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Brussels, 9 March 1998

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LIMITE

EUROPOL 38

NOTE

from : COREPER

to : Council

Subject: Rules concerning the receipt of information by Europol from third Parties

1. At its meeting on 5 March 1998 COREPER has solved the last outstanding question (article 4 paragraph 4) in regard to aforementioned text.
2. The Council is invited to confirm the agreement on the text that is in annex.
Subsequently the text will be frozen until the Europol Convention has entered into force.

The Council of the European Union,

Having regard to Article 10(4) of the Europol Convention,

After consulting the Europol Management Board,

In addition to the provisions in the Convention concerning receipt of information by Europol from third States or third bodies,

Has adopted the following rules:

Article 1

Definitions

For the purpose of these rules:

- (a) Convention means the Convention based on Article K.3 of the Treaty on European Union on the establishment of a European Police Office (Europol Convention);
- (b) third States means States not being Member States of the EU as referred to in Article 10(4), point 4, of the Convention;
- (c) third bodies means the bodies referred to in Article 10(4), points 1 to 3 and 5 to 7, of the Convention;
- (d) EU-related bodies means the bodies referred to in Article 10(4), points 1 to 3, of the Convention;
- (e) non-EU-related bodies means the bodies referred to in Article 10(4), points 5 to 7, of the Convention;
- (f) agreement means an agreement concluded for the purpose of attaining the objectives referred to in Article 2 of the Convention;
- (g) information means personal and non-personal data;

- (h) personal data means any information relating to an identified or identifiable individual; an identifiable individual shall be a person whose identity can be determined, directly or indirectly, particularly through an identification number or one or more specific characteristics of his/her physical, mental, economic, cultural or social identity;
- (i) data processing means any operation or set of operations which is performed on personal data, whether or not by automated means, such as collection, recording, organization, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction.

Article 2

Agreements

1. Europol may conclude agreements with third States and third bodies on the receipt of information by Europol.
2. The Council shall determine with which third States or non-EU-related bodies agreements are to be negotiated. Such decisions shall be taken unanimously.
3. The Management Board may determine with which EU-related bodies agreements are to be negotiated.
4. The Director of Europol shall, after prior consultation of the Management Board and after prior unanimous authorization of the Council, enter into negotiations on agreements with third States or non-EU-related bodies. Agreements can only be concluded after unanimous approval by the Council, after having obtained via the Management Board the opinion of the Joint Supervisory Body as far as it concerns the receipt of personal data.
5. The Director of Europol shall, after prior authorization of the Management Board, enter into negotiations on agreements with EU-related bodies. Agreements can only be concluded after approval by the Management Board, after having obtained the opinion of the Joint Supervisory Body as far as it concerns the receipt of personal data.

Article 3

Assessment of the source and of the information

1. To enable itself to determine the reliability of the information and its source Europol shall ask the third State or third body to assess as far as possible the information and its source in accordance with the criteria laid down in Article 11 of the Rules applicable to analysis files.
2. If this assessment is not provided, Europol shall attempt as far as possible to assess the reliability of the source or the information on the basis of information already in its possession in accordance with the criteria laid down in Article 11 of the Rules applicable to analysis files.
3. In an agreement, Europol and a third State or third body may agree in general terms on the assessment of specified types of information and specified sources in accordance with the criteria laid down in Article 11 of the Rules applicable to analysis files.

Article 4

Correction and deletion of information

1. Agreements shall stipulate that the third State or third body shall inform Europol when it corrects or deletes the information transmitted to Europol.
2. When a third State or third body informs Europol that it has corrected or deleted the information transmitted to Europol, Europol shall correct or delete the information accordingly. Europol shall not delete information if it has further need to process that information for the purpose of the analysis file or, where the information is stored in another Europol data file, Europol has further interest in it, based on intelligence that is more extensive than that possessed by the transmitting third State or third body. Europol shall inform the third State or third body concerned of the continued storage of such information.
3. If Europol has reason to assume that information supplied is not accurate or no longer up to date, Europol shall inform the third State or third body which supplied the information and Europol shall request the third State or third body to inform Europol of its position. Where information is corrected or deleted by Europol in conformity with Article 20(1) and Article 22 of the Convention, Europol shall inform the supplying third State or third body of the correction or deletion.

4. Without prejudice to Article 20 of the Convention, information which has clearly been obtained by a third State in obvious violation of human rights shall not be stored in the Europol information system or analysis files.
5. Agreements shall stipulate that the third State or third body shall inform Europol as far as possible when that third State or third body has reason to believe that the information supplied is not accurate or no longer up to date.

Article 5
Entry into force

These rules shall enter into force [...].
