



**COUNCIL OF
THE EUROPEAN UNION**

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"I/A" ITEM NOTE

From:	General Secretariat of the Council
To:	COREPER/Council
No. prev. doc.:	8516/14
Subject:	COUNCIL IMPLEMENTING DECISION amending Decision 2009/935/JHA as regards the list of third States and organisations with which Europol shall conclude agreements

1. Article 26(1)(a) of the Council Decision establishing the European Police Office (Europol)¹ ("the Europol Decision") reads as follows:

"The Council, acting by qualified majority after consulting the European Parliament, shall determine, in a list, the third States and organisations referred to in Article 23(1) with which Europol shall conclude agreements. The list shall be prepared by the Management Board and reviewed when necessary".

2. On 30 November 2009, the Council adopted Decision 2009/935/JHA determining the list of third States and organisations with which Europol shall conclude agreements (hereinafter referred to as "the list").²

¹ OJ L 121, 15.5.2009, p. 37.
² OJ L 325, 11.12.2009, p. 12.

3. By letter dated 4 October 2012, the Chairman of the Europol Management Board transmitted to the Council a recommendation to add Brazil, Georgia, Mexico and the United Arab Emirates to the list (doc. 15237/12).
4. At its meeting on 14 November 2012, the Law Enforcement Working Party took note of the letter as well as of a draft Council Decision as prepared by the Presidency (doc. 15951/12) and agreed to submit it to COREPER for consultation of the European Parliament.
5. At its meeting on 19 December 2012, COREPER agreed to transmit the draft Council Decision, which had undergone the appropriate lawyer-linguist screening, set out in doc. 16229/12, to the European Parliament and requested the European Parliament to deliver its opinion (doc. 17043/12).
6. The European Parliament adopted a legislative resolution³ on this matter on 20 November 2013 rejecting the draft Council Decision and calling on the Council not to adopt it.
7. Following the completion of the procedure of consultation with the European Parliament, CATS at its meeting on 25 February 2014 discussed the extension of the list on the basis of the discussion paper set out in doc. 6473/14. Taking into account operational concerns it was decided that the draft Council Decision would be submitted to the Council for adoption subject to the clarification that Europol's efforts should be focused on concluding an agreement with Georgia.
8. The draft Council Decision was modified accordingly (doc. 7938/14) and the modifications were agreed by delegations by silent procedure which ended on 2 April 2014.
9. On this basis, COREPER is requested to invite the Council to adopt the Council Decision as set out in doc. 8516/14 (text as finalised by the lawyer-linguists) and request its publication in the Official Journal.

³ Full text of the resolution is available here:
<http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2013-0480&language=EN>.