

## **FINLAND**

With regard to our meeting on Europol-recast on 8<sup>th</sup> of February and DE proposal for wording for block 5: “We therefore consider to add a paragraph to the proposed new Article 27a stating that Article 25 does not apply to Schengen-associated countries, but that data transfers to these countries are subject to the requirements of Article 19(2) and (3) and Article 67 and would appreciate an opinion of the GSC legal service regarding this question.”

**We agree with DE in that an adequacy decision or an international agreement would not fit with the countries implementing Schengen that have also implemented the LED, and confirm our initial support for the DE proposal. However, we would be grateful if the Presidency and the Legal Service verified the correct drafting from a legal-linguistic point of view, considering that this Regulation concerns an EU agency.** To our understanding, the usual way of taking Schengen-associated countries into account in EU legislation has been to state it in the recitals for each Schengen State, for example:

“As regards Switzerland, [this Directive] constitutes a development of provisions of the Schengen *acquis*, as provided for by the Agreement between the European Union, the European Community and the Swiss Confederation concerning the association of the Swiss Confederation with the implementation, application and development of the Schengen *acquis*.” (see the recitals of the LED)