Proposal to open negotiations on the Commission recommendation for a Council decision authorising the opening of negotiations for an agreement between the EU and Turkey on the exchange of personal data between Europol and the Turkish competent authorities for fighting serious crime and terrorism

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PURPOSE: to open negotiations for an agreement between the European Union and Turkey on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Turkish competent authorities for fighting serious crime and terrorism.

BACKGROUND: in a globalised world where serious crime and terrorism are increasingly transnational and polyvalent, Europol should therefore be able to exchange personal data with law enforcement authorities of third countries to the extent necessary for the accomplishment of its tasks.

Regulation (EU) 2016/794 establishes a legal framework for Europol. It sets out the rules for the **transfer of personal data from Europol to third countries** and international organisations. Since the entry into application of the Regulation (1 May 2017), and pursuant to the Treaty on the Functioning of the European Union (TFEU), the Commission is responsible, on behalf of the Union, for negotiating international agreements with third countries for the exchange of personal data with Europol.

Taking into account the political strategy as outlined in the European agenda on security and the potential benefits of closer cooperation in this area, the Commission considers it necessary to start negotiations in the short-term with **eight countries**, as identified in the 11th progress report towards a genuine and effective Security Union.
The 2016-2020 Europol strategy identifies the Mediterranean region as priority for enhanced partnerships. The 2017-2020 Europol external strategy also stresses the need for closer cooperation between Europol and the **Middle East/North Africa (MENA)** due to the current terrorist threat and migration-related challenges.
Turkey is a key partner for the European Union. Cooperation in the area of migration was stepped up on the basis of a Joint Action Plan activated at the EU-Turkey Summit held on 29 November 2015 and the EU-Turkey Statement of 18 March 2016, with the aim to end irregular migration from Turkey to the EU, in full compliance with EU and international standards.
The EU-Turkey Statement has been producing tangible results, despite the challenging circumstances. The number of irregular border crossings since activation of the Statement continues to be substantially reduced and the loss of lives has been stemmed.
Deepening cooperation with Europol is relevant in the context fulfilling all remaining benchmarks under the Visa Liberalisation Roadmap.
Based on data available as well as Europol's in-house expert knowledge, cooperation with Turkey is needed in particular to counter the following crime phenomena:

- **terrorism**: Islamist terrorism, in particular Daesh but also al-Qaeda, constitutes a common threat;

- **migrant smuggling**: despite patrolling exercised by the Turkish authorities in the coastal, land and airports areas, and the systematic interception of irregular migrants, organised smuggling networks still continue to operate. Migrant smugglers are using Turkey to smuggle migrants from Asia, Africa and the Middle East into Europe;
- **illicit trafficking of firearms**: crime rates and the smuggling of weapons from Syria represents a potential danger for the EU;

- **drug trafficking**: Turkey has long been and remains a significant transit country for illicit drug trafficking;
- **counter-terrorist financing**: Turkey is an important regional financial centre, particularly for Central Asia and the Caucasus, the Middle East, and Eastern Europe. Turkey's rapid economic growth over the past 15 years, combined with its commercial relationships and geographical proximity to unstable, conflict-ridden areas, such as Iraq, Syria, and Crimea, makes Turkey vulnerable to money laundering risks.

CONTENT: the purpose of this **Recommendation for a Council Decision** is to obtain from the Council an authorisation from the Council for the Commission to negotiate, on behalf of the European Union, **an agreement between the European Union and Turkey** on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Turkish competent authorities for fighting serious crime and terrorism.

In order to respect the principle of **purpose limitation**, cooperation under the agreement shall only cover forms of crime and related criminal offences for which Europol is competent. In particular, cooperation should aim to combat terrorism and prevent radicalisation, disrupt organised crime, including trafficking of migrants, firearms and drugs, and combat cybercrime.

The agreement should respect **fundamental rights** and observe the principles recognised by the Charter of Fundamental Rights of the European Union, in particular the right to private and family life, the right to the protection of personal data, and the right to effective remedy and fair trial.