



Plenary sitting

A8-0342/2016

17.11.2016

REPORT

on the draft Council implementing decision approving the conclusion by the European Police Office (Europol) of the Agreement on Operational and Strategic Cooperation between Ukraine and Europol
(10345/2016 – C8-0267/2016 – 2016/0811(CNS))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Mariya Gabriel

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION.....	5
EXPLANATORY STATEMENT.....	7
PROCEDURE – COMMITTEE RESPONSIBLE.....	9
FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE.....	10

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the draft Council implementing decision approving the conclusion by the European Police Office (Europol) of the Agreement on Operational and Strategic Cooperation between Ukraine and Europol
(10345/2016 – C8-0267/2016 – 2016/0811(CNS))**

(Consultation)

The European Parliament,

- having regard to the Council draft (10345/2016),
 - having regard to Article 39(1) of the Treaty on European Union, as amended by the Treaty of Amsterdam, and Article 9 of Protocol No 36 on transitional provisions, pursuant to which the Council consulted Parliament (C8-0267/2016),
 - having regard to Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol)¹, and in particular Article 23(2) thereof,
 - having regard to Council Decision 2009/934/JHA of 30 November 2009 adopting the implementing rules governing Europol's relations with partners, including the exchange of personal data and classified information², and in particular Articles 5 and 6 thereof,
 - having regard to Council Decision 2009/935/JHA of 30 November 2009 determining the list of third States and organisations with which Europol shall conclude agreements³,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0342/2016),
1. Approves the Council draft;
 2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 3. Asks the Council to consult Parliament again if it intends to substantially amend the text approved by Parliament;
 4. Calls on the Commission to assess, after the date of application of the new Europol Regulation⁴, the provisions contained in the cooperation agreement, calls on the

¹ OJ L 121, 15.5.2009, p. 37.

² OJ L 325, 11.12.2009, p. 6.

³ OJ L 325, 11.12.2009, p. 12.

⁴ Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 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 (OJ L 135, 24.5.2016, p. 53).

Commission to inform Parliament and the Council of the outcome of this assessment and, if appropriate, to submit a recommendation for an authorisation to open the international renegotiation of the agreement;

5. Instructs its President to forward its position to the Council, the Commission and Europol.

EXPLANATORY STATEMENT

The proposal

According to Article 23(2) of the current Europol Council Decision (Decision 2009/371/JHA), it is for the Council to approve the conclusion of international cooperation agreements with third states or international organisations, after having consulted the European Parliament. Such agreements may concern the exchange of operational, strategic, technical or classified information. The operational cooperation agreement also includes the exchange of personal data.

This proposal concerns the proposed approval of an operational and strategic agreement between Europol and Ukraine, providing for the exchange of information, including personal data. Such information could be in the field of specialist knowledge, general situation reports, results of strategic analysis, information on criminal investigation procedures, information on crime-prevention methods, participation in training activities as well as providing advice and support in individual criminal investigations.

The procedure

As outlined above the conclusion of this new international agreement is proposed on the basis of the Europol Council Decision (Decision 2009/371/JHA).

On 11 May 2016, a new European Regulation (Regulation(EU)2016/794) has entered into force, in which the procedure for concluding international agreements, as well as the relevant provisions and safeguards for the protection of personal data of European citizens, are significantly modified, following the entry into force of the Lisbon Treaty. However, the date of application of this new Europol Regulation is 1 May 2017 and until that date the existing provisions in the Europol Council Decision apply.

Therefore, the rapporteur would like to point out that in the Europol Regulation it is stipulated in Article 25(4) that the Commission has to assess the provisions, in particular those concerning data protection, contained in all the operational cooperation agreements that have been concluded before 1 May 2017 and that the Commission will have to inform Parliament about the outcome of that assessment and, if needed, start the procedure to renegotiate these agreements. The rapporteur insists on this obligation for the Commission to inform in due time the European Parliament in this regard. The rapporteur also would like to stress that Europol's Joint Supervisory Body, which consist of the national data protection authorities specialized in law enforcement, gave a positive opinion to the conclusions of this cooperation agreement, taking into account the data protection level in Ukraine.

The substance

There is clear operational needs for Europol to deepen its operational cooperation with Ukraine. Ukraine is a key partner of the European Union in the framework of the Eastern Partnership, and security and the fight against crime constitute underlying imperatives in

order to fully achieve the objectives of this partnership.

