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Basic information		
INI - Own-initiative procedure	<a href="#">2018/2064(INI)</a>	Procedure completed
<p>Proposal to open negotiations on the Commission recommendation for a Council decision authorising the opening of negotiations for an agreement between the EU and Morocco on the exchange of personal data between Europol and the Moroccan competent authorities for fighting serious crime and terrorism</p>		
<p>Subject</p> <p>1.20.09 Protection of privacy and data protection</p> <p>7.30.20 Action to combat terrorism</p> <p>7.30.30 Action to combat crime</p>		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Civil Liberties, Justice and Home Affairs	 <a href="#">MORAES Claude</a>	19/03/2018
		Shadow rapporteur	
		 <a href="#">METSOLA Roberta</a>	
		 <a href="#">STEVENS Helga</a>	
		 <a href="#">PETERSEN Morten</a>	
		 <a href="#">TERRICABRAS Josep-Maria</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	 Constitutional Affairs	The committee decided not to give an opinion.	
	 Foreign Affairs	The committee decided not to give an opinion.	
 Budgetary Control	The committee decided not to give an opinion.		
 Budgets	The committee decided not to give an opinion.		
European Commission	Commission DG <a href="#">Migration and Home Affairs</a>	Commissioner AVRAMOPOULOS Dimitris	

Key events			

20/12/2017	Non-legislative basic document published	<a href="#">COM(2017)0808</a>	Summary
14/06/2018	Committee referral announced in Parliament		
20/06/2018	Vote in committee		
27/06/2018	Committee report tabled for plenary	<a href="#">A8-0238/2018</a>	Summary
04/07/2018	Results of vote in Parliament		
04/07/2018	Decision by Parliament	<a href="#">T8-0299/2018</a>	Summary
04/07/2018	End of procedure in Parliament		

### Technical information

Procedure reference	2018/2064(INI)
Procedure type	INI - Own-initiative procedure
Legal basis	Rules of Procedure EP 114
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/12876

### Documentation gateway

Non-legislative basic document		<a href="#">COM(2017)0808</a>	20/12/2017	EC	Summary
Committee draft report		<a href="#">PE621.031</a>	18/05/2018	EP	
Amendments tabled in committee		<a href="#">PE622.355</a>	01/06/2018	EP	
Committee report tabled for plenary, single reading		<a href="#">A8-0238/2018</a>	27/06/2018	EP	Summary
Text adopted by Parliament, single reading		<a href="#">T8-0299/2018</a>	04/07/2018	EP	Summary

## Proposal to open negotiations on the Commission recommendation for a Council decision authorising the opening of negotiations for an agreement between the EU and Morocco on the exchange of personal data between Europol and the Moroccan competent authorities for fighting serious crime and terrorism

**PURPOSE:** to open negotiations for an agreement between the European Union and Morocco on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Moroccan competent authorities for fighting serious crime and terrorism.

**BACKGROUND:** in a globalised world where serious crime and terrorism are increasingly transnational and polyvalent, Europol should therefore be able to exchange personal data with law enforcement authorities of third countries to the extent necessary for the accomplishment of its tasks.

[Regulation \(EU\) 2016/794](#) establishes a legal framework for Europol. It sets out the rules for the transfer of personal data from Europol to third countries and international organisations. Since the entry into application of the Regulation (1 May 2017), and pursuant to the Treaty on the Functioning of the European Union (TFEU), the Commission is responsible, on behalf of the Union, for negotiating international agreements with third countries for the exchange of personal data with Europol.

Taking into account the political strategy as outlined in the [European agenda on security](#) and the potential benefits of closer cooperation in this area, the Commission considers it necessary to start negotiations in the short-term with eight countries, as identified in the [11th progress report](#) towards a genuine and effective Security Union.

