

**Management Board meeting
13 December 2017
Item 12a
Management Board to discuss**

**List of priority partners with which Europol
may conclude cooperation arrangements**

1. Background

Under the Regulation, in so far as necessary for the performance of its tasks, Europol may establish and maintain cooperative relations with Union bodies in accordance with the objectives of those bodies, the authorities of third countries, international organisations. Europol is free to exchange non-personal data, as well as to receive personal data, on the basis of the Europol Regulation, without any arrangement in place. It is permitted, however, to formalise that cooperation with the conclusion of arrangements to establish the framework for such exchanges. As such, **these arrangements are not the legal basis for the exchange of any information.** Rather they are an option to allow for a proper framework to be put in place for parties where structured exchanges are expected to occur. The Management Board Decision laying down guidelines implementing Europol's external relations therefore state that Europol may conclude cooperation arrangements with these external partners¹. These cooperation arrangements shall not be the legal basis for the transfer of personal data. The transmission of personal data by Europol to external partners is governed by Articles 24 and 25 of the Europol Regulation.² Cooperation arrangements may, however, regulate the practical implementation of the transfer of personal data by Europol to the external partners, as well as other aspects of the cooperative relations.³

Europol will strive to conclude, in accordance with the procedure outlined in Article 13 of the Management Board Decision laying down guidelines implementing Europol's external relations, cooperation arrangements with external partners where a structured and regular cooperation is envisaged, irrespective of whether such cooperation will include the transfer of personal data by Europol. To that end, the Management Board is required - taking into account a documented proposal of the Executive Director - to decide on a list of external partners with which Europol may conclude arrangements. The below list constitutes the proposal of the Executive Director, indicating key reasons justifying cooperation with a given partner.

Where feasible, arrangements with third countries shall be concluded with the central law enforcement authority of that third country and shall cover, ideally, all law enforcement authorities of that country competent for the prevention and combating of crime falling within the mandate of Europol.

The MB Decision states that the list shall constitute Europol's future priority partners. This does not mean that Europol de-prioritises cooperation with already existing operational partners. The below list does not include them. Equally, the list does not cover partners with which Europol has already concluded strategic cooperation

¹ Article 12(1) of the Management Board Decision laying down guidelines implementing Europol's external relations with EU bodies, third countries and international organisations adopted on 1 May 2017

² Article 12(4) of the above mentioned MB Decision

³ Article 14(3) of the above mentioned MB Decision

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agreements, as Europol was mandated to cooperate with them in the past and may conclude cooperation arrangements with these partners should this be necessary to supplement existing strategic agreements.

The aim of the list is to focus Europol's efforts in developing cooperation arrangements, without limiting in any way its ability to cooperate with other partners, as foreseen in the Regulation.

The list is divided into four categories: priority countries, priority international organisations, priority EU bodies as well as Kosovo and Kosovo Specialist Chambers. In each group partners are listed in the order of priority, which indicates the order in which they will be approached. Additionally, the countries are divided into two groups – first priority and second priority. The latter division explicitly addresses the request of the Corporate Matters Working Party to prioritise – **the second priority countries will be approached only when sufficient progress is made** with the first priority partners.

The selection of priorities is **based on the already adopted Europol External Strategy⁴ as well as the findings of the EU SOCTA 2017**, which led to the identification of third countries relevant for the priority crime areas⁵. It also reflects the **position of the Commission**, which declared plans to put forward recommendations to the Council before the end of the year to authorise the opening of negotiations for agreements between the EU and certain third states⁶.

Finally, the list below reflects discussions held by Corporate Matters Working Party on 13 September and 23 November.

Following adoption, Europol would progress with negotiations with the individual partners in the list on the basis of the model arrangement that will be submitted to the MB for approval. Following the negotiation process, **each negotiated arrangement would be submitted to the MB for approval as well**, before being signed by the Executive Director.

The list should be reviewed at least once a year.

2. Priority Partners

2.1. Priority countries

2.1.1. First Priority Group

1. Israel

Israel could be a valuable partner in addressing the following crime areas:

- a) terrorism;
- b) cybercrime, disruption of the criminal activities related to attacks against information systems;
- c) criminal finances and money laundering;
- d) Missing Trader Intra Community (MTIC) fraud and CEO fraud.

2. Jordan

Jordan could be a valuable partner in addressing the following crime areas:

- a) terrorism;
- b) illegal immigration along the main migratory routes crossing the external border of the EU and within the EU;
- c) illicit trafficking, distribution and use of firearms.

⁴ #865852

⁵ #898590v5

⁶ Communication from the Commission to The European Parliament, The European Council and The Council. "Eleventh progress report towards an effective and genuine Security Union"

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3. Egypt

Egypt could be a valuable partner in addressing the following crime areas:

- a) terrorism;
- b) drug trafficking: i) the disruption of activities of OCGs involved in the wholesale trafficking of cannabis, cocaine and heroin to the EU, and ii) tackling the criminal networks involved in the trafficking and distribution of multiple types of drugs on EU markets;
- c) migrants smuggling, disruption of OCGs who facilitate illegal immigration by providing facilitation services to irregular migrants along the main migratory routes crossing the external border of the EU and within the EU;
- d) document fraud in the EU, targeting OCGs involved in the production and provision of fraudulent and false documents to other criminals.

