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**DECISION OF THE MANAGEMENT BOARD OF EUROPOL
concerning the rights and obligations of liaison officers
in relation to Europol**

THE MANAGEMENT BOARD OF EUROPOL,

Having regard to Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA¹ (hereafter the 'Europol Regulation'), as amended by Regulation 2022/991 of the European Parliament and of the Council of 8 June 2022 as regards Europol's cooperation with private parties, the processing of personal data by Europol in support of criminal investigations, and Europol's role in research and innovation², and in particular Articles 8 and 63(2) thereof,

WHEREAS:

- (1) Europol National Units ensure an effective cooperation between Europol and its Member States and constitute the link between national competent authorities and Europol;
- (2) Each national unit designates at least one liaison officer to be attached to Europol;
- (3) Liaison officers play a crucial role in ensuring a continuous and effective exchange of information between Europol and the respective competent authorities and facilitating their cooperation;
- (4) In accordance with Article 8(5) of the Europol Regulation, the Management Board is competent to determine the rights and obligations of liaison officers in relation to Europol,

HAS ADOPTED THE FOLLOWING DECISION:

*Article 1
Definitions*

For the purposes of the present Decision:

¹ OJ L 135, 24.5.2016, p. 53.

² OJ L 169, 27.6.2022, p. 1-42.

Europol Unclassified – Basic Protection Level

- (a) "Member State" shall mean any Member State of the European Union upon which the Europol Regulation is binding and in which it is applicable;
- (b) "competent authorities" shall mean, as defined in Article 2(a) of the Europol Regulation, all police authorities and other law enforcement services existing in the Member States which are responsible under national law for preventing and combating criminal offences as well as other public authorities existing in the Member States which are responsible under national law for preventing and combating criminal offences in respect of which Europol is competent;
- (c) "Europol National Unit" (hereafter 'ENU') shall mean the national unit established or designated by each Member State to be the liaison body between Europol and the competent authorities of that Member State, in accordance with Article 7(2) of the Europol Regulation;
- (d) "Liaison officers" shall mean the persons designated by the Europol National Units to be attached to Europol.

Article 2 Scope

1. This Decision shall apply to liaison officers as defined in Article 1(d) above.
2. The rights and obligations of liaison officers and representatives attached or deployed to Europol by Union bodies, third countries and international organisations shall be regulated in the relevant instrument concluded between Europol and the said third party.

Article 3 General Provisions

1. Pursuant to Article 8(1) of the Europol Regulation, each national unit shall designate at least one liaison officer to be attached to Europol. Except as otherwise laid down in the Europol Regulation or in this Decision, the liaison officers shall be subject to the national law of the designating Member State.
2. The liaison officers shall constitute the national liaison bureaux at Europol and shall be instructed by their national units to represent the interests of the latter within Europol in accordance with the national law of the designating Member State and the provisions applicable to the administration of Europol.

Each Member State shall determine the organisation and the staff of its national liaison bureau at Europol, including the designation of its head, in accordance with its national law.
3. The Executive Director of Europol shall be informed in writing of each designation of a liaison officer to be attached to Europol.
4. The liaison officers shall enjoy the privileges and immunities necessary for the proper performance of their tasks in accordance with Articles 8(5) and 63(2) of the Europol Regulation. Such privileges and immunities of liaison officers and members of their families shall be subject to an agreement between the Kingdom of the Netherlands and the other Member States.

Europol Unclassified – Basic Protection Level

Article 4

Criteria pertaining to the designation of the liaison officers

1. In order to be able to carry out their duties at Europol, liaison officers shall fulfil the following criteria:
 - (a) liaison officers shall, in accordance with the national law of the designating Member State, be members of a competent authority;
 - (b) liaison officers shall possess the linguistic skills necessary for the performance of their duties in accordance with the applicable Decision of the Management Board on the internal language arrangements adopted pursuant to Article 64(2) of the Europol Regulation.³ In this respect, the designating Member State shall take into account the broad use of English in all Europol activities;
 - (c) liaison officers have undergone security screening up to the level required for the post and shall provide, at the latest upon taking up their duties, a valid national security clearance certificate at the level of CONFIDENTIEL UE/ EU CONFIDENTIAL or higher.
2. The designating Member States are responsible to assess whether the aforementioned criteria are met and whether further criteria are to be stipulated on national level to consider liaison officers suitable to carry out their duties at Europol.

