

" POSTING OF LIAISON OFFICERS OUTSIDE THE EC "

Recommandation on the establishment of a network of drug and other liaison officers posted outside the countries of the European Community for the benefit of the European Community Countries

1. Introduction

Considering that Western Europe as a whole is a target for illegal drug trafficking, the Member States of the European Community have decided that the extension, co-ordination and improvement of the network of drug liaison officers which already exists in countries which are not members of the European Community - if the host countries approve - would help to make control of drug trafficking more effective.

The Member States of the European Community also consider that there may be a need for liaison officers to be posted to countries outside the European Community to deal with crime matters generally. For that reason, this agreement applies to all liaison officers, including drug liaison officers.

It is considered desirable if the Member States who benefit from a liaison officer's activities adopt the following rules:

2. Tasks of the liaison officer

In accordance with paragraph 10 of the TREVI Programme of Action the purpose of liaison officers, (who have no executive powers in the host country), is to facilitate collection and dissemination of information for the benefit of the sending country, of other European Community countries and of the host country. The officer is responsible to his country of origin, working in co-operation with the authorities of the host country.

The main tasks of a liaison officer are as follows:

- In the country in which he is stationed or in the countries to which he is accredited, to collect all information on those matters for which he is responsible during his assignment.
- To be an official intermediary in the exchange of information in the area concerned between the host country and his country of origin.

- Upon request of his country of origin, on its own behalf or, where agreed, on behalf of another European Community country, to contribute to the development of investigations into particular cases by obtaining information on those aspects related to the host or accreditation country.

- To observe the development of the crime problem in the host or accreditation country with a view to notifying his country of origin and other European Community countries to enable them to develop their policy in that respect.

In the course of his duties, and according to directives of the authorities in his country of origin, the liaison officer should establish and maintain such contacts as he needs to carry out his work, particularly with the other European Community liaison officers stationed in the same host country. Liaison officers of TREVI member countries working in the same host country and/or region should - if possible - assist each other with technical facilities.

3. Status of the liaison officer

Unless otherwise agreed, the liaison officer posted outside the European Community should normally be placed at the embassy or mission of the sending country in the host country with diplomatic status.

The officer is responsible to the designated controlling authority of his own country for carrying out his specific tasks.

4. Arrangements for representation

TREVI member states shall seek collectively to develop the network of liaison officers' postings so as to ensure coverage of all subjects and areas of concern. Each country retains the right to send one or more liaison officers to countries according to its choice where it believes there is an operational need.

The Member State that wishes to send a liaison officer to a country outside the European Community where a liaison officer with similar responsibilities is stationed already, shall take into consideration the need to make effective use of the existing network. TREVI member countries should consider consulting other member states before posting liaison officers. If, for example, the work load prevents the liaison officer already in post from carrying out his liaison work for the benefit of another European Community country, the sending out of another liaison officer may be considered.

A TREVI member country which does not have a liaison officer in a particular non EC country may ask the national authority of one of the governments represented there to collect and provide information on its behalf.

5. Cooperation between TREVI member countries

If liaison officers of several TREVI member countries are stationed in the same country or area, the TREVI countries concerned should consider sharing the cost of expensive items of equipment for use by all the liaison officers in that country or areas.

In the interests of co-operation, mutual assistance should normally be provided without charge. In the event of major assistance being provided for other TREVI member states, the competent national authorities concerned will negotiate an agreement on a case by case basis.

6. Exchange of information

The liaison officers of the European Community, stationed in the same country which is not a member of the Community, should work closely together, in particular by the regular exchange of information.

Operational information should be transmitted via the competent national authority to the countries concerned within the European Community. However in cases of extreme urgency, and if the terms of the agreement with the host country permit, the liaison officer may directly inform the country which will benefit from the information and his national authority at the same time.

If a number of liaison officers work together on the same investigation for the benefit of several European Community countries, a common summary will be prepared on the basis of the information which will be submitted to each of the countries of origin. General information and periodical reports are sent to the liaison officer's country of origin who will pass them on to the other Community countries.

7. Knowledge of law and languages

It is desirable that the liaison officers have good knowledge of the legislation in both the country of origin and the host country and they should have relevant language skills.

8. Monitoring the liaison officer network

In order to keep the authorities of the European Community Member States informed of the state of the liaison officer network in the countries which do not belong to the Community, the network will be reviewed by TREVI working group III in each new presidency.

The review will aim to identify the countries and areas of criminal activity not covered, or not adequately covered, by existing liaison officer postings and to propose ways in which this might be remedied. To this end, each presidency will provide on a regular basis full details of all liaison officers' postings, of each member state, and also a statement of its planned or likely liaison officers' postings in the short and medium term. The review will also provide an opportunity to identify, and suggest remedies for, any difficulties in the operation of liaison officer postings encountered by individual member states.

9. Application of laws and conventions

Exchanges of information referred to in this agreement will have regard to such laws and conventions as may apply, including those related to the protection of personal data.

10. Exchanges of liaison officers

The foregoing is without prejudice to any bilateral agreements on the exchange of liaison officers between an EC state and a non-EC state.

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