

Official Journal

of the European Communities

ISSN 0378-6986

C 42

Volume 45

15 February 2002

English edition

Information and Notices

<u>Notice No</u>	<u>Contents</u>	<u>Page</u>
	<i>I Information</i>	
	Commission	
2002/C 42/01	Euro exchange rates	1
2002/C 42/02	Information communicated by Member States regarding State aid granted under Commission Regulation (EC) No 70/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to State aid to small and medium-sized enterprises ⁽¹⁾	2
2002/C 42/03	Information communicated by Member States regarding State aid granted under Commission Regulation (EC) No 70/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to State aid to small and medium-sized enterprises ⁽¹⁾	4
2002/C 42/04	Prior notification of a concentration (Case COMP/M.2726 — KPN/E-Plus) ⁽¹⁾	5
2002/C 42/05	Prior notification of a concentration (Case COMP/M.2705 — EnerSys/Invensys (ESB)) — Candidate case for simplified procedure ⁽¹⁾	6
2002/C 42/06	Imposition of a public service obligation pursuant to Council Regulation (EEC) No 2408/92 in respect of scheduled services	7
	<i>II Preparatory Acts pursuant to Title VI of the Treaty on European Union</i>	
2002/C 42/07	Initiative of the Kingdom of Belgium and the Kingdom of Spain with a view to adopting a Council Act drawing up a Protocol amending the Convention on the establishment of a European Police Office (Europol Convention), the Protocol on the interpretation, by way of preliminary rulings, by the Court of Justice of the European Communities of the Convention on the establishment of a European Police Office and the Protocol on the privileges and immunities of Europol, the members of its organs, the deputy directors and the employees of Europol	8



<u>Notice No</u>	Contents (continued)	Page
2002/C 42/08	Initiative of the Kingdom of Spain setting up a European network for the protection of public figures	14
2002/C 42/09	Initiative of the Kingdom of Spain on the setting up of a network of contact points of national authorities responsible for private security	15
2002/C 42/10	Initiative of the Kingdom of Spain establishing a European Institute of Police Studies	16
<hr/>		
Corrigenda		
2002/C 42/11	Corrigendum to the call for proposals for indirect RTD actions under the specific programme for research, technological development and demonstration on a user-friendly information society (1998 to 2002) — The IST programme (OJ C 321 of 16.11.2001)	19

I

(Information)

COMMISSION

Euro exchange rates ⁽¹⁾**14 February 2002**

(2002/C 42/01)

1 euro	=	7,4288	Danish krone
	=	9,1915	Swedish krona
	=	0,6093	Pound sterling
	=	0,8693	United States dollar
	=	1,3819	Canadian dollar
	=	114,91	Japanese yen
	=	1,4828	Swiss franc
	=	7,7795	Norwegian krone
	=	87,87	Icelandic króna ⁽²⁾
	=	1,6864	Australian dollar
	=	2,0671	New Zealand dollar
	=	10,0143	South African rand ⁽²⁾

⁽¹⁾ Source: reference exchange rate published by the ECB.

⁽²⁾ Source: Commission.

Information communicated by Member States regarding State aid granted under Commission Regulation (EC) No 70/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to State aid to small and medium-sized enterprises

(2002/C 42/02)

(Text with EEA relevance)

Aid No: XS/41/2001

Notes:

Member State: United Kingdom

1. These are maximum levels equal to maximum nge and SME supplements as per the AA map approved in July 2000 for the UK. Actual levels of aid offered are set at the minimum level necessary to enable the project to proceed with a viable three-year business plan

Region: Scotland

Title of aid scheme or name of the company receiving an individual aid: Scottish energy demonstration scheme

2. Nge would be calculated for control purposes by computer on each project using the procedures in the Annex to the guidelines on national regional aid (OJ C 74, 10.3.1998)

Legal basis: Section 5(1) of the Science and Technology Act 1965

3. These ceilings will be replaced by the specific limits for certain sectors when special EU rules are in force. At the commencement of this scheme, these sectors were: ship-building, coal, steel, synthetic fibres, motor vehicles and transport

Annual expenditure planned under the scheme or overall amount of individual aid granted to the company: Maximum annual budget during the period 2001-2006 should not exceed GBP 1 million

Maximum aid intensity: Aid levels would be offered to beneficiaries in gross terms. They would be calculated individually in terms of the circumstances of the development, and recalculated in net grant equivalent (nge) terms as appropriate in order to check that they do not exceed the following maximum nge or nge and gross level combinations. Proposed aid levels would then be corrected if necessary to conform with the maximum aid levels defined below (definitions as in Regulation (EC) No 70/2001):

A condition of aid under this scheme is that it will be maintained in the recipient region of Scotland for at least five years

The ceilings in Table 1 apply to intensity of the aid calculated either as a percentage of the investment's eligible costs or as a percentage of the wage costs of employment created by the carrying out of an investment, or a combination thereof, provided that the aid does not exceed the most favourable amount resulting from the application of either calculation

Table 1

Investment aid intensity limits

Qualifying criteria for beneficiary	Maximum aid level
In 87(3)(c) areas qualifying under sparsity of population	30 % nge
In 87(3)(c) areas not qualifying under sparsity of population qualifying as a 20 % under UK assisted area definition	20 % nge + 10 % gross
In 87(3)(c) areas limited to 10 % maximum nge under UK assisted area definition	10 % nge + 10 % gross
In non-assisted areas for small enterprises (1 to 49 jobs)	15 % gross
Medium-sized enterprises in non-assisted areas (50-250 jobs)	7,5 % gross

AID FOR CONSULTANCY SERVICES

Maximum aid intensity is 50 % gross towards eligible costs

Eligible costs are:

