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

2018/2064(INI) - 20/12/2017 - Non-legislative basic document

PURPOSE: to open negotiations for an agreement between the European Union and Morocco on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Moroccan 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.
Since 2000 the entry into force of the Euro-Mediterranean Association Agreement has marked the relations between the EU and **Morocco**. Morocco has benefited from an advanced status with the European neighbourhood policy since 2008. Among others, one objective relates to strengthening dialogue and cooperation in the areas of politics and security.
Morocco is the co-chair of the Global Counter Terrorism Forum (GCTF) and a member of the Global Coalition against Daesh.

Based on data available as well as Europol's in-house expert knowledge, cooperation with Morocco is needed in particular to counter the following crime phenomena:

- **terrorism**: terrorism poses a serious threat to both Morocco and the EU, which have been the target of terrorist attacks;

- **migration-related challenges**: Morocco remains an important partner for the EU to develop cooperation in preventing irregular migration, and flows into the EU have been increasing recently. Morocco is both a source country for irregular migration but also a significant route taken by nationals sub-Saharan African countries too;
- **firearms trafficking**: the ongoing instability in the MENA region, and in particular the conflicts in Libya, considerably increased firearms trafficking in the region;
- **drug trafficking**: Morocco is a major producer of cannabis and a key source country for cannabis products entering the EU market;
- **cybercrime**: Morocco is making progress in addressing cybercrime threats, thanks to the fact it is a priority country for EU-Council of Europe capacity-building programmes on cybercrime, including in the area of child sexual exploitation and travelling child sex offenders.

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 Morocco** on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Moroccan 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.