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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft Council Decision on the conclusion of the Agreement between the European Union, of the one part, and New Zealand, of the other part, on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the authorities of New Zealand competent for fighting serious crime and terrorism – Adoption

1. On 30 October 2019, the Commission presented a recommendation, proposing that the Council authorises the opening of negotiations for an agreement between the European Union and New Zealand on the exchange of personal data between Europol and the New Zealand authorities competent for fighting serious crime and terrorism¹. On 13 May 2020, the Council authorized the Commission to open negotiations with New Zealand and adopted negotiation directives²³.
2. Negotiations began in April 2021 and were concluded in November 2021 when the chief negotiators initialled the draft text of the Agreement.

¹ COM(2019) 551 final.

² Council Decision set out in 7047/20.

³ Addendum to Council Decision set out in 7047/20 ADD 1.

3. On 13 May 2022, the European Commission tabled a proposal for a Council decision on the signing of the Agreement between the European Union, of the one part, and New Zealand, of the other part, on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the authorities of New Zealand competent for fighting serious crime and terrorism,⁴ as well as a proposal for a Council decision on the conclusion of said agreement.⁵
4. The aim of the Agreement is to allow the transfer of personal data between Europol and the competent authorities of New Zealand, in order to support and strengthen the action by the authorities of the Member States of the European Union and those of New Zealand, as well as their mutual cooperation in preventing and fighting criminal offences, including serious crime and terrorism, while ensuring appropriate safeguards with respect to the human rights and fundamental freedoms of individuals, including privacy and data protection.
5. On 27 June 2022, the Council adopted the Council decision on the signing, on behalf of the European Union, of the Agreement between the European Union, of the one part, and New Zealand, of the other part, on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the authorities of New Zealand competent for fighting serious crime and terrorism.⁶ The Parties signed the Agreement on 30 June 2022 in Brussels.
6. In accordance with Article 218 of the Treaty on the Functioning of the European Union, the consent of the European Parliament is required before the Council adopts the Decision on the conclusion of the Agreement.⁷ The Council decided on 18 July 2022 to request the European Parliament to give its consent to the draft Council Decision on the conclusion of the Agreement, and the request for consent was sent to the European Parliament on the same day, together with the text of the Agreement⁸.

⁴ 9089/22 + ADD 1.

⁵ 9090/22 + ADD 1.

⁶ OJ L 176/3, 1.7.2022

⁷ 10092/22

⁸ 9269/22

7. On 17 January 2023, the European Parliament gave its consent to the conclusion of the Agreement.
 8. In view of the above, and subject to confirmation by the Permanent Representatives' Committee, the Council is invited to:
 - adopt, as an "A" item on the agenda of one of its forthcoming meetings, the Council Decision on the conclusion of the Agreement as finalised by the legal-linguistic experts and set out in document 10092/22;
 - note that the European Parliament will be informed in accordance with Article 218(10) TFEU, and that the Council Decision will be transmitted to the European Parliament.
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