- outside consultants. The activities on which the consultants shall be employed will be towards specific business development objectives and not of a continuous or ongoing nature. They will not provide services in connection with the normal operating expenditure such as management supervision, tax or financial processing, legal services and advertising
- participation for the first time at a particular trade fair or exhibition. Eligible costs are those additional to normal business operations, and specifically costs incurred in renting a stand or space, setting up, and running the presence at the event

MAXIMUM SCALE OF PROJECT AND AID

Individual awards under this scheme will become ineligible for aid if either of the following limits applies to the project proposal:

1. the total eligible cost of the project is at least EUR 25 million and:
 - in areas which do not qualify for regional aid under the current UK national assisted area map, the gross aid intensity is at least 50 % of the ceilings laid down in Article 4(2) of Regulation (EC) No 70/2001, Annex 1,
 - in areas which qualify for regional aid, the net aid intensity is at least 50 % of the net aid ceiling as determined in the UK national assisted areas map; or
2. the gross aid amount is at least EUR 15 million

Date of implementation: 31 May 2001

Duration of scheme or individual aid award: Scheme ends 31 May 2006

Objective of aid: The Scottish Executive is committed to working together with the people of Scotland to build a sustainable country. To that end Scottish Executive Ministers want to encourage the take-up of energy efficiency measures and clean energy sources in Scotland

The purpose of the scheme is to provide grant aid to encourage the development, demonstration, application and replication of energy efficiency measures and renewable energy technologies within Scotland. In the case of SMEs the funds will be utilised to assist them invest in the creation of a new establishment, the extension of existing premises or making fundamental change in the production process of an existing establishment through rationalisation, diversification or modernisation. We are especially keen to support projects in the SME sector, as often these companies do not have ready access to funds to develop innovative energy practices. An essential element to the scheme is its emphasis on promoting projects that have a demonstration value. Consequently, all recipients of grant assistance under the scheme must be prepared to afford reasonable access to their projects for a three-year period

The aim of this initiative is to facilitate access to the provision of cleaner, more efficient and sustainable energy. It provides an opportunity for SMEs, the public and voluntary sectors to pursue best practice in energy efficiency thereby reducing their environmental impact, contributing to the improvement of the global environment and mitigating the impact of climate change. The introduction of such a scheme will encourage and assist SMEs and others to adopt a more sustainable approach to their activities. The scheme will stimulate activity within the

SME, local authorities and the voluntary sectors, which could lead potentially to the development of new markets in low carbon technologies. It will encourage resource efficiency across all these sectors. Bids in which private industrial and commercial organisations collaborate as part of consortium bids will be strongly encouraged

Economic sector(s) concerned: All sectors may be assisted, but with the specific exceptions of the activities as in Article 1 of Commission Regulation (EC) No 70/2001 concerning Treaty Annex I goods, export-related aid and aid contingent upon the use of domestic goods. In addition, any special restrictions contained within specific sectoral rules via Community Directives or Regulations will apply when these sectors are assisted under this scheme

This scheme does not apply to:

1. activities linked to the production, processing or marketing of products listed in Annex 1 to the Treaty
2. aid to export-related activities, namely aid directly linked to the quantities exported, to the establishment and operation of a distribution network or to other current expenditure linked to the export activity
3. aid contingent upon the use of domestic goods rather than imported goods

Name and address of the granting authority:

Scottish Executive
(Scottish Energy Efficiency Office)
2nd floor
Meridian Court
5 Cadogan Street
Glasgow G2 6AT
United Kingdom

Other information: This scheme will be applied in accordance with Regulation (EC) No 70/2001 of 12 January 2001

Contact:

Allan Mackie
Scottish Energy Efficiency Office
2nd floor
Meridian Court
5 Cadogan Street
Glasgow G2 6AT
United Kingdom
Tel. (44-141) 242 58 14
Fax (44-141) 242 58 08
E-Mail: allan.mackie@scotland.gsi.gov.uk

Information communicated by Member States regarding State aid granted under Commission Regulation (EC) No 70/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to State aid to small and medium-sized enterprises

(2002/C 42/03)

(Text with EEA relevance)

Aid No: XS/03/2001

Member State: Germany

Region: Land of Lower Saxony, district of Diepholz

Title of aid scheme or name of the company receiving an individual aid: Strengthening the local economy by promoting productive investment by SMEs in Diepholz

Legal basis: § 108 der Niedersächsischen Landkreisordnung (NLO) in der Fassung vom 22.8.1996 (Niedersächsisches Gesetz- und Verordnungsblatt S. 365) i. V. mit § 65 der Niedersächsischen Gemeindeordnung (NGO) in der Fassung vom 22.8.1996 (Niedersächsisches Gesetz- und Verordnungsblatt S. 382)

Annual expenditure planned under the scheme or overall amount of individual aid granted to the company:

2001: EUR 0,6 million

2002: EUR 0,6 million

2003: EUR 0,4 million

2004: EUR 0,4 million

2005: EUR 0,4 million

Maximum aid intensity:

The aid amounts:

— in the case of small enterprises, to up to 15 %

— and in the case of medium-sized enterprises, to up to 7,5 % of eligible investment expenditure

The rules on the combination of aid are complied with

Date of implementation: 1 June 2001

Duration of scheme or individual aid award: From 1 June 2001 to 31 December 2005

Objective of aid: The aid is intended to promote the competitiveness and adaptability of small and medium-sized enterprises in the district of Diepholz, to encourage the creation of new jobs and help safeguard existing ones and thereby to bring about structural improvements

