



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 22 November 2013
(OR. en)**

16350/13

**ENFOPOL 359
JAIEX 93**

"I/A" ITEM NOTE

From:	General Secretariat of the Council
To:	COREPER/Council
No. prev. doc.:	15021/13 ENFOPOL 323 JAIEX 85
Subject:	Draft Agreement on Operational and Strategic Cooperation between the Republic of Serbia 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 11 October 2013, 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 the Republic of Serbia and the European Police Office (Europol), as endorsed by the Management Board on 9 October 2013, to the Council for approval (see Annex to doc. 15021/13 ENFOPOL 323 JAIEX 85). The opinion of the Joint Supervisory Body (JSB) was also transmitted (see Annex 2 to Annex to doc. 15021/13 ENFOPOL 323 JAIEX 85).
4. In its opinion dated 1 October 2013, the JSB concluded that, from a data protection perspective, no obstacles exist for the Council to allow Europol to conclude the aforementioned agreement.
5. At its meeting of 12 November 2013, CATS agreed to transmit the above-mentioned agreement to the Council.
6. COREPER is therefore requested to invite the Council to approve the draft Agreement on Operational and Strategic Cooperation between the Republic of Serbia and the European Police Office as set out in Annex 1 to Annex to doc. 15021/13 ENFOPOL 323 JAIEX 85, with a view to allowing Europol to conclude this agreement.

² OJ L 325, 11.12.2009, p. 6.