Article 5

Relations between Europol and liaison bureaux and among the latter

1. Member States and Europol shall cooperate with each other in the fulfilment of their respective tasks set out in the Europol Regulation. Liaison officers shall assist in the exchange of information between Europol and their Member States, bearing in mind Member States' duties outlined in Article 7(6) of the Europol Regulation.
2. Liaison officers shall, in accordance with their national law, also assist in the exchange of information between their Member States and the liaison officers or representatives of other Member States, EU bodies and third countries and international organisations.

Europol's infrastructure may be used, in accordance with national law, for such bilateral exchanges also to cover crimes falling outside the scope of the objectives of Europol. All such exchanges of information shall be in accordance with applicable Union and national law.

³ EDOC #1125352v3, including any successor thereto.

Europol Unclassified – Basic Protection Level

Article 6

Obligations of Europol towards liaison officers

1. Europol shall provide liaison officers with the necessary support for the performance of their tasks. In particular, Europol shall take the necessary measures to:
 - (a) ensure that liaison officers' activities are facilitated;
 - (b) deal with their requests and provide them with the necessary assistance;
 - (c) support the active communication and cooperation between liaison officers and Europol staff on all matters pertaining to their mandate.
2. Europol shall ensure that liaison officers are fully informed of and associated with all its activities, in so far as necessary for the performance of their tasks.
3. Europol shall cover the costs of providing Member States with the necessary premises within the Europol buildings and adequate support for liaison officers to perform their duties. All other costs that arise in connection with the designation of liaison officers shall be borne by the designating Member State, including the costs of equipment for liaison officers, unless the European Parliament and the Council decide otherwise on the recommendation of the Management Board.
4. Europol shall undertake to ensure safety and security of the liaison officers in the Europol premises.

Article 7

Provisions applicable to liaison officers and their rights and obligations towards Europol

1. In the performance of their duties liaison officers shall comply with Europol's internal rules whilst being subject to the national law of the designating Member State.

In particular, liaison officers are expected to act in conformity with the principles of the Europol Code of Conduct. They shall also comply with all further applicable internal rules, including those outlined under paragraphs 4 to 6.

Liaison officers shall be subject to the relevant national legislation on data protection of the designating Member State as well as to the supervision by the national supervisory authority as stipulated in Article 42 of the Europol Regulation.
2. As representatives of the interests of their national units, liaison officers shall cooperate with Europol and its staff and assist in the exchange of information as described in Article 5(1), with a view to contributing that Europol implements its mandate and reaches its strategic goals.
3. To the extent permitted by the national law of the designating Member State, liaison officers shall keep Europol informed of the relevant activities carried out by them within Europol, in particular:
 - (a) keep Europol informed of matters which may have an impact on it;
 - (b) respond to any request for additional information made by Europol.
4. The rights and obligations deriving from the applicable Decision of the Management Board of Europol on the policy on protecting the dignity of the

Europol Unclassified – Basic Protection Level

person and preventing psychological harassment and sexual harassment⁴ shall be applicable to liaison officers by analogy. In the sense of the said policy, they shall be considered as “persons working at Europol under a contract under national law”.⁵

5. The rights and obligations deriving from Chapters III and IV of the Europol Management Board Decision of 13 March 2022 laying down general implementing provisions on the conduct of administrative inquiries and disciplinary proceedings (hereafter ‘MB Decision on AIs/DPs’)⁶ shall be applicable to liaison officers by analogy⁷, subject to Article 8(2) and (3).
6. Liaison officers shall comply with the applicable Europol rules on safety and security in the Europol premises – including the Europol Security Rules⁸, the rules on fire safety and on evacuation procedures – as well as on data protection.