Rescue and restructuring aid to firms in difficulty (within the meaning of the Community guidelines on State aid for rescuing and restructuring firms in difficulty (OJ C 288, 9.10.1999)) is not covered by the measure

Aid may be granted for the following types of investment project:

— setting-up of an establishment

— extension of an establishment

— basic rationalisation of an establishment where this is needed to maintain it as a going concern and to safeguard jobs there

The aid is granted in addition to existing regional aid measures (joint Federal Government/*Länder* programme for improving regional economic structures)

It is a precondition for the grant of aid that:

— in the case of business start-ups, at least five permanent jobs be created and filled

— in the case of extension projects, the number of permanent jobs be increased by at least 20 %

The assets for which aid is granted must remain in the assisted establishment for at least five years after the investment project is completed unless they are replaced by assets of the same or a higher value. The assisted investments are subject to a public-law requirement that they be earmarked for an appropriate purpose

The aid is granted in the form of investment grants

It is made available for the procurement or manufacture of the physical fixed assets forming part of the investment project

Economic sector(s) concerned: SMEs belonging to the industrial, commercial, craft and hotel sectors are entitled to apply. No aid may be granted to firms in sensitive sectors

Name and address of the granting authority:

Landkreis Diepholz
Amt für Wirtschaftsförderung
Postfach 1340
D-49343 Diepholz

Other information:

Mr Reddig/Mr Klingenberg
Tel. (49-5441) 976 14 55-30
Fax (49-5441) 976 17 26
E-mail: guenter.klingenberg@diepholz.de

Prior notification of a concentration**(Case COMP/M.2726 — KPN/E-Plus)**

(2002/C 42/04)

(Text with EEA relevance)

1. On 7 February 2002 the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 ⁽¹⁾, as last amended by Regulation (EC) No 1310/97 ⁽²⁾, by which the Dutch undertaking Koninklijke KPN NV (KPN) acquires, within the meaning of Article 3(1)(b) of the Regulation, control of the whole of the German undertaking E-Plus Mobilfunk GmbH & Co. KG (E-Plus), currently controlled by KPN and the US-based undertaking BellSouth Corporation (BellSouth), by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- KPN: provision of telecommunications services at national and international level,
- E-Plus: provision of mobile telephony and related services.

3. On preliminary examination, the Commission finds that the notified concentration could fall within the scope of Regulation (EEC) No 4064/89. However, the final decision on this point is reserved.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference COMP/M.2726 — KPN/E-Plus, to:

European Commission,
Directorate-General for Competition,
Directorate B — Merger Task Force,
J-70,
B-1049 Brussels.

⁽¹⁾ OJ L 395, 30.12.1989, p. 1; corrigendum: OJ L 257, 21.9.1990, p. 13.

⁽²⁾ OJ L 180, 9.7.1997, p. 1; corrigendum: OJ L 40, 13.2.1998, p. 17.

Prior notification of a concentration**(Case COMP/M.2705 — EnerSys/Invensys (ESB))****Candidate case for simplified procedure**

(2002/C 42/05)

(Text with EEA relevance)

1. On 4 February 2002 the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 ⁽¹⁾, as last amended by Regulation (EC) No 1310/97 ⁽²⁾, by which EnerSys Holdings Inc. (EnerSys), which is controlled by Morgan Stanley Capital Partners (MSP), acquires, within the meaning of Article 3(1)(b) of the Regulation, control of the Energy Storage Business (ESB) of Invensys by way of purchase of shares and assets.

2. The business activities of the undertakings concerned are:

- EnerSys: supplier of industrial batteries and stored energy solutions,
- MSP: part of Morgan Stanley Dean Witter & Co., which is a global financial services firm,
- ESB: separate business division of Invensys, which manufactures, supplies and services industrial energy storage products.

3. On preliminary examination, the Commission finds that the notified concentration could fall within the scope of Regulation (EEC) No 4064/89. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under Regulation (EEC) No 4064/89 ⁽³⁾, it should be noted that this case is a candidate for treatment under the procedure set out in the notice.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference COMP/M.2705 — EnerSys/Invensys (ESB), to:

European Commission,
Directorate-General for Competition,
Directorate B — Merger Task Force,
J-70,
B-1049 Brussels.

⁽¹⁾ OJ L 395, 30.12.1989, p. 1; corrigendum: OJ L 257, 21.9.1990, p. 13.

⁽²⁾ OJ L 180, 9.7.1997, p. 1; corrigendum: OJ L 40, 13.2.1998, p. 17.

⁽³⁾ OJ C 217, 29.7.2000, p. 32.

Imposition of a public service obligation pursuant to Council Regulation (EEC) No 2408/92 in respect of scheduled services

(2002/C 42/06)

1. The Government of the Federal Republic of Germany has decided to impose a public service obligation, with effect from 17 May 2002, on scheduled air services between Erfurt and Brussels pursuant to Article 4(1)(a) of Council Regulation (EEC) No 2408/92 of 23 July 1992 on access for Community air carriers to intra-Community air routes.
2. The public service obligation is as follows:
 - 2.1. *Minimum frequency*

At least two return flights each day from Monday to Friday.

This requirement applies throughout the year. A limited air service is possible between Christmas and the New Year.
 - 2.2. *Capacity*

Aircraft having at least 16 passenger seats must be used for the flights involved.
 - 2.3. *Flight times*

The flights are to be operated between 07.00 and 21.00.

07.30 ERF	17.30 ERF
08.45 BRU	18.45 BRU
09.30 BRU	19.30 BRU
10.45 ERF	20.45 ERF

Modifications to flight times must be approved by the Thüringer Ministerium für Wirtschaft, Arbeit und Infrastruktur (Thuringia Ministry of Economic Affairs, Employment and Infrastructure).
 - 2.4. *Aircraft types*

Aircraft with pressurised cabins must be used. Flights must be operated in accordance with instrument flight rules (IFR).

