



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 22 January 2013

**5181/1/13
REV 1**

**ENFOPOL 5
JAIEX 3**

"I/A" ITEM NOTE

From:	General Secretariat
To:	COREPER/Council
No. prev. doc.:	17959/12 ENFOPOL 425 JAIEX 128
Subject:	Draft Agreement on Operational and Strategic Co-operation between the Principality of Liechtenstein and the European Police Office (Europol)

1. Article 23(2) of the Council Decision establishing the European Police Office (Europol)¹ provides that operational cooperation agreements *"may be concluded only after the approval by the Council, which shall previously have consulted the Management Board and, as far as it concerns the exchange of personal data, obtained the opinion of the Joint Supervisory Body via the Management Board"*.
2. Article 6 (3) of the Council Decision of 30 November 2009 adopting the implementing rules governing Europol's relations with partners, including the exchange of personal data and classified information² reads as follows:

¹ OJ L 121, 15.5.2009, p. 37.

² OJ L 325, 11.12.2009, p. 6.

"(3). *After finalising the negotiations to an agreement, the Director shall submit the draft agreement to the Management Board. In the case of the conclusion of an operational agreement, the Management Board shall obtain the opinion of the Joint Supervisory Body. The Management Board shall endorse the draft agreement before submitting it to the Council for approval.*

In case of endorsement of an operational agreement, that draft agreement and the opinion of the Joint Supervisory Body shall be submitted to the Council."

3. By letter dated 14 December 2012, the Chairman of the Europol Management Board transmitted, in accordance with Article 23(2) of the Europol Council Decision, the draft agreement on operational and strategic cooperation between Liechtenstein and the European Police Office (Europol), as endorsed by the Management Board at its meeting on 11-12 December 2012, to the Council for approval (see Annex to doc. 17959/12 ENFOPOL 425 JAIEX 128). The opinion of the Joint Supervisory Body (JSB) was also transmitted (see Annex 2 of Annex to doc. 17959/12 ENFOPOL 425 JAIEX 128).
4. In its opinion dated 3 October 2012, the JSB concluded that from a data protection perspective no obstacles exist for the Council to allow Europol to conclude the above-mentioned agreement subject to some comments. The draft agreement was consequently amended in the view of these comments as discussed by the parties concerned and endorsed by the Management Board at its meeting on 11-12 December 2012.
5. COREPER is requested to invite the Council to approve the draft Agreement on Operational and Strategic Co-operation between Liechtenstein and the European Police Office (Europol) as set out in the Annex to doc. 17959/12 ENFOPOL 425 JAIEX 128, with a view to allowing Europol to conclude an agreement on operational and strategic cooperation with Liechtenstein.