



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 6 April 2006

8234/06

LIMITE

EUROPOL 27

NOTE

from : Presidency
to : Article 36 Committee

Subject : Europol : the way forward towards more efficiency and accountability
 - draft Council conclusions

Part I: Short term priorities:

1. Finalise the **ratification of the Protocols** amending the Europol Convention by 1 October 2006

2. Prepare the **implementation** of the **Protocols** by the end of 2006
 - Call upon the Presidency, Europol and the Member States to carry out, within their specific competences, the necessary arrangements to guarantee full implementation when the Protocols enter into force
 - In this regard Member States should ensure that all their law enforcement agencies are represented in the Europol National Unit and possibly at their Liaison Bureaux at Europol
 - Article 36 Committee should monitor the progress of implementation.

3. Assess and develop agreements between Europol and other relevant EU bodies/agencies:
 - the agreements between Europol and Eurojust on the one hand and Europol and SitCen on the other hand should be evaluated by the end of 2006
 - Europol should conclude operational agreements with Frontex and the Commission (with respect to OLAF) by the end of 2006

4. **Transformation of the Convention into a Council Decision**
 - In-depth examination of the issue in CATS and COREPER has resulted in the conclusion that no Protocol is needed to abrogate the Convention and the Protocols.
 - The Council agrees to transform the Convention and the Protocols into a Council Decision.
 - The Commission is invited to prepare a proposal for a Council Decision by taking into account:
 - the Council Conclusions
 - the results of the debate on the future of Europol summarised in the options paper of the Friends of the Presidency Group
 - The new legal framework of Europol shall be based on the following principles
 - financing of Europol by the Community budget
 - maintaining the role of the Council in the setting up of the legal framework and the strategic priorities of Europol
 - giving Member States an appropriate role in the supervision of the management of Europol
 - giving Member States an appropriate role in the operational planning of Europol
 - providing for the possibility of an appropriate control of Europol by the European Parliament, if it so decides
 - aligning the administrative rules (staff regulations, salaries and allowances, privileges and immunities, financial regulations including procurement procedures and financial oversight, rules on confidentiality) on the rules applying to existing EU agencies (Eurojust, Cepol)
 - The Council should encourage the European Parliament to set up a joint EP – national parliament mechanism to follow Europol's activities

- The need for transitional arrangements in order to guarantee a smooth transition from the current situation to the Decision. Continuity and legal certainty for all parties involved have to be ensured.

[Part II: will be completed on the basis of the options paper currently being drawn up by the FoP]
