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

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PURPOSE: to open negotiations for an agreement between the European Union and Egypt on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Egyptian 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.
Egypt is a key partner for the EU, and could play a central role in promoting peace, prosperity and stability in the Southern Neighbourhood region. The general framework for cooperation between the EU and Egypt is provided by the Association Agreement in force since 2004. The EU and Egypt are also partners of the Global Counter Terrorism Forum (GCTF) and the Global Coalition against Daesh.

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

- **terrorism**: the threat posed in particular by Daech and other terrorist groups is a serious problem for the security of Egypt and the EU, both of which have been the targets of terrorist attacks;
- **migrant smuggling**: resolute action from the Egyptian authorities has significantly reduced the level of irregular arrivals into the EU from Egypt compared to the first half of 2016. The fragility of the situation in Libya highlights the need for continued close cooperation;

- **illicit trafficking of firearms**: crime rates and the smuggling of weapons from Libya have risen dramatically following the 2011 uprising Cooperation with Egypt therefore constitutes a strategic priority, both to slow the flow of illicit firearms to its neighbours and prevent trafficking into the EU through container ships, ferries and smaller boats crossing the Mediterranean;
- **drug trafficking**: Egypt continues to be regarded as a transit country and over the past two years, several major maritime seizures of heroin took place.

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