Adequate in-flight catering appropriate to the time of day must be provided by a steward or stewardess. The aircraft must have a toilet.
 - 2.5. *Fares*

The basic fare for a single flight between Erfurt and Brussels must not exceed EUR 300 including VAT and charges.
 - 2.6. *Continuity of air services*

The number of flights cancelled for reasons that can be directly attributed to the air carrier may not exceed 2 % of the estimated annual number of flights.
3. Community air carriers are informed that the operation of the scheduled air services will be put out to tender and that contracts are to be awarded with effect from 17 May 2002. An appropriate invitation to tender pursuant to Article 4(1)(d) of Regulation (EEC) No 2408/92 will shortly be published in the *Official Journal of the European Communities*.

Further information can be obtained from:

Thüringer Ministerium für Wirtschaft, Arbeit und Infrastruktur
Referat Luftverkehr (Air Transport Section)
Postfach 242
D-99005 Erfurt.
Tel. (49-361) 379 76 40
Fax (49-361) 379 76 09.

II

(Preparatory Acts pursuant to Title VI of the Treaty on European Union)

Initiative of the Kingdom of Belgium and the Kingdom of Spain with a view to adopting a Council Act drawing up a Protocol amending the Convention on the establishment of a European Police Office (Europol Convention), the Protocol on the interpretation, by way of preliminary rulings, by the Court of Justice of the European Communities of the Convention on the establishment of a European Police Office and the Protocol on the privileges and immunities of Europol, the members of its organs, the deputy directors and the employees of Europol

(2002/C 42/07)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Convention on the establishment of a European Police Office ⁽¹⁾, and in particular Article 43(1) thereof,

Having regard to the Protocol on the interpretation, by way of preliminary rulings, by the Court of Justice of the European Communities of the Convention on the establishment of a European Police Office ⁽²⁾, and in particular Article 7 thereof,

Having regard to the Protocol on the privileges and immunities of Europol, the members of its organs, the deputy directors and employees of Europol ⁽³⁾, and in particular Article 18 thereof,

Having regard to the initiative of the Kingdom of Belgium and the Kingdom of Spain ⁽⁴⁾,

Having regard to the Opinion of the European Parliament ⁽⁵⁾,

Having regard to the opinion of the Management Board,

CONSIDERING that Europol's participation in joint investigation teams would enhance the fight against organised crime,

CONSIDERING that Article 30(2)(a) of the Treaty on European Union explicitly foresees the participation of Europol in joint investigation teams,

CONSIDERING that the effective fight against organised crime requires Europol to react in a flexible way to the changing international environment and that therefore the procedure for amending the Europol Convention needs to be simplified,

CONSIDERING that the Protocol on the interpretation, by way of preliminary rulings, by the Court of Justice of the European Communities of the Convention on the establishment of a European Police Office at present provides for jurisdiction only to give preliminary rulings on the interpretation of the Convention itself. It is deemed appropriate to give the Court also jurisdiction with regard to the implementation measures,

CONSIDERING that Europol's participation in joint investigation teams requires a clarification of the Protocol on the privileges and immunities of Europol, the members of its organs, the deputy directors and the employees of Europol,

⁽¹⁾ OJ C 316, 27.11.1995, p. 2.

⁽²⁾ OJ C 299, 9.10.1996, p. 2.

⁽³⁾ OJ C 221, 19.7.1997, p. 2.

⁽⁴⁾ OJ ...

⁽⁵⁾ OJ ...

HAS DECIDED on the drawing up of a Protocol, the text of which is attached, amending the Convention on the establishment of a European Police Office (Europol Convention), the Protocol on the interpretation, by way of preliminary rulings, by the Court of Justice of the European Communities of the convention on the establishment of a European Police Office and the Protocol on the privileges and immunities of Europol, the members of its organs, the deputy directors and the employees of Europol, which has been signed today by the representatives of the governments of the Member States of the European Union,

RECOMMENDS that it be adopted by the Member States in accordance with their respective constitutional requirements.

Done at . . .

For the Council

The President

. . .

ANNEX

PROTOCOL AMENDING THE CONVENTION ON THE ESTABLISHMENT OF A EUROPEAN POLICE OFFICE (EUROPOL CONVENTION), THE PROTOCOL ON THE INTERPRETATION, BY WAY OF PRELIMINARY RULINGS, BY THE COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES OF THE CONVENTION ON THE ESTABLISHMENT OF A EUROPEAN POLICE OFFICE AND THE PROTOCOL ON THE PRIVILEGES AND IMMUNITIES OF EUROPOL, THE MEMBERS OF ITS ORGANS, THE DEPUTY DIRECTORS AND THE EMPLOYEES OF EUROPOL

THE HIGH CONTRACTING PARTIES to this Protocol and Contracting Parties to the Convention on the establishment of a European Police Office, to the Protocol on the interpretation, by way of preliminary rulings, by the Court of Justice of the European Communities of the Convention on the establishment of a European Police Office and the Protocol on the privileges and immunities of Europol, the members of its organs, the deputy directors and the employees of Europol of a Protocol amending that Protocol, Member States of the European Union,

REFERRING to the Act of the Council of the European Union of . . .,

WHEREAS:

