

## COUNCIL ACT

of 3 November 1998

## laying down rules governing Europol's external relations with third States and non-European Union related bodies

(1999/C 26/04)

THE COUNCIL OF THE EUROPEAN UNION,

*Article 2*

Having regard to the Convention based on Article K.3 of the Treaty on European Union, on the establishment of a European Police Office (Europol Convention)<sup>(1)</sup>, and in particular Article 42(2) thereof,

**Agreements**

1. Europol may conclude agreements with third States and non-European Union related bodies.

Having regard to the opinion of the Management Board,

2. The Council shall unanimously determine the third States or non-European Union related bodies with which agreements are to be negotiated.

Whereas it is for the Council, acting unanimously, to lay down rules governing Europol's external relations with third States and non-European Union related bodies;

3. The Director of Europol shall, after consulting the Management Board and after authorisation by the Council, enter into negotiations on such agreements. In reaching the decision on the authorisation the Council may impose conditions. Such an agreement can only be concluded after unanimous approval by the Council.

Having regard to the declaration concerning Article 42 of the Europol Convention, made on signing that Convention, that Europol should as a matter of priority establish relations with the competent bodies of those States with which the European Communities and their Member States have established a structural dialogue,

*Article 3***Liaison officers**

HAS ADOPTED THE FOLLOWING RULES:

An agreement is essential for the secondment of liaison officers of Europol to third States and non-European Union related bodies and for the secondment to Europol of liaison officers from third States and non-European Union related bodies. Such an agreement shall stipulate the conditions for secondment and the functions allocated to the liaison officers.

*Article 1***Definitions**

For the purpose of these rules:

*Article 4*

- (a) 'third States' means States that are not Member States of the European Union as referred to in Article 10(4)(4) of the Europol Convention;
- (b) 'non-European Union related bodies' means the bodies referred to in Article 10(4), (5), (6) and (7), of the Europol Convention;
- (c) 'agreement' means an agreement concluded for the purpose of achieving the objectives referred to in Article 2 of the Europol Convention;
- (d) 'Europol staff' means the Director, Deputy Directors and the employees of Europol as referred to in Article 30 of the Europol Convention.

**Missions by Europol staff and the reception of high-level officials**

1. The Director of Europol shall report to the chairman of the Management Board in advance on journeys on official business (hereinafter referred to as 'missions') made by Europol staff to third States or non-European Union related bodies and on visits to Europol of high-level officials from a third State or a non-European Union related bodies.

2. Where an agreement has been concluded, the Management Board may decide that it is not necessary to give prior notice of missions by Europol staff to the relevant third States or non-European Union related bodies.

<sup>(1)</sup> OJ C 316, 27.11.1995, p. 1.

3. Missions by Europol staff to third States and non-European Union related bodies and visits to Europol by high-level officials from third States and non-European Union related bodies with which no agreement has been concluded shall only take place after authorisation by the chairman of the Management Board.

#### *Article 5*

##### **Regular meetings**

1. The Director of Europol may, with the unanimous approval of the Management Board, establish regular meetings with third States and non-European Union related bodies.

2. Where an agreement provides for regular meetings, the approval of the Management Board is no longer necessary.

#### *Article 6*

##### **Provision of information to the Management Board and the Council**

The Director of Europol shall regularly report to the Management Board and to the Council on Europol's external relations with third States and non-European Union related bodies. The general report on Europol's activities (Article 28(10) of the Europol Convention) shall cover this matter.

#### *Article 7*

##### **Privileges and immunities**

An agreement with a third State may provide for any necessary privileges and immunities for Europol, Europol staff and liaison officers seconded by Europol.

#### *Article 8*

##### **Exchange of information**

1. These rules shall be without prejudice to the rules concerning the transmission of personal data by Europol to third States and third bodies, the rules on the confidentiality of Europol's information and the rules concerning the receipt of information by Europol from third parties.

2. (a) For the purpose of fulfilling the objectives set out in Article 2 of the Europol Convention, Europol may transmit to third States and non-European Union related bodies not linked to the non-personal data subject to the basic protection level as set out in Article 8(1) of the rules on the confidentiality of Europol's information, if:

- an agreement has been concluded for this purpose under the conditions laid down in Article 2,
- exceptionally, when the Director of Europol considers such transmission absolutely necessary to safeguard the essential interests of the Member States or to prevent imminent danger associated with crime.

(b) For the transmission of non-personal data classified Europol 1, 2 or 3, an agreement is necessary. Such an agreement shall take the rules on the confidentiality of Europol's information into account.

#### *Article 9*

##### **Entry into force**

These rules shall enter into force on the day following their adoption by the Council.

Done at Brussels, 3 November 1998.

*For the Council*  
*The President*  
B. PRAMMER