

Procedure file

Basic information		
CNS - Consultation procedure Decision	2016/0808(CNS)	Awaiting final decision
Agreement on strategic cooperation between the Ministry of Public Security of the People's Republic of China and Europol		
Subject 6.40.08 Relations with Asian countries 7.30.05 Police cooperation 7.30.05.01 Europol, CEPOL		
Geographical area China		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Civil Liberties, Justice and Home Affairs		31/08/2016
Council of the European Union	Committee for opinion	S&D MORAES Claude	
	AFET Foreign Affairs	Rapporteur for opinion	Appointed
European Commission	Commission DG Migration and Home Affairs	Commissioner AVRAMOPOULOS Dimitris	The committee decided not to give an opinion.

Key events			
20/05/2016	Legislative proposal published	08364/2016	Summary
22/06/2016	Committee referral announced in Parliament, 1st reading/single reading		
26/09/2016	Vote in committee, 1st reading/single reading		
28/09/2016	Committee report tabled for plenary, 1st reading/single reading	A8-0265/2016	Summary
04/10/2016	Results of vote in Parliament		
04/10/2016	Decision by Parliament, 1st reading/single reading	T8-0370/2016	Summary

Technical information	
Procedure reference	2016/0808(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
Stage reached in procedure	Awaiting final decision
Committee dossier	LIBE/8/06859

Documentation gateway					
Document attached to the procedure		07916/2016	19/04/2016	CSL	
Legislative proposal		08364/2016	20/05/2016	CSL	Summary
Committee draft report		PE587.805	06/09/2016	EP	
Committee report tabled for plenary, 1st reading/single reading		A8-0265/2016	28/09/2016	EP	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0370/2016	04/10/2016	EP	Summary

2016/0808(CNS) - 20/05/2016 Legislative proposal

PURPOSE: to approve the conclusion by the European Police Office (Europol) of the Agreement on Strategic Cooperation between the Ministry of Public Security of the People's Republic of China and Europol.

PROPOSED ACT: Council implementing decision.

ROLE OF THE EUROPEAN PARLIAMENT: the Council adopts the act after consulting the European Parliament but without being obliged to follow its opinion.

BACKGROUND: pursuant to [Decision 2009/371/JHA](#) and [Decision 2009/934/JHA](#), Europol is to conclude agreements with the third States which have been put on the list determined by [Decision 2009/935/JHA](#). Such agreements have the objective of supporting and strengthening action by the competent authorities of the Member States and their mutual cooperation in preventing and combating organised crime, terrorism and other forms of serious crime affecting two or more Member States, and may concern the exchange of operational, strategic or technical information, including personal data and classified information.

Strategic agreements involve the exchange of information excluding personal data, whereas operational agreements involve the exchange of information including personal data.

Strategic agreements may be concluded by Europol only after approval by the Council, the latter having previously consulted the Management Board of Europol ('Management Board'). Operational agreements require, in addition, that the Council obtain, via the Management Board, the opinion of the Joint Supervisory Body of Europol, as far as the agreement concerns the exchange of personal data.

China is included in the list determined by Decision 2009/935/JHA.

In order to increase effectiveness in preventing and combating serious forms of crime, Europol has initiated, in accordance with Decision 2009/934/JHA, the procedure for the conclusion of an Agreement on Strategic Cooperation between the Ministry of Public Security of the People's Republic of China and Europol ('Strategic Agreement').

The terms of the cooperation governed by the Strategic Agreement provide for: the exchange of information, which may, in accordance with the tasks of Europol as outlined in Decision 2009/371/JHA, include:

- specialist knowledge,
- general situation reports,
- results of strategic analysis,
- information on criminal investigation procedures and information on crime-prevention methods,
- participation in training activities,
- the provision of advice and support in individual criminal investigations.

The Strategic Agreement contains no provision relating to the exchange of personal data.

The Management Board approved the Strategic Agreement on 8 April 2016.

The conditions for triggering the exercise of implementing powers by the Council pursuant to Decisions 2009/371/JHA, 2009/934/JHA and 2009/935/JHA have been met and an implementing decision should therefore be adopted in order to approve the conclusion of the Strategic Agreement.

This is the aim of this proposal.

CONTENT: under this proposal, it is provided that the Council adopt an implementing decision by which Europol is authorised to approve the Agreement on Strategic Cooperation between the Ministry of Public Security of the People's Republic of China and Europol.

Territorial provisions: Denmark is bound by Decision 2009/371/JHA and is therefore taking part in the adoption and application of this Decision which implements Decision 2009/371/JHA.

The United Kingdom and Ireland are bound by Decision 2009/371/JHA and are therefore taking part in the adoption and application of this Decision which implements Decision 2009/371/JHA.

2016/0808(CNS) - 28/09/2016 Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Claude MORAES (S&D, UK) on the draft Council implementing decision approving the conclusion by the European Police Office (Europol) of the Agreement on Strategic Cooperation between the Ministry of Public Security of China and Europol.

The committee recommended the European Parliament to approve the Council draft.

Members called on the Commission to assess the provisions contained in the cooperation agreement, after the date of application of the [new Europol Regulation](#). They also called on Commission to inform Parliament and the Council of the outcome of this assessment.

The explanatory memorandum accompanying the report stressed that there seems to be clear operational needs for Europol to cooperate with China.

According to Europol, China is increasingly relevant as a source-, destination- and transit-country in the fight against organized crime, such as facilitated illegal immigration, trafficking in human beings, drug related crimes, euro-counterfeiting, Intellectual Property Rights infringements, sport corruption, as well as cybercrime and money laundering related activities. Furthermore, China is home to several high-impact organised criminal groups.

Against this backdrop, the rapporteur supported the conclusion of this strategic cooperation agreement with China, since it would aid and reinforce the fight against organised crime and would contribute to enhancing international law enforcement co-operation.

2016/0808(CNS) - 04/10/2016 Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 460 votes to 126, with 90 abstentions, a legislative resolution on the draft Council implementing decision approving the conclusion by the European Police Office (Europol) of the Agreement on Strategic Cooperation between the Ministry of Public Security of China and Europol.

In line with the recommendation made by the Committee on Civil Liberties, Justice and Home Affairs, Parliament approved the Council draft.

Member also called on the Commission to:

- assess, after the date of application of the [new Europol Regulation](#), the provisions contained in the cooperation agreement;
- inform Parliament and the Council of the outcome of this assessment and, if appropriate, to submit a recommendation for an authorisation to open the international renegotiation of the agreement.