Article 8 Breach of obligations

1. Disputes concerning an alleged failure to comply with the obligations under this Decision shall be settled amicably between the concerned Member State or national liaison bureau and Europol. Failing such amicable settlement, paragraphs 2 and 3 shall apply.
2. If a Member State or a liaison officer persistently fails to comply with the obligations under this Decision,⁹ the Executive Director of Europol shall report such failure in writing to the head of the ENU of the Member State concerned, via the head of the respective liaison bureau. If such failure concerns the head of the liaison bureau, the Executive Director shall directly report to the head of the ENU. The head of the ENU shall inform the Executive Director of Europol of any measures taken in accordance with the applicable national law.

Conditional upon the approval of the head of the ENU(s), and provided that it does not contradict national law, failure of the liaison officer(s) to comply with the obligations under this Decision shall, where applicable, be established pursuant to Chapters III and IV of the MB Decision on AIs/DPs.

3. If Europol or one of its staff members persistently fails to comply with the obligations under this Decision¹⁰, the head of the liaison bureau shall report such failure in writing to the head of the respective ENU. The latter may report such failure to the Executive Director of Europol who ensures that any necessary and appropriate measures are taken, in accordance with the applicable rules, and informs the head of the ENU thereof.

Conditional upon the approval of the head of the ENU(s), and provided that it does not contradict national law, failure by Europol’s staff member(s)¹¹ to comply with the obligations under this Decision witnessed by, or adversely affecting, a

⁴ Decision of the Management Board of Europol on the policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment of 3 May 2018, EDOC #958626v3, as currently applicable.

⁵ See especially point 6.4 of the aforementioned decision.

⁶ EDOC#1214015v4, including any successor thereto.

⁷ Where a liaison officer is in the position of the ‘person concerned’, ‘witness’ or ‘alleged victim’, as respectively defined in Articles 2(2), 2(3) and 2(4) of the MB Decision on AIs/DPs, and (indirectly) referred to in Chapters III and IV thereof.

⁸ EDOC#865874v8, as applicable as from 1 May 2017.

⁹ See Article 7; see also Articles 3(3), 4(1), 6(3) 2nd sentence, 10 and 12.

¹⁰ See Article 6; see also Article 12.

¹¹ And by extension, to seconded national experts, law enforcement trainees, persons employed under private law contracts working on Europol premises, and interns.

Europol Unclassified – Basic Protection Level

liaison officer(s), shall, where applicable, be established pursuant to Chapters III and IV of the MB Decision on AIs/DPs.

Article 9 Liability

1. In the case of Europol's non-contractual liability, Article 49(3) and (4) of the Europol Regulation shall apply.
2. In the event of damage caused to Europol by a liaison officer, the extent of the designating Member State's liability shall be determined in accordance with the national law of that State.

Article 10 Availability of liaison officers

In order to allow liaison officers to perform the duties assigned to them under Article 8 of the Europol Regulation, each designating Member State, acting in accordance with its national regulations, shall lay down the general rules governing its liaison officers' working hours and a system ensuring their availability, which, without necessarily requiring their physical presence at the Europol premises, will guarantee the continuity of the service. Europol shall be duly notified of such measures.

Article 11 Leave and public holidays

1. As regards leave entitlements and public holidays, liaison officers shall remain subject to the national regulations of the ENUs designating them.
2. Annual leave and other leave arrangements shall be agreed between the designating ENU and the liaison officer.

Article 12 Business continuity

Europol and national liaison bureaux shall take all necessary measures to ensure the continuity of their service and shall inform each other in writing of any disruption to service in a timely manner:

- (a) In the event that national public holidays or Europol holidays may disrupt service, Europol and the national liaison bureau shall inform each other in writing in advance.
- (b) In the event of a necessary bureau relocation, Europol and the national liaison bureau shall, in a joint effort, ensure that service disruption is kept to a minimum.
- (c) The national liaison bureaux shall, to the extent possible, provide a 24/7 on-call service.

Article 13 Entry into force

1. The Decision of the Management Board of Europol of 14 December 2018 concerning the rights and obligations of liaison officers in relation to Europol¹² is

¹² EDOC#971581.

Europol Unclassified – Basic Protection Level

hereby repealed.

2. This Decision shall enter into force on the day following its publication on the Europol *Vademecum*.

Done at The Hague on 11 October 2022
For the Management Board



Šárka Havránková
Deputy Chairperson of the Management Board

