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TEXTS ADOPTED

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**P8\_TA(2017)0023**

**List of third States and organisations with which Europol shall conclude agreements \***

**European Parliament legislative resolution of 14 February 2017 on the draft Council implementing decision amending Decision 2009/935/JHA as regards the list of third States and organisations with which Europol shall conclude agreements (15778/2016 – C8-0007/2017 – 2016/0823(CNS))**

**(Consultation)**

*The European Parliament,*

- having regard to the Council draft (15778/2016),
- 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 (C8-0007/2017),
- having regard to Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol)<sup>1</sup>, and in particular Article 26(1)(a) thereof, pursuant to which the Council consulted Parliament (C8-0007/2017),
- 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 information<sup>2</sup>, 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 agreements<sup>3</sup>, as amended by Council Decision 2014/269/EU,
- having regard to the Declaration by the President of the European Council, the President of the Commission and the Prime Minister of Denmark of 15 December 2016, which stressed the operational needs, but also the exceptional and transitional nature, of the foreseen arrangement between Europol and Denmark,

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<sup>1</sup> OJ L 121, 15.5.2009, p. 37.

<sup>2</sup> OJ L 325, 11.12.2009, p. 6.

<sup>3</sup> OJ L 325, 11.12.2009, p. 12.

- having regard to the aforementioned Declaration, which stressed that the foreseen arrangement is conditional on Denmark's continued membership of the Union and of the Schengen area, Denmark's obligation to fully implement in Danish law Directive (EU) 2016/680<sup>1</sup> on data protection in police matters by 1 May 2017 and Denmark's agreement to the application of the jurisdiction of the Court of Justice of the European Union and the competence of the European Data Protection Supervisor,
  - having regard to Protocol No 22 to the Treaty on the Functioning of the European Union,
  - having regard to the outcome of the Danish referendum of 3 December 2015 in relation to Protocol No 22 to the Treaty on the Functioning of the European Union,
  - having regard to Rule 78c of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0035/2017),
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 Council to provide, within the provisions of the future arrangement between Europol and Denmark, for an expiry date of five years after the date of entry into force thereof, in order to ensure its transitional nature with a view to full membership or the conclusion of an international agreement in accordance with Article 218 TFEU;
  5. Instructs its President to forward its position to the Council, the Commission and Europol.

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<sup>1</sup> Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).