



RÅDET FOR
DEN EUROPÆISKE UNION

Bruxelles, den 21. marts 2005
(OR. nl)

6930/05

LIMITE

ENFOPOL 20
COMIX 155

RETSAKTER OG ANDRE INSTRUMENTER

Vedr.: Initiativ fra Kongeriget Nederlandene om afgørelse om styrkelse af det grænseoverskridende politisamarbejde ved begivenheder, hvor et stort antal mennesker fra flere medlemsstater forsamlles, og hvor politiet primært har til opgave at opretholde den offentlige orden og sikkerhed og forebygge og bekæmpe strafbare handlinger

RÅDETS AFGØRELSE 2005/.../RIA

af

om styrkelse af det grænseoverskridende politisamarbejde ved begivenheder, hvor et stort antal mennesker fra flere medlemsstater forsamles, og hvor politiet primært har til opgave at opretholde den offentlige orden og sikkerhed og forebygge og bekæmpe strafbare handlinger

RÅDET FOR DEN EUROPÆISKE UNION HAR –

under henvisning til traktaten om Den Europæiske Union, særlig artikel 29 og 30,

under henvisning til Kongeriget Nederlandenes initiativ,

under henvisning til udtalelse fra Europa-Parlamentet¹, og

ud fra følgende betragtninger:

¹ EUT

- (1) En af Den Europæiske Unions målsætninger er at give borgerne en høj grad af sikkerhed i et område med frihed, sikkerhed og retfærdighed.
- (2) Denne målsætning kan blandt andet nås ved hjælp af et tættere politisamarbejde.
- (3) Det har vist sig, at politimyndighederne i EU's medlemsstater i forbindelse med begivenheder, hvor et stort antal mennesker forsamles, som led i deres indsats for opretholdelse af den offentlige orden og sikkerhed samt forebyggelse og bekæmpelse af strafbare handlinger i stigende grad bliver konfronteret med deltagere, der kommer fra andre medlemsstater.
- (4) På baggrund af denne udvikling og til opfølgning af tidligere initiativer¹ er det nødvendigt at styrke det internationale politisamarbejde på dette område.
- (5) Det er konstateret, at Schengen-reglerne ikke rummer tilstrækkelige muligheder for at iværksætte effektiv grænseoverskridende bistand –

¹ Rådets resolution af 29. april 2004 om sikkerheden i forbindelse med Det Europæiske Råds møder og andre lignende arrangementer (EUT C 116 af 30.4.2004, s. 18).

TRUFFET FØLGENDE AFGØRELSE:

Artikel 1

Definitioner

1. I denne afgørelse forstås ved "internationale arrangementer": begivenheder, hvor et stort antal mennesker fra flere medlemsstater forsamles, og hvor politiet primært har til opgave at opretholde den offentlige orden og sikkerhed og forebygge og bekæmpe strafbare handlinger.
2. "grænseoverskridende bistand": bistand, der på en medlemsstats anmodning ydes af politiembedsmænd fra en anden medlemsstat ved internationale arrangementer, eller en medlemsstats levering af udstyr til anvendelse på en anden medlemsstats territorium.

Artikel 2

Formål

Denne afgørelse har til formål at planlægge den grænseoverskridende bistand, når den er mulig, og gøre den mere effektiv.

Artikel 3
Planlægning

1. Formandskabet for Rådet udarbejder hvert år i kalenderårets sidste kvartal en oversigt over det forventede behov for international bistand i det følgende kalenderår.
2. Oversigten omfatter:
 - a) en tidsplan for internationale arrangementer, der finder sted i det følgende kalenderår
 - b) en oversigt over den internationale bistand, der anmodes om af de medlemsstater, på hvis område disse arrangementer finder sted. Her anføres også, hvilke medlemsstater der anmodes om bistand.
3. Oversigten udarbejdes af cheferne for de centrale myndigheder med ansvar for den offentlige orden og sikkerhed som omhandlet i fælles aktion 97/339/RJA af 26. maj 1997 vedtaget af Rådet på grundlag af artikel K.3 i traktaten om Den Europæiske Union vedrørende samarbejde om offentlig orden og sikkerhed¹.
4. Medlemsstaterne forelægger hvert år inden den 30. oktober formandskabet for Rådet de i stk. 2 omhandlede oplysninger.
5. Formandskabet sender Rådet den i stk. 1 omhandlede oversigt til fortrolig gennemgang.