- (1) In accordance with Article 30(2)(a) of the Treaty on European Union, rules need to be laid down governing the participation of the European Police Office (hereinafter referred to as 'Europol') in joint investigation teams.
- (2) The rules governing Europol's participation in joint investigation teams should determine the role of Europol officials in these teams, the exchange of information between Europol and the joint investigation team as well as the criminal and civil liability arising from the participation of Europol officials in these teams.
- (3) Article 30(2)(b) of the Treaty on European Union makes provision for Europol to be allowed to ask the competent authorities of the Member States to conduct and coordinate investigations in specific cases.
- (4) In order to enable Europol to react in a more flexible way to the changing international environment, the procedure for amending the Europol Convention should be simplified.
- (5) The jurisdiction of the Court of Justice should be enlarged in such a way as to cover not only the interpretation of the Europol Convention but also the validity and interpretation of acts amending the provisions of the Europol Convention and measures adopted by, or within, the Council of the European Union implementing the Europol Convention.
- (6) The Court of Justice should also have jurisdiction with regard to the Protocol on the privileges and immunities of Europol, the members of its organs, the deputy directors and the employees of Europol, as well as jurisdiction to rule on disputes between Member States regarding the Europol Convention.
- (7) The Protocol on the privileges and immunities of Europol, the members of its organs, the deputy directors and the employees of Europol should be amended in order to clarify that the immunity of Europol's staff in respect to words spoken or written, and or acts performed by them, in the exercise of their official functions, does not apply to their participation in the activities of the joint investigation teams,

HAVE AGREED ON THE FOLLOWING PROVISIONS:

Article 1

The Europol Convention is hereby amended as follows:

1. the following points shall be added to Article 3(1):

'(6) to participate in a support capacity in joint investigation teams, according to Article 3a;

(7) to ask the competent authorities of the Member States concerned to conduct or coordinate investigations in specific cases.';

2. the following Articles shall be inserted:

'Article 3a

Participation in joint investigation teams

1. Europol officials may participate in a support capacity in joint investigation teams, including those teams set up in accordance with Article 1 of the Framework Decision of . . . on joint investigation teams (*) or in accordance with Article 13 of the Convention of 29 May 2000 on mutual assistance in criminal matters between the Member States of the European Union, as far as those teams are investigating criminal offences for which Europol is competent under Article 2. Europol officials may, within the limits provided for by the law of the Member States where the joint investigation team operates and in accordance with the arrangement referred to in paragraph 2, assist in all activities and exchange information with all members of the joint investigation team, in accordance with paragraph 3. However, they may not assist in the execution of any coercive measures in relation to arrest and detention.

2. The way in which Europol officials participate in a joint investigation team shall be based on an arrangement between the Director of Europol and the Member States participating in the joint investigation team, with the involvement of the National Units. The rules governing such arrangements shall be determined unanimously by the Management Board of Europol. Europol officials shall carry out their tasks under the leadership of the leader of the team, taking into account the conditions laid down in the arrangement.

3. In accordance with the arrangement referred to in paragraph 2, officials of Europol may liaise directly with the members of the joint investigation team and provide members and seconded members of the joint investigation team with information from any of the components of the computerised system of collected information referred to in Article 6. In case of direct liaison, the National Units of the Member States represented in the team as well as the Member States which provided the information shall be informed thereof by Europol.

4. Information obtained by a Europol official while part of a joint investigation team may, with the consent and under the responsibility of the Member State which provided the information, be included in any of the components of the computerised system under the conditions laid down in this Convention.

5. In derogation from Article 41, during the operations of a joint investigation team referred to in this Article, Europol officials shall be regarded as officials of the Member State of operation with respect to offences committed against, or by, them.

(*) OJ . . .'

'Article 39a

Civil liability with regard to Europol's participation in joint investigation teams

1. Where, in accordance with Article 3a, officials of Europol are operating in a Member State, Europol shall be liable for any damage caused by them during their assistance in operational measures, in accordance with the law of the Member State in whose territory they are operating.

2. The Member State in the territory of which the damage referred to in paragraph 1 was caused shall make good such damage under the conditions applicable to damage caused by its own officials.

3. Where Europol officials cause damage to any person in the territory of a Member State, Europol shall reimburse that Member State in full any sums it has paid to the victims or persons entitled on their behalf;

3. Article 43 shall be replaced by the following:

'Article 43

1. Amendments to this Convention shall be adopted by the Council acting unanimously, after having obtained the opinion of the Management Board, and, in so far as such amendments concern issues falling within its mandate, the Joint Supervisory Body provided for in Article 24. The European Parliament shall be consulted.
2. The Council shall determine the date and entry into force of any amendment to the Convention and shall ensure its publication in the *Official Journal of the European Communities*.

Article 2

The Protocol on the interpretation, by way of preliminary rulings, by the Court of Justice of the European Communities of the Convention on the establishment of a European Police Office, is hereby amended as follows:

1. the title shall read as follows:

'Protocol on the jurisdiction of the Court of Justice of the European Communities in matters related to the Convention on the establishment of a European Police Office (Europol Convention);

2. Article 1 shall read as follows:

'Article 1

The Court of Justice of the European Communities shall have jurisdiction, under the conditions laid down in this Protocol, to give preliminary rulings on:

- the interpretation of the Convention on the establishment of European Police Office, hereinafter referred to as "the Europol Convention",
- the validity and interpretation of Council acts amending the provisions of the Europol Convention and measures adopted by or within the Council implementing the Europol Convention,
- the interpretation of the Protocol on the privileges and immunities of Europol, the members of its organs, the deputy directors and employees of Europol (*), hereinafter referred to as "the Protocol on Privileges and Immunities";
- the validity and interpretation of measures adopted by or within the Council implementing the Protocol on Privileges and Immunities, if any.

