



Council of the
European Union

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: Draft COUNCIL IMPLEMENTING DECISION approving the conclusion by the European Police Office (Europol) of the Agreement on Strategic Cooperation between the Federative Republic of Brazil and Europol

DRAFT

COUNCIL IMPLEMENTING DECISION (EU) 2015/...

of ...

**approving the conclusion
by the European Police Office (Europol)
of the Agreement on Strategic Cooperation between
the Federative Republic of Brazil and Europol**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol)¹, and in particular Article 23(2) thereof,

¹ OJ L 121, 15.5.2009, p. 37.

Having regard to Council Decision 2009/934/JHA of 30 November 2009 adopting the implementing rules governing Europol's relations with partners, including the exchange of personal data and classified information¹, and in particular Articles 5 and 6 thereof,

Having regard to Council Decision 2009/935/JHA of 30 November 2009 determining the list of third States and organisations with which Europol shall conclude agreements²,

Having regard to the opinion of the European Parliament³,

¹ OJ L 325, 11.12.2009, p. 6.

² OJ L 325, 11.12.2009, p. 12.

³ Opinion of ... (not yet published in the Official Journal).

Whereas:

- (1) Pursuant to Decision 2009/371/JHA and Decision 2009/934/JHA, Europol is to conclude agreements with the third States which have been put on the list determined by Decision 2009/935/JHA. Such agreements have the objective of supporting and strengthening action by the competent authorities of the Member States and their mutual cooperation in preventing and combating organised crime, terrorism and other forms of serious crime affecting two or more Member States, and may concern the exchange of operational, strategic or technical information, including personal data and classified information. Strategic agreements involve the exchange of information excluding personal data, whereas operational agreements involve the exchange of information including personal data. Strategic agreements may be concluded by Europol only after approval by the Council, the latter having previously consulted the Management Board of Europol ('Management Board'). Operational agreements require, in addition, that the Council obtain, via the Management Board, the opinion of the Joint Supervisory Body of Europol, as far as the agreement concerns the exchange of personal data.
- (2) The Federative Republic of Brazil is included in the list determined by Decision 2009/935/JHA, by virtue of Council Implementing Decision 2014/269/EU¹.
- (3) In order to increase effectiveness in preventing and combating serious forms of crime, Europol has initiated, in accordance with Decision 2009/934/JHA, the procedure for the conclusion of an Agreement on Strategic Cooperation between Brazil and Europol ('Strategic Agreement').

¹ Council Implementing Decision 2014/269/EU of 6 May 2014 amending Decision 2009/935/JHA as regards the list of third States and organisations with which Europol shall conclude agreements (OJ L 138, 13.5.2014, p. 104).

- (4) The terms of the cooperation governed by the Strategic Agreement provide for: the exchange of information, which may, in accordance with the tasks of Europol as outlined in Decision 2009/371/JHA, include specialist knowledge, general situation reports, results of strategic analysis, information on criminal investigation procedures and information on crime-prevention methods; participation in training activities; and the provision of advice and support in individual criminal investigations. The Strategic Agreement contains no provision relating to the exchange of personal data.
- (5) The Management Board approved the Strategic Agreement on 6-7 October 2015.
- (6) The conditions for triggering the exercise of implementing powers by the Council pursuant to Decisions 2009/371/JHA, 2009/934/JHA and 2009/935/JHA have been met and an implementing decision should therefore be adopted in order to approve the conclusion of the Strategic Agreement.
- (7) Denmark is bound by Decision 2009/371/JHA and is therefore taking part in the adoption and application of this Decision which implements Decision 2009/371/JHA.
- (8) The United Kingdom and Ireland are bound by Decision 2009/371/JHA and are therefore taking part in the adoption and application of this Decision which implements Decision 2009/371/JHA.
- (9) On [...], the Management Board delivered its opinion,

HAS ADOPTED THIS DECISION:

Article 1

Europol is hereby authorised to conclude the Agreement on Strategic Cooperation between the Federative Republic of Brazil and Europol.

Article 2

This Decision shall take effect on the date of its notification.

Article 3

This Decision is addressed to Europol.

Done at ...,

For the Council

The President
