

9756/2/93

**REV 2
CONFIDENTIEL**

ENFORC 2

NOTE

from : Permanent Representatives Committee

dated: 25 November 1993

to : Justice and Home Affairs Council

Subject: Progress Report from the Presidency on drawing up the Convention on the establishment of Europol

1. In accordance with the mandate given by Ministers at their meeting on 1 and 2 June 1993, the Working Group on Europol has begun examining the draft text of the Convention submitted by the United Kingdom Presidency.
2. At its meetings on 22 and 23 July, 2 and 3 September, 30 September and 1 October, and 20, 21 and 22 October 1993, the Europol Group thoroughly examined most of the draft.
3. The discussion revealed major problems, and substantial progress was achieved on a certain number of items. However, there is no consensus as yet on the provisional text.

4. This report covers:

- the items on which agreement has not yet been reached and which are still being examined;
- the items on which agreement in principle has already been reached.

ITEMS BEING EXAMINED

5. It is suggested that the Council take note of the main items still being examined:

- Rules for data protection;
- Forms of decision-making in the various bodies (unanimity or two-thirds majority);
- Inclusion of terrorism in the scope of the Convention;
- Defining the notion "other serious forms of international crime" and adopting an updating mechanism;
- Updating of tasks;
- Principle of the tasks relating to documentation, examination, information exchange as well as technical co-operation;
- Relationship between Europol and national units;
- Forms of association of the Commission with a body such as the Management Board;
- Work programming;

- Staff regulations;
- Financial regulations;
- Designating the authority in charge of external financial control;
- Legal accountability;
- Rules on contacts with third countries and bodies in the field of transmission of personnel data;
- Possibility of parliamentary supervision.

II. ITEMS ON WHICH AGREEMENT IN PRINCIPLE HAS BEEN REACHED

6. It is suggested that the Council take note of the existence of agreement in principle regarding the following matters: ⁽¹⁾

- Establishment of Europol and national units;
- Objectives of Europol, except as regards the inclusion of terrorism;
- Some tasks of Europol;
- National units and their tasks;
- Legal capacity of domestic law;
- Creation of a body such as the Management Board;

⁽¹⁾ Without prejudice to the implications for these matters of the outcome of discussions on data protection.

- Principles of the appointment of the Director;
- Principles governing the budget of Europol;
- Audit principles;
- Contacts with bodies and third countries in the field of transmission of non-personal data (these bodies and third countries are still to be determined).

III. RECOMMENDATION

It is suggested that the Council recommend that discussions on the draft Europol Convention be pursued on the basis of the present provisional text as it stands following the discussions referred to in point 2.

The Council requests that these discussions be speeded up in accordance with the conclusions of the European Council of 29 October 1993 and has noted with interest the German delegation's intention to submit a note on the matter.