Basic information

2013/0801(CNS) CNS - Consultation procedure Decision	Procedure completed
List of third States and organisations with which Europol shall conclude agreements Amending Decision 2009/935/JHA 2009/0809(CNS) **Subject** 1.20.09 Protection of privacy and data protection 6.40 Relations with third countries 7.30.05.01 Europol, CEPOL	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs		
	Shadow rapporteur DÍAZ DE MERA GARCÍA CONSUEGRA Agustín (PPE) WEIDENHOLZER Josef (S&D) ALFANO Sonia (ALDE) TAVARES Rui (Verts/ALE) KIRKHOPE Timothy (ECR) VERGIAT Marie-Christine (GUE/NGL)	

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Economic and Financial Affairs ECOFIN	3310	2014-05-06

European Commission

Commission DG	Commissioner
Migration and Home Affairs	MALMSTRÖM Cecilia

Key events

Date	Event	Reference	Summary
10/12/2012	Legislative proposal published	16229/2012	Summary
17/01/2013	Committee referral announced in Parliament		
17/10/2013	Vote in committee		
23/10/2013	Committee report tabled for plenary, 1st reading/single reading	A7-0351/2013	Summary
20/11/2013	Decision by Parliament	T7-0480/2013	Summary
20/11/2013	Results of vote in Parliament		
06/05/2014	Act adopted by Council after consultation of Parliament		
06/05/2014	End of procedure in Parliament		
13/05/2014	Final act published in Official Journal		

Technical information

Procedure reference	2013/0801(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
Amendments and repeals	Amending Decision 2009/935/JHA 2009/0809(CNS)
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/7/11663

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE513.267	29/08/2013	
Amendments tabled in committee		PE519.696	24/09/2013	
Committee report tabled for plenary, 1st reading/single reading		A7-0351/2013	23/10/2013	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0480/2013	20/11/2013	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	16229/2012	10/12/2012	Summary

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act	
Decision 2014/0269 OJ L 138 13.05.2014, p. 0104	Summary

List of third States and organisations with which Europol shall conclude agreements

2013/0801(CNS) - 10/12/2012 - Legislative proposal

PURPOSE: to amend Decision 2009/935/JHA as regards the list of third States and organisations with which Europol shall conclude agreements.

PROPOSED ACT: Council Decision.

BACKGROUND: it is for the Council to determine, pursuant to point (a) of Article 26(1) of Decision 2009/371/JHA, the list of the third States and organisations with which Europol shall conclude agreements. The list is set out in the Annex to Decision 2009/935/JHA.

It is for Europol's Management Board to review when necessary the list and to decide whether to propose to the Council amendments thereto.

At its meeting of 3-4 October 2012, Europol's Management Board decided to recommend to the Council to add certain third States to the list, outlining the operational need to do so.

It is now necessary to recommend the extension of the list in question in order to insert a number of new countries.

CONTENT: under this proposed Council Decision, it is provided to amend the list of third States and organisations with which Europol shall conclude agreements, as set in Decision 2009/935/JHA. The list shall include the following new entries:

- Brazil
- Georgia
- Mexico
- United Arab Emirates.

List of third States and organisations with which Europol shall conclude agreements

2013/0801(CNS) - 23/10/2013 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted, in the framework of a special legislative procedure (Parliament’s consultation), the report by Philip CLAEYS (NI, BE) on the draft Council decision amending Decision 2009/935/JHA as regards the list of third States and organisations with which Europol shall conclude agreements.

It suggested that the European Parliament **reject the draft Council decision**. It called on the Council not to adopt the decision, as the Commission recently proposed a new regulation for Europol to be adopted according to the ordinary legislative procedure and under which the provisions and the procedure for concluding agreements with third States and organisations are to be modified.

Therefore, there should not be any amendments to the measures implementing Decision 2009/371/JHA.

Members also called on the Director and the Management Board of Europol to refrain, in the event of the draft Council decision being adopted, from starting any negotiations on operational agreements with any of the countries listed in it since the level of data protection is inadequate in some of the countries listed in the draft Council decision (the following third states should be added to the Annex to Decision 2009/935/JHA: Brazil, Georgia, Mexico, United Arab Emirates) and the basic right to protection of personal data cannot be ensured.

Lastly, Members stressed that robust safeguards to protect privacy and fundamental rights must be guaranteed where any personal data are exchanged with third States or international organisations.

List of third States and organisations with which Europol shall conclude agreements

2013/0801(CNS) - 20/11/2013 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 679 votes to 11, with 4 abstentions, a legislative resolution, in the context of a special legislative procedure (European Parliament consultation), on the draft Council decision amending Decision 2009/935/JHA as regards the list of third States and organisations with which Europol shall conclude agreements.

Parliament **rejected the draft Council decision**. They called on the Council not to adopt the decision, as the Commission recently proposed a new regulation for Europol under which the provisions and the procedure for concluding agreements with third States and organisations are to be modified.

Therefore, it considered that there should not be any amendments to the measures implementing Decision 2009/371/JHA.

Parliament called on the Director and the Management Board of Europol to refrain, in the event of the draft Council decision being adopted, from starting any negotiations on operational agreements with any of the countries listed in it since the **level of data protection is inadequate in some of the countries** listed in the draft Council decision (the following third states should be added to the Annex to Decision 2009/935/JHA: Brazil, Georgia, Mexico, United Arab Emirates) and the basic right to protection of personal data cannot be ensured.

It stressed that robust safeguards to protect privacy and fundamental rights must be guaranteed where any personal data are exchanged with third States or international organisations.

List of third States and organisations with which Europol shall conclude agreements

2013/0801(CNS) - 06/05/2014 - Final act

PURPOSE: to amend Decision 2009/935/JHA as regards the list of third States and organisations with which Europol shall conclude agreements.

LEGISLATIVE AGREEMENT: Council Implementing Decision 2014/269/EU amending Decision 2009/935/JHA as regards the list of third States and organisations with which Europol shall conclude agreements.

BACKGROUND: it is for the Council to determine, pursuant to point (a) of Article 26(1) of Decision 2009/371/JHA, the list of the third States and organisations with which Europol shall conclude agreements.

At its meeting of 3-4 October 2012, Europol's Management Board decided to recommend to the Council to **add certain third States to the list**, outlining the operational need to do so.

Given that it is most important that Europol initiate the procedure for the conclusion of a cooperation agreement **giving priority to Georgia**, given the commitments in the framework of the Eastern Partnership established in 2009, it is necessary to amend Decision 2009/935/JHA accordingly.

CONTENT: under this Council Decision, the Council amended the list of third States and organisations with which Europol shall conclude agreements, as set in Decision 2009/935/JHA. The list shall include the following new entries:

- Brazil
- Georgia
- Mexico
- United Arab Emirates.

ENTRY INTO FORCE: 14.05.2014.