

III

(Preparatory Acts)

COUNCIL

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

(2008/C 330/03)

THE COUNCIL OF THE EUROPEAN UNION,

who are deemed to be under threat because of their contribution to or impact on the public debate,

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

Having regard to the initiative of the Kingdom of the Netherlands ⁽¹⁾,

HAS DECIDED AS FOLLOWS:

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas:

Article 1

- (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 on those public figures cannot be excluded.
- (2) The protection of public figures is the responsibility of the host Member State. 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 a formal channel for communication and consultation between national Authorities.
- (4) It is therefore considered appropriate to amend Council Decision 2002/956/JHA of 28 November 2002 setting up a European Network for the Protection of Public Figures ⁽³⁾ so that it would also apply to non-officials

Decision 2002/956/JHA is hereby amended as follows:

1. Article 2 shall be replaced by the following:

'Article 2

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. the following point shall be added to Article 4:

(f) favouring contacts between the relevant authorities within the Member States 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.;

⁽¹⁾ OJ C ...⁽²⁾ Not yet published in the Official Journal.⁽³⁾ OJ L 333, 10.12.2002, p. 1.

Article 2

This Decision shall take effect on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, ...

For the Council
The President