(*) OJ C 22, 19.7.1997, p. 1.;

3. the following Articles shall be inserted:

'Article 2a

The Court of Justice of the European Communities shall have jurisdiction to review the legality of acts taken by the Council, pursuant to Article 43 of the Europol Convention, in actions brought by a Member State or the Commission on grounds of lack of competence, infringement of an essential procedural requirement, infringement of the Treaty on European Union or of any rule of law relating to its application, or misuse of powers. The proceedings provided for in this Article shall be instituted within two months of the adoption of such an act by the Council.

Article 2b

The Court of Justice of the European Communities shall have jurisdiction to rule on any dispute between Member States regarding the interpretation or the application of the Europol Convention and measures adopted by, or within, the Council implementing the Europol Convention as well as the Protocol on Privileges and Immunities, whenever such dispute cannot be settled by the Council within six months of its being referred to the Council by one of its members.'

Article 3

The following paragraph shall be added to Article 8 of the Protocol on the privileges and immunities of Europol, the members of its organs, the deputy directors and the employees of Europol:

'4. In accordance with Article 17(2), the immunity referred to in paragraph 1(a) shall not be granted in respect of official acts required to be undertaken in fulfilment of the tasks set out in Article 3a of the Convention regarding the participation of Europol officials in joint investigation teams.'

Article 4

1. This Protocol shall be subject to adoption by the Member States in accordance with their respective constitutional requirements.
2. Member States shall notify the Secretary-General of the Council of the European Union of the completion of their constitutional requirements for adopting this Protocol.
3. This Protocol shall enter into force 90 days after the notification, referred to in paragraph 2, by the Member State which, being a member of the European Union on the date of adoption by the Council of the act establishing this Protocol, is the last to fulfil that formality.

Article 5

1. This Protocol shall be open to accession by any State which becomes a member of the European Union if this Protocol has not entered into force on the date of deposit of the instruments of accession to the Europol Convention in accordance with Article 46 of the Europol Convention.
2. Instruments of accession to this Protocol shall be deposited simultaneously with the instruments of accession to the Europol Convention in accordance with Article 46 thereof.
3. The text of this Protocol in the language of the acceding State, drawn up by the Council of the European Union, shall be authentic.
4. If, on the expiry of the period referred to in Article 46(4) of the Europol Convention, this Protocol has not entered into force, it shall enter into force for the acceding Member State on the date of entry into force of this Protocol in accordance with Article 4(3) thereof.
5. If this Protocol enters into force in accordance with Article 4(3) before the period referred to in Article 46(4) of the Europol Convention has expired but after the deposit of the instrument of accession referred to in paragraph 2, the acceding Member State shall accede to the Europol Convention as amended by virtue of this Protocol, in accordance with Article 46 of the Europol Convention.

Article 6

1. The Secretary-General of the Council of the European Union shall act as depositary of this Protocol.
 2. The depositary shall publish in the *Official Journal of the European Communities* information on the progress of adoptions and accessions and also any other notification concerning this Protocol.
-

Initiative of the Kingdom of Spain setting up a European network for the protection of public figures

(2002/C 42/08)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Having regard to the initiative of the Kingdom of Spain,

Having regard to the Opinion of the European Parliament,

Whereas:

- (1) No European Union legislation, standards or manuals of a general nature exist to govern the protection of public figures, whether they be national public figures or those of Community or foreign origin.
- (2) Dignitaries and public figures have been assassinated or attacked on a number of occasions and, although it is improbable, there is nothing to prevent such incidents recurring in future,

HAS DECIDED AS FOLLOWS:

Article 1

A European network for the protection of public figures, hereinafter known as 'the network', is hereby created.

The network shall be chaired by the national authority with responsibility for the protection of public figures of the Member State holding the Presidency of the Council.

The network shall be assisted by the Secretariat of the Council.

Article 2

The network shall consist of contact points of the national police departments with responsibility for the protection of public figures, designated by each Member State.

Candidate countries for accession to the European Union, the Commission and Europol may also designate a contact point to be included in the network.

Article 3

In addition to furthering cooperation and collaboration between the police departments with responsibility for the protection of public figures, the network shall have the following objectives:

- (a) exchanging information, officials and experience concerned with the protection of public figures;
- (b) standardising criteria for selecting and training appropriate staff with responsibility in each Member State for the protection of public figures;

(c) setting up a database on, in particular, assaults and attacks on public figures, case studies and methods used;

(d) approximating the existing rules and regulations in each Member State.

Article 4

In order to achieve the proposed objectives, the network shall be competent to:

- (a) simplify the procedures by drawing up a standard form in all Member States;
- (b) determine the maximum number of armed officials according to the public figure involved and the resources to be deployed;
- (c) outline the conditions for provision of service by officials with responsibility for the protection of a public figure of one Member State when they are in or enter another Member State;
- (d) study common methods of action to prevent assaults and attacks;
- (e) adopt joint protocols on the priority granted to the protected public figure during movements of delegations;
- (f) collaborate with other police forces and other departments;
- (g) establish common rules to be observed in connection with accreditation and media access to the public figure involved.

Article 5

The network shall, each year, draw up its operating budget, which will be approved by the Council.

Article 6

The Council shall carry out an evaluation of the network's activities two years after this Decision takes effect.

Article 7

This Decision shall take effect on the day following that of its adoption by the Council.

Done at ...

For the Council

The President

...

Initiative of the Kingdom of Spain on the setting up of a network of contact points of national authorities responsible for private security

(2002/C 42/09)

THE COUNCIL OF THE EUROPEAN UNION,

Article 2

Having regard to the Treaty on European Union, and in particular to Articles 29, 30(1)(a) and 34(2)(c) thereof,

The network shall consist of contact points designated by each Member State, with competence for authorising, supervising and sanctioning private security activities.

