



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 27 May 2014
(OR. en)**

9846/14

**ENFOPOL 134
JAIEX 37**

"I/A" ITEM NOTE

From:	General Secretariat of the Council
To:	COREPER/Council
No. prev. doc.:	9090/14
Subject:	Draft Agreement on Operational and Strategic Cooperation between Montenegro and the European Police Office

1. Article 23(2) of the Council Decision establishing the European Police Office (Europol)¹ provides that Europol's 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*".

¹ OJ L 121, 15.5.2009, p. 37.

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:

"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 16 April 2014, the Chairperson 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 Montenegro and the European Police Office, as endorsed by the Management Board on 11 April 2014, to the Council for approval (see Annex to doc. 9090/14 ENFOPOL 117 JAIEX 33). The opinion of the Joint Supervisory Body (JSB) was also transmitted (see Annex 2 to Annex to doc. 9090/14 ENFOPOL 117 JAIEX 33).
4. In its opinion dated 19 March 2014, the JSB concluded that, from a data protection perspective, no obstacles exist for the Council to allow Europol to conclude the aforementioned agreement.
5. The draft Agreement was agreed by the LEWP delegations by silent procedure which ended on 26 May 2014.
6. On this basis, COREPER is requested to invite the Council to approve the draft Agreement on Operational and Strategic Cooperation between Montenegro and the European Police Office as set out in Annex 1 to Annex to doc. 9090/14 ENFOPOL 117 JAIEX 33, with a view to allowing Europol to conclude this agreement.

² OJ L 325, 11.12.2009, p. 6.