



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 25 April 2013

**Interinstitutional File:
2013/0091 (COD)**

8899/13

LIMITE

**JAI 317
CATS 17
ENFOPOL 122**

NOTE

From:	Presidency
To:	CATS
Subject:	Discussion paper on the proposal for a Regulation on the European Union Agency for Law Enforcement Cooperation and Training (Europol)

Introduction

The Commission recently submitted a proposal for a Regulation on the European Agency for Law Enforcement Cooperation and Training (Europol), thereby repealing the existing Decisions on Europol and CEPOL¹.

It is envisaged that discussions on the proposal will commence after publication of the proposal in all of the official languages of the EU and, in this regard, the Presidency is currently exploring the possibility of scheduling meetings of the relevant working party.

The proposal aims to:

1. align Europol with the requirements of the Treaty of Lisbon, increasing its accountability
2. enhance the supply of information by Member States to Europol
3. provide that Europol will take over and build on the tasks currently carried out by CEPOL
4. reinforce the data protection regime applicable to Europol, and
5. improve the governance of Europol.

¹ Doc. 8229/13 ENFOPOL 98 CODEC 746

The draft Regulation is very much at the heart of JHA policy making as it regulates or at least affects all aspects of EU law enforcement cooperation, it sets out the relationship with the EU mechanisms of judicial cooperation in criminal matters and defines an important link between the EU's internal and external security.

The Presidency considers that a strategic political discussion on a number of basic questions that follow from the proposal would be useful with a view to ensuring coherent policy and decision making by the Council.

An agency for supporting law enforcement cooperation

The draft Regulation is, as regards the European Police Office, the first substantial overhaul for the organisation since its inception in 1995: the Council Decision of 2009 was an institutional and legal update but did not present a change to the core business of Europol.

The draft Regulation also proposes another important change in the JHA agencies' landscape by providing to merge the functions of CEPOL into Europol, thereby creating a single European law enforcement agency.

The Commission provides a political explanation by referring to the Common Approach on EU decentralised agencies and a certain financial justification by suggesting that some administrative and support functions of CEPOL could be absorbed by the Europol administrative services. The posts that would thereby be saved would mostly be redeployed within the new training department of Europol.

With a view to guiding the negotiations on some essential aspects of the proposal, delegations are invited to:

- discuss whether this proposed Regulation creates a Europol that is fit to address the challenges of supporting and enhancing EU law enforcement cooperation for the next 10-15 years (similar to the original Europol Convention that provided the functional framework for its first 15 years);

- discuss Member States' long-term vision for EU law enforcement training; and
- in light of the above, consider the operational, financial and policy aspects and provide strategic political guidance on whether or not CEPOL should be absorbed into the new Europol and if so, under what conditions.

Europol as hub for the exchange of information

As information exchange provides the basis and starting point for EU cooperation in criminal matters, delegations will wish to examine in detail the draft Regulation notably as regards the information supply by Member States (Article 7(5) and (10)), information processing purposes (Article 24), the handling of personal data from private parties (Article 32), the change of supervision authority from the JSB to the EDPS and the supervision mechanisms of the latter (Article 46 *et al.*)

As a starting point, the Presidency invites delegations to discuss:

- how the proposed Regulation succeeds in its aim of making Europol the hub for information sharing and analysis on serious crime? Is it appropriate to offer incentives to Member States to share more information with Europol?
- whether and how the access of Eurojust and OLAF to Europol data would impact on Europol's stakeholders' engagement and how far reciprocity of access is required?
- how to develop a policy vision on information exchange between Union bodies and notably what principal guidelines should be followed when the legislative provisions are being implemented through working arrangements?

Conclusion

The current document sets out issues for a first debate on this important proposal. The Presidency is convinced that further strategic discussions will be necessary, including on questions of external relations and governance among other issues.