Having regard to the initiative of the Kingdom of Spain,

Candidate countries for accession to the European Union may also designate a contact point.

Having regard to the Opinion of the European Parliament,

Article 3

Whereas:

In addition to furthering cooperation and collaboration between national authorities responsible for private security, the network shall have the following objectives:

(1) The seminars of private security experts held in Madrid on 13 to 17 November 2000 and in Brussels on 6 and 7 September 2001 submitted their conclusions.

(a) facilitating the coordination and cooperation between the various national bodies responsible for the private security sector;

(2) Common requirements need to be established in Member States regarding the authorisation and supervision of the supply of private security services by natural and legal persons acting in the territory of the European Union.

(b) exchanging information on the models for regulating private security in each Member State and in the candidate countries;

(3) Cooperation and coordination should be facilitated between the various national bodies responsible for supervising and controlling private security, so as to improve all aspects which are part of the operation of the private security sector.

(c) establishing best practices, and in the long term, examining the possibility of approximating the models and best practices.

(4) There is a need to unify those aspects which, without affecting the peculiarities of each Member State, would allow the parties involved in that sector of activity to extend their business interests to any Member State,

Article 4

In order to achieve the proposed objectives, an Internet site shall be set up and be kept constantly up to date, which will permit:

HAS DECIDED AS FOLLOWS:

(a) access to all the legislation of Member States and candidate countries on private security;

Article 1

A network of contact points of national authorities responsible for private security, hereinafter known as 'the network', is hereby created.

(b) a permanent contact between the national authorities responsible for private security;

The network shall be chaired by the national authority responsible for private security of the Member State holding the Presidency of the Council.

(c) exchanges of experience on the efficiency of security systems, alarm centres; transport and deposit of funds, works of art, etc;

The network shall be assisted by the Secretariat of the Council.

(d) knowledge of the companies operating in the sector, their particulars, activities, geographical area of activity, and staff training.

Article 5

1. The national authorities responsible for private security integrated into the network may hold a meeting at least once a year, and shall submit a report on the outcome of the meetings to the Council.

2. The network shall be financed [...].

Article 6

The Council shall carry out an evaluation of the network's activities two years after this Decision takes effect.

Article 7

This Decision shall take effect on the day following that of its adoption by the Council.

Done at ...

For the Council

The President

...

Initiative of the Kingdom of Spain establishing a European Institute of Police Studies

(2002/C 42/10)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 30(1); Article 30(2)(d); Article 31(c) and (e); Article 32; Article 34(1); and Article 34(2)(c) thereof,

Having regard to the initiative of the Kingdom of Spain,

Having regard to the Opinion of the European Parliament,

Whereas:

(1) Initiatives are being developed within the European Union aimed at securing cooperation between the Member States for the purpose of defining effective public security policies and, within this framework of cooperation and collaboration, institutes of police studies in various Member States have been holding informal meetings on an annual basis aimed at establishing a network.

(2) The informal, open nature of the aforesaid network, devoid of any clearly defined, set structure or organisational or operational anchor, limits its effectiveness, complicates the decision-making process and prevents any objective assessment of its research and conclusions, thus rendering implementation of its recommendations impossible.

(3) The action plan of the Council and the Commission on how best to implement the provisions of the Treaty of

Amsterdam on an area of freedom, security and justice states that it is important, when developing European cooperation, to take into account national interests and common approaches as well as differences, and also to ensure that the measures taken meet factual needs and add value.

(4) The conclusions of the Tampere European Council of 15 and 16 October 1999 stated that people have the right to expect the Union to address the threat to their freedom and legal rights posed by serious crime, organised or otherwise, and that to counter these threats a common effort is needed to prevent and fight crime.

(5) In the scoreboard to review progress on the creation of an area of freedom, security and justice in the European Union updated for the second half of 2001, the Commission has established that attention should be directed on the one hand towards increasing the effective capacity of the various instruments set up to implement police cooperation (Europol, Eurojust, European Police College, Police Chiefs Task Force), and on the other hand towards ensuring coordination between those bodies, thus guaranteeing their complementarity and avoiding any risk of duplication or contradiction of effort.

(6) The European Parliament urges the Council, in its Resolution on progress in establishing an area of freedom, security and justice in the year 2000, to take account of the impact of the forthcoming enlargement of the European Union and to establish a framework for cooperation between Europol, Eurojust and other bodies with responsibility for combating crime,

HAS DECIDED AS FOLLOWS:

TITLE I

Organisation

Article 1

1. A European Institute of Police Studies, hereinafter referred to as 'the Institute', is hereby established.

2. Without prejudice to possible future developments arising from the provisions of Article 9, the Institute shall initially be set up as a network, by bringing together the national training and research institutes in the field of security in the Member States, which shall cooperate closely to that end.

3. The Institute's task shall be to implement the programmes and initiatives adopted by the Council in response to the crime phenomenon in general, its causes, manifestations and effects or consequences for society and for the structures of the European Union, acting on proposals from the governing board.

Article 2

1. The directors of the national training and research institutes shall form the Institute's governing board. Where there are several directors from a single Member State, they shall together form a delegation.

2. The governing board shall be chaired by the director of a national training and research institute of the Member State holding the Presidency of the Council. The governing board shall meet at least once per presidency. It shall establish its rules of procedure by unanimous decision.

3. Each delegation shall have one vote on the governing board. Representatives of the General Secretariat of the Council, the Commission, Europol and Eurojust, among others, shall be invited to attend meetings as non-voting observers. Members of the governing board may be accompanied by experts.

