***Definitions**

For the purposes of the present Decision:

- (a) 'joint investigation teams' means the joint investigation team as referred to in Article 3(a) of the Europol Convention.
- (b) 'national unit' means the only liaison body between the competent national authorities and Europol as referred to in Article 4 of the Europol Convention.
- (c) 'competent authorities' means all public bodies existing in the Member States which are responsible under national law for preventing and combating criminal offences according to Article 2(4) of the Europol Convention.

*Article 2***Arrangements**

1. The administrative implementation of the participation of Europol officials in a joint investigation team shall be laid down in an arrangement concluded between the Director of Europol and the competent authorities of the Member States responsible for setting up that joint investigation team.

2. The arrangements shall be made with the involvement of the National Units of the participating Members States.

*Article 3***Mandate of the Europol officials participating in joint investigations teams**

- 1. The arrangements shall specify the tasks, rights and obligations of the Europol officials participating in the joint investigation team.
- 2. The arrangements shall state that Europol officials participating in a joint investigation team shall assist the members of the team in accordance with the Europol Convention and in accordance with the national law of the Member State where the team operates.

*Article 4***Management and supervision**

- 1. The arrangements shall stipulate that Europol officials participating in a joint investigation team shall carry out their tasks under the leadership of the leader(s) of the team identified in the arrangement.
- 2. The arrangements shall provide that Europol officials have the right not to execute orders which they consider to be in breach of their obligations under the Europol Convention. In that case, the Europol official shall inform the Europol Director thereof who shall consult with the leader(s) of the team to find a solution. Should a mutually satisfactory solution not be found, the Director shall be entitled to terminate the arrangement.

*Article 5***Access to data**

The arrangements shall specify that Europol officials participating in joint investigation teams shall have access to the Europol computerized system in accordance with the provisions of the Europol Convention and in line with the applicable security standards⁽¹⁾ for the duration of their membership of the joint investigation team.

⁽¹⁾ As outlined in outlined in the *Policy for communication links used to process Europol information* — Document 2450-16 (#16991)

*Article 6***Costs and equipment**

The arrangements shall regulate the distribution of the costs, including insurance, entailed by the participation of Europol officials in joint investigation teams as well as specifying the conditions under which any equipment provided by Europol can be used by the members of the joint investigation team.

*Article 7***Termination**

The arrangements shall specify that they may at any time be terminated upon notification by one of the Parties.

*Article 8***Entry into force**

The present Decision shall enter into force on 30 March 2007.

Done at The Hague on 20 March 2007

Hans-Jürgen FÖRSTER

Chairman of the Management Board
