



Plenary sitting

A8-0265/2016

28.9.2016

REPORT

on the draft Council implementing decision approving the conclusion by the European Police Office (Europol) of the Agreement on Strategic Cooperation between the Ministry of Public Security of the People's Republic of China and Europol
(08364/2016 – C8-0217/2016 – 2016/0808(CNS))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Claude Moraes

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.

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EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the draft Council implementing decision approving the conclusion by the European Police Office (Europol) of the Agreement on Strategic Cooperation between the Ministry of Public Security of the People's Republic of China and Europol (08364/2016 – C8-0217/2016 – 2016/0808(CNS))

(Consultation)

The European Parliament,

- having regard to the Council draft (08364/2016),
 - 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 (C8-0217/2016),
 - 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 (A8-0265/2016),
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 the provisions contained in the cooperation agreement, after the date of application of the new Europol Regulation⁴; calls on the Commission to inform Parliament and the Council of the outcome of this assessment

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).

and, if appropriate, to submit a recommendation for an authorisation to open international renegotiation of the agreement;

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

EXPLANATORY STATEMENT

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. Operational cooperation agreement also includes the exchange of personal data.

This proposal concerns the proposed approval of a strategic cooperation agreement between Europol and China. Such strategic agreement excludes the exchange of personal data, so the issue of data protection is not relevant in this case. The information exchanged could include specialist knowledge, general situation reports, results of strategic analysis, information on criminal investigation procedures, information on crime-prevention methods, training activities, and the provision of advice and support in individual criminal investigations.

There seem to be clear operational needs for Europol to cooperate with China. According to Europol, China is increasingly relevant as a source-, destination- and transit-country in the fight against organized crime, such as facilitated illegal immigration, trafficking in human beings, drug related crimes, euro-counterfeiting, Intellectual Property Rights infringements, sport corruption, as well as cybercrime and money laundering related activities. Furthermore, China is home to several high-impact organised criminal groups.

The rapporteur supports the conclusion of this strategic cooperation agreement with China, since it would aid and reinforce the fight against organised crime and would contribute to enhancing international law enforcement co-operation.

The Rapporteur follows the exact text in the report that was adopted in Plenary on 12 April 2016 regarding the Strategic Cooperation Agreement between Europol and Brazil.

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Proposal for a Council implementing decision approving the conclusion by the European Police Office (Europol) of the Agreement on Strategic Cooperation between the Ministry of Public Security of the People's Republic of China and Europol
References	08364/2016 – C8-0217/2016 – 2016/0808(CNS)
Date of consulting Parliament	9.6.2016
Committee responsible Date announced in plenary	LIBE 22.6.2016
Committees asked for opinions Date announced in plenary	AFET 22.6.2016
Not delivering opinions Date of decision	AFET 8.9.2016
Rapporteurs Date appointed	Claude Moraes 31.8.2016
Date adopted	26.9.2016
Result of final vote	+: 32 –: 6 0: 5
Members present for the final vote	Malin Björk, Michał Boni, Frank Engel, Tanja Fajon, Mariya Gabriel, Kinga Gál, Ana Gomes, Nathalie Griesbeck, Jussi Halla-aho, Monika Hohlmeier, Sophia in 't Veld, Eva Joly, Sylvia-Yvonne Kaufmann, Timothy Kirkhope, Barbara Kudrycka, Cécile Kashetu Kyenge, Marju Lauristin, Juan Fernando López Aguilar, Roberta Metsola, Claude Moraes, József Nagy, Péter Niedermüller, Soraya Post, Judith Sargentini, Birgit Sippel, Helga Stevens, Traian Ungureanu, Cecilia Wikström, Kristina Winberg, Tomáš Zdechovský
Substitutes present for the final vote	Carlos Coelho, Anna Maria Corazza Bildt, Pál Csáky, Anna Hedh, Petr Ježek, Teresa Jiménez-Becerril Barrio, Luigi Morgano, Morten Helveg Petersen, Josep-Maria Terricabras, Axel Voss
Substitutes under Rule 200(2) present for the final vote	Arnaud Danjean, Sylvie Goddyn, Mylène Troszczynski
Date tabled	28.9.2016