According to Europol, Ukraine is increasingly relevant in the fight against organized crime, and more specific drug-related and economic crimes, trafficking in human beings and smuggling, as well as mobile (itinerant) organised crime groups. Exchange of information will enable the EU, Member States and Ukraine to prevent and combat organised crime, terrorism and other forms of international crime more effectively. Beyond the exchange of information, the agreement also opens opportunities such as training and crime prevention activities. The conclusion of this cooperation agreement is a very concrete and powerful step for Ukraine to become a key partner in the fight against organised crime. The rapporteur also underlines that the signature of this strategic and operational cooperation agreement must encourage further coordination between the strategies and action plans in the different crime areas of the EU and its members states on the one hand and Ukraine on the other hand. Moreover, reinforced security cooperation between the EU, its Member States and Ukraine is consistent and complementary with the rapprochement taking place in other areas such as the mobility of European and Ukrainian citizens.

Thus, the rapporteur strongly supports the conclusion of this strategic and operational cooperation agreement with Ukraine, since it would aid and reinforce the fight against organized crime, which is international by definition, and would contribute to enhancing international cooperation in the field of trafficking in human beings and other relevant criminal matters.

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Agreement on Operational and Strategic Cooperation between Ukraine and Europol		
References	10345/2016 – C8-0267/2016 – 2016/0811(CNS)		
Date of consulting Parliament	11.7.2016		
Committee responsible Date announced in plenary	LIBE 12.9.2016		
Rapporteurs Date appointed	Mariya Gabriel 26.9.2016		
Discussed in committee	26.9.2016	17.10.2016	17.11.2016
Date adopted	17.11.2016		
Result of final vote	+: 34	–: 3	0: 6
Members present for the final vote	Heinz K. Becker, Malin Björk, Caterina Chinnici, Frank Engel, Tanja Fajon, Mariya Gabriel, Kinga Gál, Ana Gomes, Nathalie Griesbeck, Sylvie Guillaume, Jussi Halla-aho, Monika Hohlmeier, Filiz Hyusmenova, Sophia in 't Veld, Sylvia-Yvonne Kaufmann, Marju Lauristin, Juan Fernando López Aguilar, Monica Macovei, Roberta Metsola, Claude Moraes, József Nagy, Péter Niedermüller, Judith Sargentini, Birgit Sippel, Branislav Škripek, Csaba Sógor, Helga Stevens, Traian Ungureanu, Harald Vilimsky, Josef Weidenholzer, Kristina Winberg, Tomáš Zdechovský		
Substitutes present for the final vote	Anna Hedh, Teresa Jiménez-Becerril Barrio, Ska Keller, Jeroen Lenaers, Andrejs Mamikins, Maite Pagazaurtundúa Ruiz, Christine Revault D'Allonnes Bonnefoy, Barbara Spinelli		
Substitutes under Rule 200(2) present for the final vote	Verónica Lope Fontagné, Mylène Troszczynski, Tom Vandenkendelaere		
Date tabled	17.11.2016		

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

34	+
ECR	Jussi Halla-aho, Monica Macovei, Branislav Škripek, Helga Stevens
PPE	Heinz K. Becker, Frank Engel, Mariya Gabriel, Kinga Gál, Monika Hohlmeier, Teresa Jiménez-Becerril Barrio, Jeroen Lenaers, Verónica Lope Fontagné, Roberta Metsola, József Nagy, Csaba Sógor, Traian Ungureanu, Tom Vandenkendelaere, Tomáš Zdechovský
S&D	Caterina Chinnici, Tanja Fajon, Ana Gomes, Sylvie Guillaume, Anna Hedh, Sylvia-Yvonne Kaufmann, Marju Lauristin, Juan Fernando López Aguilar, Andrejs Mamikins, Claude Moraes, Péter Niedermüller, Christine Revault D'Allonnes Bonnefoy, Birgit Sippel, Josef Weidenholzer
Verts/ALE	Ska Keller, Judith Sargentini

3	-
ENF	Mylène Troszczynski
GUE/NGL	Malin Björk, Barbara Spinelli

6	0
ALDE	Nathalie Griesbeck, Filiz Hyusmenova, Maite Pagazaurtundúa Ruiz, Sophia in 't Veld
EFDD	Kristina Winberg
ENF	Harald Vilimsky

Key to symbols:

+ : in favour

- : against

0 : abstention