The 2016-2020 Europol strategy identifies the Mediterranean region as priority for enhanced partnerships. The 2017-2020 Europol external strategy also stresses the need for closer cooperation between Europol and the Middle East/North Africa (MENA) due to the current terrorist threat and migration-related challenges.

Since 2000 the entry into force of the Euro-Mediterranean Association Agreement has marked the relations between the EU and Morocco. Morocco has benefited from an advanced status with the European neighbourhood policy since 2008. Among others, one objective relates to

strengthening dialogue and cooperation in the areas of politics and security.

Morocco is the co-chair of the Global Counter Terrorism Forum (GCTF) and a member of the Global Coalition against Daesh.

Based on data available as well as Europol's in-house expert knowledge, cooperation with Morocco is needed in particular to counter the following crime phenomena:

- terrorism: terrorism poses a serious threat to both Morocco and the EU, which have been the target of terrorist attacks;
- migration-related challenges: Morocco remains an important partner for the EU to develop cooperation in preventing irregular migration, and flows into the EU have been increasing recently. Morocco is both a source country for irregular migration but also a significant route taken by nationals sub-Saharan African countries too;
- firearms trafficking: the ongoing instability in the MENA region, and in particular the conflicts in Libya, considerably increased firearms trafficking in the region;
- drug trafficking: Morocco is a major producer of cannabis and a key source country for cannabis products entering the EU market;
- cybercrime: Morocco is making progress in addressing cybercrime threats, thanks to the fact it is a priority country for EU-Council of Europe capacity-building programmes on cybercrime, including in the area of child sexual exploitation and travelling child sex offenders.

CONTENT: the purpose of this Recommendation for a Council Decision is to obtain from the Council an authorisation from the Council for the Commission to negotiate, on behalf of the European Union, an agreement between the European Union and Morocco on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Moroccan competent authorities for fighting serious crime and terrorism.

In order to respect the principle of purpose limitation, cooperation under the agreement shall only cover forms of crime and related criminal offences for which Europol is competent. In particular, cooperation should aim to combat terrorism and prevent radicalisation, disrupt organised crime, including trafficking of migrants, firearms and drugs, and combat cybercrime.

The agreement should respect fundamental rights and observe the principles recognised by the Charter of Fundamental Rights of the European Union, in particular the right to private and family life, the right to the protection of personal data, and the right to effective remedy and fair trial.

## Proposal to open negotiations on the Commission recommendation for a Council decision authorising the opening of negotiations for an agreement between the EU and Morocco on the exchange of personal data between Europol and the Moroccan competent authorities for fighting serious crime and terrorism

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The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Claude MORAES (S&D, UK) on the recommendation, by the Commission, for a Council decision authorising the opening of negotiations for an agreement between the European Union and the Kingdom of Morocco on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Moroccan competent authorities for fighting serious crime and terrorism.

The report stressed the need for cooperation with Morocco in the field of law enforcement for the European Unions security interests to be properly assessed and called on the Commission to conduct a thorough impact assessment on this issue.

Consequently, Members considered that due caution is needed while defining the negotiating mandate for an EU-Morocco agreement. They called on the Commission to carry out an appropriate impact assessment so as to define the necessary safeguards to be integrated in the agreement.

The report insisted that the level of protection resulting from the agreement should be essentially equivalent to the level of protection in EU law. If such level cannot be guaranteed both in law and in practice, the agreement cannot be concluded.

In particular, the Agreement shall contain:

- strict and specific provisions imposing respect for the principle of purpose limitation with clear conditions for the processing of personal data transmitted;
- a clear and precise provision setting out the data retention period of personal data that have been transferred and requiring the erasure of the personal data transferred at the end of the data retention period;
- data subjects right to information, rectification and erasure as provided for in other Union legislation on data protection;
- a clear definition of the categories of offences for which personal data shall be exchanged;
- a monitoring mechanism to be subject to periodic assessments.

