



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 31 October 2008**

**15036/08**

**ENFOPOL 205**

**NOTE**

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from : The Netherlands delegation  
dated : 31 October 2008

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Subject: Initiative of the KINGDOM OF THE NETHERLANDS with a view to  
adopting a Council Decision amending the Council Decision of 28 November  
2002 setting up a European Network for the protection of Public Figures

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Delegations will find attached the above-mentioned initiative from The Netherlands delegation.

**Draft****COUNCIL DECISION****of [ ]**

amending Council Decision 2002/956/JHA of 28 November 2002 setting up a European Network for the Protection of Public Figures<sup>1</sup>

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 30(1)(a) and (c) and Article 34(2)(c),

Having regard to the initiative of the Kingdom of the Netherlands,

Having regard to the Opinion of the European Parliament,

Whereas:

- (1) There is a need to better protect non-officials who are deemed to be under threat because of their contribution to or impact on the public debate. The possibility of assaults and attacks to those public figures cannot be excluded.
- (2) The protection of public figures is the responsibility of the host Member States. Protective measures of the host Member State are based solely on the legal provisions in force in that Member State and the relevant international agreements.
- (3) The European Network for the Protection of Public Figures, which was set up in 2002, could contribute to providing protection as formal channel for communication and consultation between national Authorities.

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<sup>1</sup> OJ L 333, 10.12.2002, p. 1

- (4) It is therefore considered appropriate to amend the Council Decision setting up the European Network for the Protection of Public Figures so that it would also apply to non-officials who are deemed to be under threat because of their contribution to or impact on the public debate.

HAS DECIDED AS FOLLOWS:

Article 1

- 1) Article 2 of the Council Decision of 28 November 2002 setting up a European Network for the protection of Public Figures is hereby amended as follows:

"For the purposes of this Decision, "public figure" shall mean any person, either in an official capacity or in a non-official position who is deemed to be under threat because of his or her contribution to or impact on the public debate, and who, in the view of the Member State concerned, merits protection, and to whom a protection service is assigned in accordance with the national legislation of a Member State or pursuant to the regulations of an international or supranational organisation or institution."

- 2) A new paragraph f is added under Article 4 of the above-mentioned Council Decision which reads as follows:

"(f) favouring the contact between the relevant authorities within the Member States which are responsible for rendering protection services, either through the contact points or directly between the responsible services, as communicated by the contact points, concerning the application of protection in cases where the protection of public figures has to be assured in two or more Member States."

**Article 2**

This Decision shall take effect on the twentieth day following the date of its publication in the Official Journal of the European Communities.

Done at

For the Council  
The President