



Council of the
European Union

Brussels, 29 February 2016
(OR. en)

Interinstitutional File:
2013/0091 (COD)

6415/16
ADD 1

CODEC 193
ENFOPOL 43
CSC 49

"I/A" ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Draft Regulation of the European Parliament and of the Council on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA **(first reading) (LA + S)**

- Adoption
- a) of the Council's Position at first reading
- b) of the statement of the Council's reasons

= Statements

Joint Statement by the Council and the European Parliament on Article 44

Creating a harmonised, high level of data protection covering police and judicial activities in the Union is crucial as a means of respecting and safeguarding the fundamental rights of Union citizens. Given the shared responsibilities of the Union and Member States in the area of freedom, security and justice, it is essential that there be close and effective cooperation among supervisory authorities at national and Union level.

The European Parliament and the Council consider that, following the adoption of the proposed General Data Protection Regulation and Data Protection Directive for data processing in the police and justice sector, including the new, soon to be created European Data Protection Board, and in light of the announced review of Regulation (EC) No 45/2001, the different mechanisms for cooperation between the European Data Protection Supervisor and the national supervisory authorities in this field, including the Cooperation Board set up in this Regulation, should in the future be reorganised in such a way as to ensure effectiveness and consistency and avoid unnecessary duplication, without prejudice to the Commission's right of initiative.

Statements by the Commission

1. On the Common Approach to the EU Decentralised Agencies

The Commission recalls that the agreed text is not fully aligned with the principles of the Common Approach on the EU decentralised agencies. Therefore the agreement reached between the EP and the Council on the governance of the agency is without prejudice to any future legislative texts. The Commission remains convinced of the benefits of establishing an Executive Board as part of the governance structure of Europol and other agencies. The Commission will review the situation concerning Europol governance within the next two years, in particular with a view to determining whether further proposals on this point will be warranted.

2. On the Cooperation Board

The European Commission consider that, following the adoption of the proposed General Data Protection Regulation and Data Protection Directive for data processing in the police and justice sector and in light of the announced review of Regulation (EC) No 45/2001, to ensure effectiveness and consistency and avoid unnecessary duplication, the functions exercised by Cooperation Board set up in this Regulation shall be exercised by the newly created European Data Protection Board.