Members insisted on the need to:

- expressly indicate that onward transfers of information from the competent authorities of Morocco to other authorities in Morocco can only be allowed to fulfil the original purpose of the transfer by Europol and should always be communicated to the independent authority, the EDPS and Europol. To this end, an exhaustive list of the competent authorities in Morocco to which Europol can transfer data should be drawn up. Any modification to such a list that would replace or add a new competent authority would require a review of the international agreement;
- expressly indicate that onward transfers of information from the competent authorities of Morocco to other countries are prohibited and would result in the immediate ending of the international agreement.

Taking into account Morocco's different societal characteristics and cultural background compared to the EU and the fact that criminal acts are defined differently in the EU than in Morocco, Members considered that the transfer of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data or data concerning a person's health and sex life should only take place in very exceptional cases and be subject to clear safeguards for the data subject and persons linked to the data subject.

Lastly, the report stressed that the European Parliament's consent to the conclusion of the agreement will be conditional upon satisfactory involvement of the European Parliament at all stages of the procedure.

# Proposal to open negotiations on the Commission recommendation for a Council decision authorising the opening of negotiations for an agreement between the EU and Morocco on the exchange of personal data between Europol and the Moroccan competent authorities for fighting serious crime and terrorism

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The European Parliament adopted, by 532 votes to 103, with 32 abstentions, a resolution on the Commission recommendation for a Council decision authorising the opening of negotiations for an agreement between the European Union and Morocco on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Moroccan competent authorities for fighting serious crime and terrorism.

Assessing the risks: Parliament considered that the necessity of the cooperation with Morocco in the field of law enforcement for the European Unions security interests, as well as its proportionality, needs to be properly assessed and called on the Commission, in this context, to conduct a thorough impact assessment. Members considered that due caution is needed while defining the negotiating mandate for an EU-Morocco agreement. They called on the Commission to carry out an appropriate impact assessment so as to define the necessary safeguards to be integrated in the agreement.

Ensuring equivalent protection: full consistency with Articles 7 and 8 of the Charter of Fundamental Rights and with the other fundamental rights and freedoms enshrined in the Charter should be fully ensured in the receiving third country to which it is addressed. Parliament insisted that the level of protection resulting from the agreement should be essentially equivalent to the level of protection in EU law. If such level cannot be guaranteed both in law and in practice, the agreement cannot be concluded.

In particular, the Agreement shall contain:

- strict and specific provisions imposing respect for the principle of purpose limitation with clear conditions for the processing of personal data transmitted;
- a clear and precise provision setting out the data retention period of personal data that have been transferred and requiring the erasure of the personal data transferred at the end of the data retention period;
- data subjects right to information, rectification and erasure as provided for in other Union legislation on data protection;
- a clear definition of the categories of offences for which personal data shall be exchanged;
- a clear reference to the name of the independent supervisory authority in charge of supervising the implementation of the international agreement;
- a monitoring mechanism to be subject to periodic assessments.

Members insisted on the need to:

- expressly indicate that onward transfers of information from the competent authorities of Morocco to other authorities in Morocco can only be allowed to fulfil the original purpose of the transfer by Europol and should always be communicated to the independent authority, the EDPS and Europol. To this end, an exhaustive list of the competent authorities in Morocco to which Europol can transfer data should be drawn up. Any modification to such a list that would replace or add a new competent authority would require a review of the international agreement;
- expressly indicate that onward transfers of information from the competent authorities of Morocco to other countries are prohibited and would result in the immediate ending of the international agreement.

Sensitive data: taking into account Moroccos different societal characteristics and cultural background compared to the EU and the fact that criminal acts are defined differently in the EU than in Morocco, Parliament considered that the transfer of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data or data concerning a persons health and sex life should only take place in very exceptional cases and be subject to clear safeguards for the data subject and persons linked to the data subject.

Lastly, the resolution stressed that the European Parliaments consent to the conclusion of the agreement will be conditional upon satisfactory involvement of the European Parliament at all stages of the procedure.