



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 29 June 2009**

**11050/09**

**EUROPOL 37**

**NOTE**

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from:	General Secretariat of the Council
to:	Delegations
Subject :	Draft Council Decision determining the list of third States and organisations with which Europol shall conclude agreements

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1. Article 26(1)(a) of the Council Decision establishing the European Police Office (Europol)<sup>1</sup> ("the Europol Decision") reads as follows:  
*"The Council, acting by qualified majority after consulting the European Parliament, shall determine, in a list, the third States and organisations referred to in Article 23(1) with which Europol shall conclude agreements. The list shall be prepared by the Management Board and reviewed when necessary";*
2. By letter dated 12 June 2009 (doc. 11303/09 EUROPOL 42), the Chairman of the Europol Management Board transmitted a proposal for a draft Council Decision determining the list of third States and organisations with which Europol shall conclude agreements, to the Council.
3. The Article 36 Committee is invited to take note of the attached draft Council Decision with a view to submitting it to COREPER for consultation of the European Parliament. Subsequent discussions of the draft Decision will take place in the Article 36 Committee.

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<sup>1</sup> OJ L 121, 15.5.2009, p.37

**DRAFT**  
**COUNCIL DECISION**

**of**

**determining the list of third States and organisations  
with which Europol shall conclude agreements**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Decision 2009/37/JHA of 6 April 2009 establishing the European Police Office (EUROPOL)<sup>1</sup> (hereinafter referred to as “the Europol Decision”) and in particular Article 26(1)(a) thereof,

Having regard to Council Decision 2009/xx/xxx of [date] 2009 establishing the implementing rules governing Europol’s relations with partners, including the exchange of personal data and classified information and in particular Articles 5 and 6 thereof,

Having regard to the Opinion of the European Parliament<sup>2</sup>,

Whereas:

- (1) It is for the Council, acting by qualified majority after consulting the European Parliament, to determine, in a list, the third States and organisations referred to in Article 23(1) of the Europol Decision with which Europol shall conclude agreements.
- (2) It is for the Management Board to prepare that list.

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<sup>1</sup> OJ L 121, 15. 5.2009, p.37.

<sup>2</sup> Opinion of... (not yet published in the Official Journal)

- (3) It is desirable to provide for a procedure establishing how additional third States and organisations may be added to the list of third States and organisations with which Europol shall conclude agreements.

HAS DECIDED AS FOLLOWS:

*Article 1*

1. In accordance with Article 23(2) of the Europol Decision, Europol shall conclude agreements with the third States and organisations put on the list in Article 2 below. Europol may initiate the procedure for the conclusion of an agreement, as soon as the third State or organisation has been put on this list. Europol shall strive for the conclusion of a cooperation agreement allowing for the exchange of personal data, unless decided otherwise by the Management Board.
2. Europol shall prioritize the conclusion of cooperation agreements with third States and organisations put on the list, taking account of Europol's operational needs and the human and financial resources available. The Management Board may provide the Director with any further instructions concerning the negotiation of a specific agreement as it considers necessary.
3. The Director shall inform the Management Board on a regular basis on the state of play of ongoing negotiations with third parties and shall submit a progress report every six months.

*Article 2*

1. Third States (in alphabetical order):
  - Albania
  - Australia
  - Bolivia
  - Bosnia and Herzegovina

- Canada
- China
- Colombia
- Croatia
- Former Yugoslav Republic of Macedonia (FYROM)
- Iceland
- India
- Israel
- Liechtenstein
- Moldova
- Monaco
- Montenegro
- Morocco
- Norway
- Peru
- Russian Federation
- Serbia
- Switzerland
- Turkey
- Ukraine
- United States of America

2. Organisations (in alphabetical order):

- ICPO-Interpol
- United Nations Office on Drugs and Crime (UNODC)
- World Customs Organisation

*Article 3*

1. A Member of the Management Board or Europol may propose to add a new third State or organisation to the list. In doing so, they shall outline the operational necessity to conclude a cooperation agreement with that third State or organisation in question.
2. The Management Board shall decide whether or not to propose to the Council to add the third State or organisation in question to the list.
3. The Council shall decide on the addition of the new third State or organisation to the list by amending the present Decision.

*Article 4*

1. This Decision shall be published in the Official Journal.
2. This Decision shall enter into force on the same day as the date of application of the Europol Decision.