



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 25 October 2006

14405/06

EUROPOL 93

NOTE

from : Presidency
to : Europol Working Party

No prev. doc. : 9670/2/06 EUROPOL 49 REV 2

Subject : Draft Council Conclusions on the future of Europol
 JHA Council December 2006

1. During the past five months the Presidency has striven to implement the 5 conclusions on the future of Europol as contained in document 9670/2/06 EUROPOL 49 REV 2.

2. The implementation of the aforementioned 5 conclusions is reflected in a number of conclusions which are set out below. COREPER is requested to forward these conclusions to Council in order to allow the Council to debate these conclusions and reach agreement on the way to improve the functioning of Europol.

3. **Conclusion 1**

The Council welcomes that the ratification of the three Protocols amending the Europol Convention is completed by nearly all Member States. Provided that the remaining ratifications are notified by the end of the year, the Protocols will enter into force during the first quarter of 2007.

4. Conclusion 2

- The Council notes that the procedure for the adoption of the Management Board Decisions needed for the implementation of the three Protocols amending the Europol Convention is well underway. The Council calls for the procedure to be finalised as soon as possible, allowing these instruments to enter into force either together with or shortly after the entry into force of the respective Protocols.
- The Council underlines the need to adopt the legal instruments based on Articles 6a and 10 of the amended Europol Convention as soon as possible after the entry into force of the 2003 Protocol amending the Europol Convention.
- As far as practical implementation of the Protocols is concerned, the Council recognises the progress made by Europol.
- (Details on the implementation of the Protocols are set out in Addendum, and are noted by the Council.)

5. Conclusion 3

- The Council welcomes the progress made by Europol regarding the implementation of the options that do not require an amendment of the Europol Convention (contained in document 9184/1/06 EUROPOL 40 REV 1).
- The Council endorses the Recommendations to implement the aforementioned options set out in Addendum.

6. Conclusion 4

The Council agrees that the Europol Convention is replaced by a Council Decision which shall be based on the following:

- a) financing of Europol from the general budget of the European Union,
- b) application of the EU Staff Regulations as well as the Protocol on Privileges and Immunities of the European Communities to Europol Staff,
- c) jurisdiction for the Court of Justice in accordance with Article 35 TEU, and
- d) when adopting measures implementing the Council Decision, the Europol Management Board shall take its decisions by a two-thirds majority.

The Europol Working Party and the Article 36 Committee are instructed to commence work along these lines on the basis of a proposal for a Council Decision replacing the Europol Convention.

The Council also instructs the Europol Working Party to address the options requiring an amendment of the Europol Convention (contained in document 9184/1/06 EUROPOL 40 REV 1) on the basis of a proposal for a Council Decision replacing the Europol Convention.

The Council aims at reaching a political agreement on the draft Council Decision in due time to allow it to be adopted by the end of 2007.

7. Conclusion 5

The Council decides that the Europol Convention shall be abrogated by the Council Decision replacing the Europol Convention. (For the abrogation of the Europol Convention a protocol is thus not needed).