



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 19 November 2009

**Interinstitutional File:
2009/0808 (CNS)**

16032/09

EUROPOL 103

"I/A" ITEM NOTE

from: General Secretariat of the Council
to: COREPER/Council

No. prev. doc. 12119/09 EUROPOL 56

Subject: Draft Council Decision adopting the implementing rules governing Europol's relations with partners, including the exchange of personal data and classified information

1. Article 59(1) of the Council Decision establishing the European Police Office (Europol)¹ ("the Europol Decision") lists the measures to be prepared and adopted before the date of application of the Europol Decision. Paragraph 1(c) of this Article provides that the Europol Management Board shall prepare the adoption of "the rules regarding the relations of Europol referred to in Article 26(1)(b)."
2. Article 26(1)(b) of the above-mentioned Decision reads as follows:
"The Council, acting by qualified majority after consulting the European Parliament, shall adopt implementing rules governing the relations of Europol with the entities referred to in Articles 22(1) and 23(1), including the exchange of personal data and classified information. The implementing rules shall be prepared by the Management Board which shall previously have obtained the opinion of the Joint Supervisory Body".

¹ OJ L 121, 15.5.2009, p. 37.

3. By letter dated 12 June 2009 (doc. 11303/09 EUROPOL 42), the Chairman of the Europol Management Board transmitted to the Council a proposal for a draft Council Decision adopting the rules governing Europol's relations with partners, including the exchange of personal data and classified information, as prepared by the Management Board.
4. At its meeting on 2-3 July 2009, the Article 36 Committee took note of the attached draft Council Decision as prepared by the Europol Management Board and agreed to submit it to COREPER for consultation of the European Parliament.
5. At its meeting on 23 July 2009, COREPER decided to transmit the draft Council Decision adopting the implementing rules governing Europol's relations with partners, including the exchange of personal data and classified information, to the European Parliament for an opinion and asked, in view of the importance of this matter, the European Parliament to deliver its opinion as soon as possible and at the latest on 26 November 2009, taking into account that the Europol Decision will become applicable as from 1 January 2010.
6. The Article 36 Committee agreed on the draft Council Decision as set out in doc. 15138/09 at its meeting on 10 November 2009.
7. The opinion of the European Parliament is expected to be issued on 25 November 2009. Considering the outcome of the vote in the LIBE Committee on 12 November 2009, it can be expected that the European Parliament will reject the draft Council Decision adopting the implementing rules governing Europol's relations with partners, including the exchange of personal data and classified information.
8. On this basis and after considering the opinion of the European Parliament, COREPER is requested to invite the Council to adopt the draft Council Decision adopting the implementing rules governing Europol's relations with partners, including the exchange of personal data and classified information, as set out in doc. 15138/1/09 REV 1 EUROPOL 90 (text as finalised by the legal linguistic experts).