

EUROPOL MANAGEMENT BOARD

The Hague, 9 July 1999

File n°: 3710-07r3

**Draft Council decision instructing Europol to start negotiations on co-operation agreements with Third States and non-EU bodies**

EUROPEAN UNION  
THE COUNCIL

DECISION  
OF THE COUNCIL,  
of...1999,

instructing Europol to start negotiations on co-operation agreements with third States and non-EU bodies

THE COUNCIL OF THE EUROPEAN UNION,

Considering that the effectiveness of combating organised forms of criminality through Europol may be further enhanced by appropriate relations between Europol and third States and bodies;

Considering the Council's declaration on Article 42 of the Convention based on Article K.3 of the Treaty on European Union on the establishment of a European Police Office (Europol Convention)<sup>1</sup> stating that Europol should as a matter of priority establish relations with the competent bodies of those States with which the European Communities and their Member States have established a structured dialogue;

Considering that the enlargement process was launched in the Luxembourg European Council in December 1997;

Considering that a Council decision is required for Europol to start negotiations with third States and bodies;

Considering that the present decision does not preclude Europol from initiating relationships, when appropriate, with other forms of international co-operation, such as the FATF or ENFSI, under the supervision of the Management Board;<sup>2</sup>

Having regard to Article 42, Article 10, paragraph 4 and Article 18 of the Europol Convention;

Having regard to the Rules governing Europol's external relations with third States and non-European Union related bodies, and in particular Article 2 of those Rules<sup>3</sup>;

<sup>1</sup> OJ C316, 27.11.1995

<sup>3</sup> OJ C26/04, 30.1.1999

Having regard to Rules governing the transmission of personal data by Europol to third States and third bodies, and in particular Article 3 of those Rules<sup>4</sup>;  
Having regard to the Rules concerning the receipt of information by Europol from third parties, and in particular Article 2 of those Rules<sup>5</sup>;

**DECIDES:**

**Article 1**

1. Europol is instructed to take up negotiations with the third States and non European Union related bodies mentioned in Article 2.
2. In so far as it is intended to exchange personal data, the agreements to be negotiated shall contain provisions concerning the recipient of the data, the type of data to be transmitted and the purpose for which the data are to be transmitted or used, and must ensure that all relevant provisions of the Europol Convention and its implementing regulations in this respect are taken into consideration.
3. In so far as it is intended to exchange information subject to the requirement of confidentiality, the agreements shall contain provisions concerning confidentiality in line with Article 18, paragraph 6 of the Europol Convention.
4. The agreements may contain provisions on the secondment of liaison officers from third countries and third bodies to Europol and, where necessary, on the secondment of liaison officers from Europol.

<sup>4</sup> OJ C88, 30.3.1999

<sup>5</sup> OJ C 26/03, 30.1.1999

## Article 2<sup>6</sup>

Subject to the human and financial resources available at Europol, negotiations shall be entered into with the following third States and non European Union related bodies:

- a. in a first phase<sup>7</sup>, States which are part of the enlargement process of the European Union, namely Poland, Hungary, Czech Republic, Slovenia, Estonia, Cyprus, Latvia, Lithuania, Slovakia, Romania and Bulgaria [, States which have applied for membership of the European Union, namely Turkey and Malta]<sup>8</sup>, the Schengen co-operation partners, namely Norway and Iceland, and ICPO-Interpol;<sup>9</sup>
- b. in a second phase, the USA, Canada<sup>10</sup>, the Russian Federation, Switzerland, UN offices and bodies active in the areas falling in the Europol remit and WCO.

## Article 3

1. Europol may enter into the negotiations foreseen in this decision as soon as the Management Board is satisfied that such negotiations, [on the basis of a model-agreement]<sup>11</sup> have been adequately prepared.<sup>12</sup>
2. Europol shall keep the Management Board permanently informed of the state of the negotiations. A progress report shall be submitted to the Board every six months, the first one to be presented on 31 December 1999.

## Article 4

1. This decision shall be published in the Official Journal.
2. This decision shall enter into force on the day following the day of its adoption.

Done at ...., .. 1999

The President

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