



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	16229/12
Subject:	COUNCIL <u>IMPLEMENTING</u> DECISION amending Decision 2009/935/JHA as regards the list of third States and organisations with which Europol shall conclude agreements

Delegations will find enclosed the revised draft Council Implementing Decision amending Decision 2009/935/JHA as regards the list of third States and organisations with which Europol shall conclude agreements.

The changes to the text which was previously distributed to delegations (doc. 16229/12) are indicated in ***bold italics*** and ~~strikethrough~~. The changes are related to the outcome of the CATS meeting of 25 February 2014 where it was concluded that it should be clarified that Europol's efforts should first be focused on concluding an agreement with Georgia.

Delegations are invited to agree by silence procedure **by 2 April 2014** to submitting this document to Coreper and Council for adoption, *i.e.* if no objection is received by the aforementioned date to lewp@consilium.europa.eu, the document would be submitted to Coreper and Council for adoption as I/A item.

COUNCIL IMPLEMENTING DECISION

of

**amending Decision 2009/935/JHA
as regards the list of third States and organisations
with which Europol shall conclude agreements**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol)¹, and in particular point (a) of Article 26(1) thereof,

Having regard to Council Decision 2009/934/JHA of 30 November 2009 adopting the implementing rules governing Europol's relations with partners, including the exchange of personal data and classified information², and in particular Articles 5 and 6 thereof,

Having regard to Council Decision 2009/935/JHA of 30 November 2009 determining the list of third States and organisations with which Europol shall conclude agreements³, and in particular Article 2 thereof,

~~Having regard to the opinion of the European Parliament⁴,~~

¹ OJ L 121, 15.5.2009, p. 37.

² OJ L 325, 11.12.2009, p. 6.

³ OJ L 325, 11.12.2009, p. 12.

⁴ ~~Opinion of ... (not yet published in the Official Journal).~~

Whereas:

- (1) ***Since the determination of the list of the third States and organisations with which Europol shall conclude agreements referred to in point (a) of Article 26(1) Decision 2009/371/JHA (the "list") is linked to the external relations of the Union and its Member States, that Article confers on the Council implementing powers*** ~~It is for the Council to determine, pursuant to point (a) of Article 26(1) of Decision 2009/371/JHA, the list of the third States and organisations with which Europol shall conclude agreements ("the list"). Pursuant to Decision 2009/371/JHA, the list is set out in the Annex to Decision 2009/935/JHA.~~
- (2) It is for Europol's Management Board to review ***the list*** ~~the list~~ and to decide whether to propose to the Council amendments thereto.
- (3) In its meeting of 3-4 October 2012, Europol's Management Board decided to recommend to the Council ~~to~~ ***that it*** add certain third States to the list, outlining the operational need to do so.
- (4) ***It is most important that Europol initiate the procedure for the conclusion of a cooperation agreement giving priority to Georgia, given the commitments in the framework of the Eastern Partnership established in 2009, the initialling in November 2013 of the EU-Georgia Association Agreement, and the EU-Georgia Association agenda, as well as the EU-Georgia Visa Liberalisation Action Plan.***
- (4) (5) Decision 2009/935/JHA should therefore be amended accordingly.
- (6) ***On 19 December 2012, the Council decided to consult the European Parliament and, following that consultation, the European Parliament issued an opinion⁵,***

⁵ Opinion of 20 November 2013 (not yet published in the Official Journal).

HAS ADOPTED THIS DECISION:

Article 1

In point 1 of the Annex to Decision 2009/935/JHA, the following entries are inserted:

- Brazil
- Georgia
- Mexico
- United Arab Emirates.

Article 2

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at,

For the Council

The President
