



Council of the
European Union

Brussels, 5 May 2023
(OR. en)

8646/23

ENFOPOL 194
CRIMORG 65
CT 79
IXIM 110
COLAC 46
CORDROGUE 43
JAI 527

'I/A' ITEM NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee/Council

Subject: Draft Council Decision authorising the opening of negotiations for an agreement between the European Union and the Federative Republic of Brazil on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Brazilian authorities competent for fighting serious crime and terrorism Directives for the negotiation

- Adoption

Draft Council Decision authorising the opening of negotiations for an agreement between the European Union and the United Mexican States on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Mexican authorities competent for fighting serious crime and terrorism Directives for the negotiation

- Adoption

Draft Council Decision authorising the opening of negotiations for an agreement between the European Union and the Republic of Peru on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Peruvian authorities competent for fighting serious crime and terrorism Directives for the negotiation

- Adoption

Draft Council Decision authorising the opening of negotiations for an agreement between the European Union and the Plurinational State of Bolivia on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Bolivian authorities competent for fighting serious crime and terrorism Directives for the negotiation

- Adoption

Draft Council Decision authorising the opening of negotiations for an agreement between the European Union and Republic of Ecuador on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Ecuadorian authorities competent for fighting serious crime and terrorism Directives for the negotiation

- Adoption

1. On 22 February 2023, the Commission issued a Recommendation for a Council Decision authorising the opening of negotiations for an agreement between the European Union and the Republic of Ecuador on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Ecuadorian authorities competent for fighting serious crime and terrorism. On 9 March 2023, the Commission issued Recommendations for Council Decisions authorising the opening of negotiations for such agreements with the Plurinational State of Bolivia, the Federative Republic of Brazil, the United Mexican States and the Republic of Peru. Each of the above draft Council Decisions is accompanied by an Addendum containing the negotiating directives.
2. Since the entry into application of Regulation (EU) 2016/794 on the European Union Agency for Law Enforcement Cooperation (Europol) on 1 May 2017 and pursuant to the Treaty, the Commission is responsible, on behalf of the Union, for negotiating international agreements with third countries for the exchange of personal data with Europol. The draft Council Decisions therefore contain a mandate for the Commission to enter into negotiations with the respective third countries as the Union negotiator.
3. The JHA Counsellors (Europol) examined the draft Council Decisions and their Addenda during two meetings on 15 March and 19 April 2023, introducing several changes requested by the delegations. The European Data Protection Supervisor issued its Opinions on 19 April and on 3 May 2023.
4. Following legal-linguistic revision, the texts of the draft Council Decisions are set out in documents 8516/23, 8523/23, 8525/23, 8526/23 and 8527/23.
5. Ireland is bound by Regulation (EU) 2016/794 and is therefore taking part in the adoption of this Decision.
6. In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the TFEU, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.

7. In view of the above, the Permanent Representatives Committee is requested
- to invite the Council to adopt the Council Decisions authorising the opening of negotiations with the Republic of Ecuador, the Plurinational State of Bolivia, the Federative Republic of Brazil, the United Mexican States and the Republic of Peru, as set out in documents 8516/23, 8523/23, 8525/23, 8526/23 and 8527/23, which refer to the negotiating directives set out in documents 8516/23 ADD 1, 8523/23 ADD 1, 8525/23 ADD 1, 8526/23 ADD 1 and 8527/23 ADD 1, as an ‘A’ item at a forthcoming meeting; and
 - to request the publication of the texts of the decisions as adopted by the Council in the Official Journal of the European Union.
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