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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	9090/22 + ADD 1
Subject:	Proposal for a Council Decision on the conclusion of the Agreement between the European Union, of the one part, and New Zealand, of the other part, on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the authorities of New Zealand competent for fighting serious crime and terrorism – Request for the consent of the European Parliament

1. On 13 May 2022, the European Commission tabled a proposal for a Council decision on the signing of the Agreement between the European Union, of the one part, and New Zealand, of the other part, on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the authorities of New Zealand competent for fighting serious crime and terrorism,¹ as well as a proposal for a Council decision on the conclusion of said agreement.²
2. The aim of the Agreement is to allow the transfer of personal data between Europol and the competent authorities of New Zealand, in order to support and strengthen the action by the authorities of the Member States of the European Union and those of New Zealand, as well as their mutual cooperation in preventing and fighting criminal offences, including serious crime and terrorism, while ensuring appropriate safeguards with respect to the human rights and fundamental freedoms of individuals, including privacy and data protection.

¹ 9089/22 + ADD 1.

² 9090/22 + ADD 1.

3. On 27 June 2022, the Council adopted the Council decision on the signing, on behalf of the European Union, of the Agreement between the European Union, of the one part, and New Zealand, of the other part, on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the authorities of New Zealand competent for fighting serious crime and terrorism.³ The Parties signed the Agreement on 30 June 2022 in Brussels.
4. In accordance with Article 218 of the Treaty on the Functioning of the European Union, the consent of the European Parliament is required before the Council adopts the Decision on the conclusion of the Agreement.⁴ The JHA Counsellors endorsed the Council decision on the conclusion through an informal silence procedure which expired on Thursday 7 July 2022, 15:00, with no remarks having been made by the delegations.
5. In light of the above, the Permanent Representatives Committee is invited to recommend that the Council decides to forward the draft Council Decision on the conclusion of the Agreement as set out in ST 10092/22 to the European Parliament for its consent.

³ OJ L 176/3

⁴ 10092/22.