¹ EFT L 147 af 5.6.1997. s. 1.

Artikel 4

Evaluering

1. Formandskabet for Rådet foretager hvert år før 31. januar en evaluering af den internationale bistand, der er ydet i det forudgående kalenderår.
2. Den i stk. 1 omhandlede evaluering omfatter:
 - a) en oversigt over de internationale arrangementer, der har fundet sted
 - b) en oversigt over den internationale bistand, der er ydet og modtaget i hhv. forrige og indeværende år
 - c) en oversigt over de problemer, som medlemsstaterne har konstateret i forbindelse med internationale arrangementer
 - d) anbefalinger til, hvorledes de i litra c) omhandlede problemer kan løses.
3. Evalueringen udarbejdes af cheferne for de centrale myndigheder med ansvar for den offentlige orden og sikkerhed.
4. Medlemsstaterne forelægger hvert år inden den 1. december formandskabet for Rådet de i stk. 2. omhandlede oplysninger og de anbefalinger, de måtte ønske at fremsætte i den forbindelse.
5. Formandskabet sender Rådet den i stk. 1 omhandlede evaluering til fortrolig orientering.

Artikel 5
Bistand og undersøgelse

1. Generalsekretariatet for Rådet foretager til støtte for medlemsstaterne en undersøgelse af eksisterende aftaler om grænseoverskridende bistand.
2. Medlemsstaterne sender teksten til disse aftaler til Generalsekretariatet for Rådet senest seks måneder efter denne afgørelses ikrafttræden.
3. Rådet vil på grundlag af resultatet af den i stk. 1 omhandlede undersøgelse inden 1 år overveje, om de eksisterende problemer kan løses ved at tilpasse de relevante europæiske love og forskrifter, navnlig Schengen-gennemførelseskonventionen.

Artikel 6
Offentliggørelse

Denne afgørelse træder i kraft på datoen for offentliggørelsen i Den Europæiske Unions Tidende.

Udfærdiget i Bruxelles,

På Rådets vegne
Formand



COUNCIL OF
THE EUROPEAN UNION

Brussels, 2 March 2005 (10.03)
(OR. nl)

6931/05

ENFOPOL 21
COMIX 156

NOTE

from: Netherlands delegation

to: Police Cooperation Working Party

No. prev. doc.: 6930/05 ENFOPOL 20 COMIX 155

Subject: Explanatory memorandum on the draft Decision on strengthening cross-border police cooperation with regard to meetings attended by large numbers of people from more than one Member State, at which policing is primarily aimed at maintaining law and order and security and preventing and combating criminal offences, and with regard to policing following major disasters

1. Introduction

It has been observed that in recent years security issues have quickly become more and more international. This trend manifests itself at events attended by large numbers of people from more than one Member State. International police cooperation is an important means of preventing criminal offences as well as maintaining law and order and security at such gatherings. Use is also increasingly being made of police intervention following major disasters.

Such developments have prompted a variety of initiatives at European level in the last few years. These include:

- the Security Handbook of 28 November 2002 for the use of police authorities and services at international events such as the meetings of the European Council (12637/3/02 ENFOPOL 123 REV 3);
- the Council Resolution of 22 July 2003 on security at meetings of the European Council and other comparable events (10965/1/03 ENFOPOL 63 COMIX 417 REV 3);
- the Council Conclusions of 13 July 2001 on security at meetings of the European Council and other comparable events (10916/01 JAI 82);
- Joint Action 97/339/JHA, adopted by the Council on 26 May 1997 on the basis of Article K.3 of the Treaty on European Union, with regard to cooperation on law and order and security (OJ L 147, 5.6.1997, p.1);
- the Council Resolution of 29 April 2004 (OJ C 116, 29.4.2004, p.18).

As police officers in the Member States of the European Union, when trying to prevent and combat criminal offences and maintain law and order and security at events attended by large numbers of people from more than one Member State, are increasingly required to deal with offenders from a variety of countries, it is advisable to follow on from earlier initiatives and step up international police cooperation in this area.

2. Objective

One of Europe's objectives is to provide citizens with a high level of safety within an area of freedom, security and justice. This means that adequate intervention by police officers must be possible when problems of the kind indicated above occur. To that end, proper planning and effective means of giving cross-border assistance are indispensable. The aim of this Decision is to improve the planning of cross-border assistance and make it more effective.

