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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	COREPER/Council
No. prev. doc.:	15778/16
Subject:	COUNCIL IMPLEMENTING DECISION amending Decision 2009/935/JHA as regards the list of third States and organisations with which Europol shall conclude agreements

1. Article 26(1)(a) of the Council Decision establishing the European Police Office (Europol)¹ ("the Europol Decision") reads as follows:

"The Council, acting by qualified majority after consulting the European Parliament, shall determine, in a list, the third States and organisations referred to in Article 23(1) with which Europol shall conclude agreements. The list shall be prepared by the Management Board and reviewed when necessary".

2. On 30 November 2009, the Council adopted Decision 2009/935/JHA determining the list of third States and organisations with which Europol shall conclude agreements (hereinafter referred to as "the list")², amended by Council Implementing Decision 2014/269/EU³.

¹ OJ L 121, 15.5.2009, p. 37.
² OJ L 325, 11.12.2009, p. 12.
³ OJ L 138, 13.5.2014, p. 104.

3. By letter dated 21 December 2016, the Chairperson of the Europol Management Board transmitted to the Council a proposal to add Denmark to the list (15759/16).
4. On this basis, a draft Council Implementing Decision amending Decision 2009/935/JHA as regards the list of third States and organisations with which Europol shall conclude agreements was prepared by the Presidency (15763/16).
5. In accordance with a silence procedure as provided for in Article 12(2)(c) of the Council's Rules of Procedure (see CM 1001/17), the Council decided on 5 January 2017 to consult the European Parliament on the draft Council Implementing Decision, which had undergone the lawyer-linguist revision as set out in 15778/16.
6. The European Parliament is expected to adopt its opinion on 14 February 2017.
7. ***In case the European Parliament delivers its opinion, the Permanent Representatives Committee is invited to recommend that the Council:***
 - a) ***adopts the Council Implementing Decision amending Decision 2009/935/JHA as regards the list of third States and organisations with which Europol shall conclude agreements, as set out in 15778/16 (text as finalised by the lawyer-linguists);***
 - b) ***decides publication thereof in the Official Journal of the European Union.***
