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

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PURPOSE: to open negotiations for an agreement between the European Union and Algeria on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Algerian 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.
**Algeria** is a partner of strategic importance to the EU, due to both its position in the Maghreb area and the role it plays at regional level and in the African Union. From a strategic point of view, Algeria is a focal point in the Mediterranean and a key actor for the stabilisation of the Sahara-Sahel region. The country is very active in the fight against terrorism within its territory. Algeria and the EU are members of the Global Counter Terrorism Forum.
Based on data available as well as Europol's in-house expert knowledge, cooperation with Algeria is needed in particular to counter the following crime phenomena:

- **terrorism**: terrorist groups operating in the region (including in Libya and the Sahel) pose a threat to both Algeria and the EU;
- **migrant smuggling**: organised migrant smuggling activity is present in Algeria and irregular migrants continue to be recorded as using it as a transit point to the EU, and there remains a risk too that Southern Algeria is utilised for irregular travel towards Libya;

- **illicit trafficking of firearms** which has considerably increased due to the ongoing instability in the MENA region, and in particular the conflicts in Libya and Syria;
- **drug trafficking**: the Middle East and North Africa (MENA) is a major source, transit point, and consumer of illicit drugs.

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