The resources which police officers can deploy to give international assistance are, by definition, scarce. In order to ensure that the supply of scarce resources is adequately tailored to the increasing demand for international assistance, it is important to gain an early understanding of the nature of forthcoming international events and in particular those where international assistance will be requested.

With a view to making international assistance effective, it is important to resolve the main difficulties which arise at such events. But first of all it is necessary to be aware of them. Then it is important to take a structured look at ways of resolving them. Recommendations prompted by police practice are a good starting point.

Nor should any bilateral agreements already concluded in the meantime be overlooked. In this connection it is important to see whether it is possible to derive from such agreements any measures of use for cooperation at European level.

3. Reasons for the form chosen

This proposal is a contribution to improving police cooperation in preventing and combating criminal offences and maintaining law and order and security in the case of major international events and disasters. The Decision is based on Articles 29 and 30 of the Treaty on European Union. Given the importance of the subject, it has been chosen to deal with it in a Decision as referred to in Article 34 of the Treaty on European Union.

4. Subsidiarity and proportionality

Preventing and combating criminal offences and indeed the maintaining of law and order and security remain the task of national investigation and enforcement agencies. At the same time, the increasingly international nature of breaches of, law and order and security requires an appropriate form of international police cooperation. Certain elements of that international aspect are covered by this Decision. The proposal does not interfere with the Member States' powers at national level, but is intended to improve international cooperation by means of international arrangements. The proposal takes account of proportionality and subsidiarity.

5. Financial statement

The proposed measures are intended to improve cooperation between Member States. They do not involve any funding from the EU budget.

6. Article-by-Article comments

Article 1

This Article defines the terms used in the Decision.

Article 2

This Article states that the objective of the Decision is to improve planning of cross-border assistance and make it more effective.

Article 3

This Article describes how planning of international assistance should be improved.

It lays down a procedure whereby, in the last quarter of each calendar year, the Presidency of the Council will present an overview of (a) the international events scheduled for the following calendar year and (b) the international assistance required for those international events. The Presidency will be assisted in this by the heads of central bodies for law and order and security, as referred to in the Joint Action of 26 May 1997, adopted by the Council on the basis of Article K.3 of the Treaty on European Union, with regard to cooperation on law and order and security (97/339/JHA) (OJ L 147, 5.6.1997, p. 1). The aim is to follow on from earlier initiatives in this area, in order to avoid duplication.

This procedure can clearly only work properly if Member States submit the necessary information to the Presidency. That is provided for in Article 4(3).

The overview will contain confidential data, of interest not only to the police but possibly also to those who wish to disturb the peace. It has therefore been decided to send the overview referred to in paragraph 1 of this Article to the Council for confidential perusal.

Article 4

In order to make international cooperation effective, it is important to resolve the main difficulties which arise. To that end, Article 4 lays down that, in the last quarter of each calendar year, the Presidency of the Council will make a review of international assistance provided over the past year. The review will comprise (a) an overview of the international events that have taken place, (b) an overview of the international assistance provided in the year in question, (c) an overview of the main difficulties observed by the Member States regarding international events and (d) recommendations as to how the difficulties referred to in (c) could be resolved.

As in Article 3, it has been decided that the Presidency should be assisted by the heads of central bodies for law and order and security, as referred to in the Joint Action of 26 May 1997, adopted by the Council on the basis of Article K.3 of the Treaty on European Union, with regard to cooperation on law and order and security (97/339/JHA).

This procedure can clearly only work properly if the necessary information is submitted. Paragraph 4 therefore lays down that Member States will submit the necessary data to the Presidency of the Council.

The Presidency will send the review referred to in paragraph 1 to the Council for confidential perusal. It can then be used by the Council as a basis for discussing whether any European measures are to be taken.

Article 5

In order to make agreements already concluded accessible, Article 5 provides for the General Secretariat of the Council to draw up an inventory.

On the basis of that inventory, within one year the Council will discuss whether the main difficulties observed can be resolved by adapting the relevant European legislation, in particular some Articles of the Schengen Convention.

Article 6

Article 6 specifies that the Decision will enter into force on the day of its publication in the Official Journal of the European Union.