



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 30 May 2006

9670/1/06

REV 1

EUROPOL 49

NOTE

from :	Presidency
to :	Council
No prev. doc. :	9184/1/06 REV 1 EUROPOL 40 9168/06 EUROPOL 38
Subject :	Draft Council Conclusions on the future of Europol

1. During the past five months the Presidency has strived to identify the way to improve the effectiveness of Europol. On the basis of the debate in the informal JHA Council, a high level meeting was organised in Vienna, followed by an in-depth debate in the Friends of the Presidency.

2. The debates have resulted in a number of draft conclusions which are set out below. COREPER is requested to forward these conclusions to Council in order to allow the Council to debate these conclusions and reach agreement on the way to improve the functioning of Europol.

3. Conclusion 1: finalise the ratification of the three Protocols amending the Europol Convention

In line with the conclusions of several (European) Councils, the Member States are urged to finalise the ratification of the three Protocols amending the Europol Convention before 31 December 2006 (the state of play is in doc. 9589/06 + ADD 1).

The incoming Presidency is asked to report to the Council in December 2006 on the state of ratification.

4. Conclusion 2: start the implementation of the three Protocols

The Commission, the Member States, Europol, as well as competent Council and Europol bodies are requested to prepare as far as possible the entry into force of the three Protocols amending the Europol Convention in order for them to be fully applicable as shortly as possible after their entry into force.

The incoming Presidency is invited to report in December 2006 on the progress as far as the implementation of the Protocols is concerned.

5. Conclusion 3: to improve the functioning of Europol

a) *On the basis of the current legal framework*

In line with the options outlined by the Friends of the Presidency (document 9184/1/06 REV 1 EUROPOL 40), competent Council and Europol bodies (notably the Europol Working Party and the Europol Management Board) should consider the options which can be implemented without changing the Europol Convention (as enumerated on page 37 of the Friends of the Presidency's report to the Future of Europol in points 9, 10, 11, 12 and 13).

The incoming Presidency is invited to report in December 2006 on the progress as far as the implementation of these quick wins is concerned.

b) *Beyond the current legal framework*

In parallel with the debate on the new legal framework of Europol (see below), competent Council bodies should equally consider the options which are marked as long term solutions and which require an amendment of the Europol Convention (as listed on page 37 of the Friends of the Presidency's report to the Future of Europol in point 8).

6. Conclusion 4: to replace the Europol Convention by a Council Decision

Competent Council bodies should commence work in order to replace by 1 January 2008 the Europol Convention by a Council Decision as foreseen in Article 34(2)(c) TEU, where possible on the basis of a concrete initiative or proposal.

The incoming Presidency is invited to report in December 2006 on the progress as far as the replacement of the Europol Convention by a Council Decision is concerned.

7. Conclusion 5: to explore the method to abrogate the Europol Convention

The incoming Presidency should, through competent Council bodies, explore which way the Europol Convention can be abrogated in case it is replaced by a Council decision. Notably the question whether a protocol abrogating the Convention is a legal prerequisite or not, needs to be resolved.

The incoming Presidency should report on the result of this debate in December 2006.
