

DECISION OF THE MANAGEMENT BOARD**of 20 March 2007****laying down the rules governing the arrangements on the association of third parties' experts with the activities of analysis groups**

(2007/C 72/15)

THE MANAGEMENT BOARD OF EUROPOL,

Having regard to the Convention on the establishment of a European Police Office (Europol Convention), as amended by the Council Act of 27 November 2003 drawing up, on the basis of Article 43(1) of the Convention on the Establishment of a European Police Office, a Protocol amending that Convention⁽¹⁾, and in particular Article 10(9) thereof,

Having regard to the opinion issued by the Joint Supervisory Body,

Whereas it is for the Management Board, acting by a majority of two thirds of its members, to determine the rules governing the arrangements to which the association of third parties' experts with the activities of an analysis group are subject,

HAS ADOPTED THE FOLLOWING DECISION:

*Article 1***Definitions**

For the purposes of the present Decision:

- (a) 'analysis group' means the group associating the participants to an analysis project, as mentioned in Article 10(2) of the Europol Convention;
- (b) 'arrangement' means an agreement, concluded between Europol and a third party, regulating the association of the latter to the activities of an analysis group;
- (c) 'association' of third party's experts to the activities of an analysis group means that these experts shall be entitled to attend analysis group's meetings, to be informed by Europol, upon request, of the development of the concerned analysis work file and to receive and further disseminate, in accordance with the applicable legal requirements, analysis results which concern the third party they represent;
- (d) 'third part' means a third State or body as referred to in Article 10(4) of the Europol Convention.

*Article 2***Invitation to be associated to the activities of an analysis group**

Europol may invite experts of a third party with which an agreement containing appropriate provisions on the exchange of information, including the transmission of personal data, as well as on the confidentiality of exchanged information, is in force to be associated with the activities of an analysis group. Such an invitation must be made with the unanimous approval of the analysis group's participants.

*Article 3***Arrangements**

1. The association of third parties' experts shall be regulated by arrangements concluded between Europol and third parties. These arrangements, which shall be based on the model laid down in the Annex to the present Decision, will be communicated to the Joint Supervisory Body. Participants of the analysis group shall be consulted should Europol intend to deviate from the model arrangement.
2. The arrangements shall provide that associated third party's experts will be entitled to:
 - (a) attend analysis group meetings, and
 - (b) be informed by Europol, upon request, of the development of the concerned analysis work file, and
 - (c) receive analysis results which concern the third party they represent; such dissemination shall take place in accordance with Articles 17(2) and 18(4) of the Europol Convention, with the relevant provisions of the cooperation and confidentiality agreements, with Article 5(5) of the Council Act of 12 March 1999 adopting the rules governing the transmission of personal data by Europol to third States and third bodies⁽²⁾, and with the prior consent of the Member State which communicated the concerned data; and
 - (d) further disseminate the analysis results, only with the prior agreement of the concerned participants and in compliance with the relevant provisions of the cooperation and confidentiality agreements.
3. The arrangements shall provide for their termination upon notification by either the associated third party or by Europol, which shall only act after the agreement of the participants of the analysis group. Should no agreement be reached between the participants, Europol shall notify the termination of the arrangement upon request of one participant, and inform the Management Board thereof.

*Article 4***Entry into force**

The present Decision shall enter into force on 19 April 2007.

Done at The Hague on 20 March 2007.

Hans-Jürgen FÖRSTER
Chairman of the Management Board

⁽¹⁾ OJ C 2, 6.1.2004, p. 1.

⁽²⁾ OJ C 88, 30.3.1999, p. 1. Act, as amended by the Council Act of 28 February 2002 (OJ C 78, 27.3.2002, p. 1).

ANNEX

MODEL ARRANGEMENT ON THE ASSOCIATION OF THIRD PARTIES' EXPERTS TO THE ACTIVITIES OF ANALYSIS GROUPS

Europol and (name of the third party) (hereinafter referred to as 'the Parties'),

Having regard to the Europol Convention, and in particular Article 10(9) thereof,

Having regard to the cooperation agreement between Europol and (*name of the third party*) and in particular to its provisions concerning the confidentiality of exchanged information,

OR:

Having regard to the cooperation and confidentiality agreements between Europol and (*name of the third party*),

Having regard to the Council Act of 3 November 1998 adopting rules applicable to Europol analysis files ⁽¹⁾,

Having regard to the Management Board Decision of (*date*) laying down the rules governing the arrangements on the association of third parties' experts with the activities of analysis groups, and in particular Article 3(1) thereof,

Having regard to the opening order of analysis work file YYY,

Whereas it is in the interest of the Member States to associate (*name of the third party*) experts with the activities of the analysis group YYY,

Whereas (*name of the third party*) is directly concerned by the analysis work carried out by the analysis group YYY,

Have adopted the following arrangement:

*Article 1***Definitions**

For the purposes of the present Arrangement:

- (a) 'association' of third party's experts to the activities of an analysis group means that these experts shall be entitled to attend analysis group meetings, to be informed by Europol, upon request, of the development of the concerned analysis work file and to receive and further disseminate, in accordance with the applicable legal requirements, analysis results which concern the third party they represent;
- (b) 'cooperation agreement' means the agreement signed on (*date*) between Europol and (*name of the third party*);
- (c) 'confidentiality agreement' means an agreement as referred to in Article 18(6) of the Europol Convention.

*Article 2***Scope**

1. XXX ⁽²⁾ of (*name of the sending authority*) shall be associated to the activities of the analysis group YYY.
2. XXX shall accordingly be entitled to:
 - (a) attend analysis group meetings, and
 - (b) be informed by Europol, upon request, of the development of the concerned analysis work file YYY, and
 - (c) receive analysis results which concern (*name of the third party*); such dissemination shall take place in accordance with Articles 17(2) and 18(4) of the Europol Convention, with the relevant provisions of the cooperation and confidentiality agreements, with Article 5(5) of the Council Act of 12 March 1999 adopting the rules governing the transmission of personal data by Europol to third States and third bodies, and with the prior consent of the Member State which communicated the concerned data; and
 - (d) further disseminate the analysis results, only with the prior agreement of the concerned participants and in compliance with the relevant provisions of the cooperation and confidentiality agreements.

⁽¹⁾ OJ C 26, 30.1.1999, p. 1. Act, as amended by (*add reference when new Act adopted*).

⁽²⁾ Name of the expert(s).

*Article 3***Entry into force**

The present arrangement shall enter into force on *(date)*.

*Article 4***Termination**

1. The present arrangement shall automatically lapse upon closure of analysis work file YYY.
 2. The present arrangement may at any time be terminated upon notification by one of the Parties.
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