Article 3

1. The governing board shall decide on the annual programme of activities and research (subjects or areas for study or research, methodology, duration). It shall adopt additional programmes and initiatives, where appropriate.

2. The governing board shall establish the annual report on the Institute's activities.

3. The governing board's decisions referred to in paragraphs 1 and 2 shall be adopted unanimously and then passed on to the Council, which shall take note of them and endorse them. Due account shall be taken by the governing board of any comment made by the Council.

The annual report on the Institute's activities shall be forwarded to the European Parliament and the Commission for information.

Article 4

1. The governing board shall set up a permanent secretariat to assist the Institute with the administrative tasks necessary for the Institute to function and implement the annual programme of activities and research and, where appropriate, the additional programmes and initiatives. The secretariat may be set up within one of the national training and research institutes. The Council shall decide on the location of the seat of the secretariat.

2. The secretariat shall be headed by an administrative director appointed by the governing board for a three-year term.

3. All decisions of the governing board concerning the secretariat shall be taken unanimously.

Article 5

1. The Institute's budget shall be managed by the secretariat on the basis of a financial regulation.

2. The costs of implementing the measures in the annual programme referred to in Article 3(1), together with the administrative costs of the Institute, shall be borne jointly by the Member States. To that end, the annual contribution from each Member State shall be established on the basis of the gross national product (GNP) according to the scale used for determining the GNP element in own resources for financing the general budget of the European Union. Each year the GNP of the previous year shall be taken as the reference basis for each Member State.

3. The Institute's financial regulation and annual budget shall be drawn up by the governing board acting unanimously, and submitted for approval to the Governments of the Member States, meeting within the Council.

4. Expenditure on the following shall be borne by the Institute's budget:

- (a) preparation, implementation and assessment of the annual programme of activities and research;
- (b) fees for external contributors;
- (c) travelling expenses of governing board members attending board meetings, at the rate of two members per Member State;
- (d) general operating costs of the secretariat, except for the remuneration of its members;
- (e) costs for any other initiative adopted by the governing board or taken by the administrative director in accordance with the financial regulation;
- (f) reimbursement, in proportion to Member States' contributions, of the costs incurred by the Member State(s) paying the remuneration of the secretariat's members.

5. Without prejudice to requests by Member States and acting on instructions from the governing board, the secretariat may submit to the Commission training and research projects or programmes for cofinancing that lie within the sphere of competence of budgetary programmes administered by the Commission.

TITLE II

Objectives and tasks

Article 6

1. By optimising cooperation between its various national training and research institutes, the Institute shall aim to contribute to the creation of a body of technical and scientific knowledge on the fight against crime and the maintenance of law and order and public security in order to assist the bodies responsible for police training and police cooperation to perform the functions assigned to them.

2. The Institute shall have the following objectives:

- (a) to understand, study and analyse socioeconomic and political processes having an impact on security;
- (b) to encourage study and research into criminal phenomena and forms of crime;
- (c) to unify research criteria and tools so that analysis findings can be reflected in police activity;
- (d) to improve common strategies for comparative investigations with a view to increasing the number of operations on the ground and operations carried out by the competent local authorities;
- (e) to cooperate with the institutions of the Union in designing security policies by drawing up the relevant proposals;
- (f) to encourage joint research projects;
- (g) to create online databases, including lists of researchers, accessible to all the players involved in the Institute;
- (h) to foster cooperation between the Institute and other academic institutions at university level.

3. The Institute shall offer its cooperation to the institutes of candidate countries for accession to the European Union as well as those of Iceland and Norway.

Article 7

In order to achieve those objectives, the Institute may, in particular, undertake the following actions:

- (a) plan, design and carry out studies, research and reports on its own initiative or at the request of the various institutions of the Union;

- (b) organise seminars and meetings to harmonise research, study and analysis methods and techniques;

- (c) propose common research and analysis methods;

- (d) transmit the findings of its research and studies to the institutions of the Union;

- (e) publish and disseminate the findings of its studies, research and methodologies;

- (f) set up multidisciplinary work teams specialising in the various aspects of the phenomena affecting security;

- (g) establish cooperation links with the bodies of the Union engaged in scientific, technical and sociopolitical research;

- (h) create a body of knowledge capable of identifying progress in the various branches of science with a view to adapting or applying them in the field of public security.

Article 8

The Institute shall consider on a case-by-case basis the possibility that officials and agents of the Community Institutions and bodies may participate in their activities.

The Institute may cooperate with the national police study and research institutes of non-member States of the European Union. In particular, it shall establish relations with the institutes of candidate countries for accession to the European Union as well as those of Iceland and Norway.

The Institute shall also cooperate with the relevant bodies in the field of technical and scientific research established at European level, such as [. . .].

Article 9

At the latest during the third year after this Decision takes effect, the governing board shall submit to the Council a report on the operation and future of the Institute.

Article 10

This Decision shall take effect on the day following that of its adoption by the Council.

It shall apply from 1 January 2003.

Done at . . .

For the Council

The President

...

CORRIGENDA**Corrigendum to the call for proposals for indirect RTD actions under the specific programme for research, technological development and demonstration on a user-friendly information society (1998 to 2002) — The IST programme**

(Official Journal of the European Communities C 321 of 16 November 2001)

(2002/C 42/11)

On page 14, point 3, the first sentence of the last paragraph should read:

'Please note that SME specific measures (cooperative research projects) are implemented through a specific call for these measures, for which proposals can be submitted with a final reception deadline of **28 February 2002 at 5 p.m.** (Brussels local time) ⁽¹⁾.'

⁽¹⁾ See call published in the OJ C 339 of 1.12.2001, p. 23.