



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 23 November 2001

13364/01

LIMITE

EUROPOL 83

"A" ITEM NOTE

from : General Secretariat

to Council

No. prev. doc. : 13359/01 EUROPOL 82

Subject : Draft agreement between Europol and the United States of America

1. Article 42(2), Article 10(4) and Article 18 of the Convention on the establishment of a European Police Office (Europol Convention) ⁽¹⁾ allow Europol to have relations with third States and bodies.
2. The Council Act of 3 November 1998 laying down the Rules governing Europol's external relations with third States and non-European Union related bodies ⁽²⁾, the Council Act of 3 November 1998 laying down the Rules concerning the receipt of information by Europol from third parties ⁽³⁾, as well as, the Council Act of 12 March 1999 adopting the Rules governing the transmission of personal data by Europol to third States and third bodies ⁽⁴⁾, have laid down detailed provisions for the conclusion of agreements between Europol and third States and bodies.

¹ OJ C 316, 27.11.1995, p. 2.

² OJ C 26, 30.1.1999, p. 19.

³ OJ C 26, 30.1.1999, p. 17.

⁴ OJ C 88, 30.3.1999, p. 1.

3. In the Council Decision of 27 March 2000 the Director of Europol has been authorised to enter into negotiations on agreements with third States and non-EU-related bodies (¹).
4. On the basis of the aforementioned legal provisions, the Director of Europol has completed the negotiations with the United States of America. The draft agreement, excluding the transmission of personal data, is contained in document 13359/01 EUROPOL 82.
5. At its meeting of 21 November 2001 COREPER agreed that the Director of Europol should be authorised to conclude the draft agreement between Europol and the United States of America as set out in document 13359/01 EUROPOL 82.
6. On this basis Council is invited to authorise the Director of Europol to conclude the draft agreement between Europol and the United States of America as set out in document 13359/01 EUROPOL 82.

¹ OJ C 106, 13.4.2000, p. 1.