4. Morocco

Morocco could be a valuable partner in addressing the following crime areas:

- a) terrorism;
- b) drugs;
- c) counterfeit goods;
- d) money laundering and asset recovery;
- e) vehicle motor crime;
- f) organised property crime.

5. Lebanon

Lebanon could be a valuable partner in addressing the following crime areas:

- a) terrorism;
- b) migrant smuggling and counterfeited documents;
- c) drugs;
- d) counterfeit goods;
- e) money laundering and asset recovery.

6. Tunisia

Tunisia could be a valuable partner in addressing the following crime areas:

- g) terrorism;
- h) illegal immigration;
- i) illicit trafficking, distribution and use of firearms;
- j) document fraud.

7. Algeria

Algeria could be a valuable partner in addressing the following crime areas:

- e) terrorism;
- f) drugs;
- g) document fraud.

8. Japan

Japan could be a valuable partner in particular in addressing cybercrime. Close cooperation will be necessary in order to protect the upcoming G20 summit in Tokyo in 2019 and the 2020 Tokyo Summer Olympics.

2.1.2. Second Priority Group

Partners listed in this group will be approached only when sufficient progress is made with the first priority partners.

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1. New Zealand

New Zealand could be a valuable partner in addressing the following crime areas:

- a) cybercrime: child sexual exploitation on-line, targeting criminals involved in fraud and counterfeiting of non-cash means of payment, including large-scale payment card fraud, emerging threats to other non-cash means of payment and enabling criminal activities;
- b) missing Trader Intra Community (MTIC) fraud;
- c) environmental crimes.

2. India

India could be a valuable partner in addressing the following crime areas:

- a) cybercrime, disruption of the criminal activities related to attacks against information systems;
- b) terrorism
- c) document fraud;
- d) criminal finances and money laundering;
- e) production of synthetic drugs and New Psychoactive Substances (NPS);
- f) Mass Marketing fraud;
- g) counterfeit goods;
- h) trafficking in human beings;
- i) environmental crime.

3. Pakistan

Pakistan could be a valuable partner in addressing the following crime areas:

- a) terrorism;
- b) drugs trafficking: i) wholesale trafficking of cannabis, cocaine and heroin to the EU, and ii) trafficking and distribution of multiple types of drugs on EU markets;
- c) illegal immigration;
- d) trafficking in human beings;
- e) document fraud;
- f) criminal finances and money laundering.

4. Libya

Libya could be a valuable partner in addressing the following crime areas:

- a) terrorism;
- b) migrant smuggling;
- c) drugs;
- d) firearms;
- e) trafficking in human beings.

5. Iraq

Iraq could be a valuable partner in addressing the following crime areas:

- a) terrorism;
- b) migrant smuggling.

2.2. Priority international organisations

1. International Criminal Court (ICC)

With the addition of war crimes to Europol mandate, closer cooperation with the ICC should be a natural development. The Court, in particular its investigative unit, might be a valuable partner having access to information gathered in the context of war crimes, but related to other criminal activities, such as migrant smuggling and terrorism.

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2. UN Counter Terrorism Committee Executive Directorate (UNCTED) and United Nations Office of Counter Terrorism (UNOCT)

UN entities dealing with CT could be valuable partners in fighting international terrorism. Of particular interest is the experience and information available on radicalisation and online extremism. Cooperation in the context of the EU IRU's SIRIUS project could be beneficial for both partners.

3. EUROGENDFOR

EUROGENDFOR could play a major role in facilitating cooperation with EU personnel in various CSDP missions and operations. The ability of gendarmerie-type forces to link the military and civilian law-enforcement is of particular value.

4. North Atlantic Treaty Organization (NATO)

NATO could be a valuable partner in addressing:

- a) cyber threats;
- b) hybrid threats;
- c) illegal migration;
- d) terrorism.

Structured cooperation with NATO could greatly facilitate cooperation with the military.

5. AFRIPOL

Cooperation with AFRIPOL will allow Europol to reach out to all African Union countries. AFRIPOL is developing dynamically, developing a SIENA-like communication system and establishing new HQ, to which liaison officers of participating countries are to be deployed.

6. Organisation for Security and Co-operation in Europe (OSCE)

OSCE could be a valuable partner in addressing a wide range of crime areas, capacity building and facilitating contacts with its members, with whom Europol does not cooperate otherwise.

2.3. Priority EU bodies

1. EUNAVFOR Med Operation Sophia

The operation plays a key role in disrupting the business model of migrant smugglers in the Mediterranean. An arrangement could structure the already existing cooperation and solve outstanding issues.

2. EUBAM Libya

The mission operates in the area of key importance from Europol's point of view, in particular as regards facilitated illegal migration. Europol deployed an officer to the mission in order to explore possibilities for further cooperation.

3. EASO – European Asylum Support Office

EASO plays an important role in addressing migratory flows. Its role will increase further with the new mandate, giving the agency the right to process personal data. EASO is present in hotspots, together with Europol.

4. EMSA - European Maritime Safety Agency

The Agency could be a valuable partner in providing satellite images and other intelligence related to maritime surveillance. Such intelligence would be of great

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added value in the fight against facilitated migrant smuggling, as well as other types of trafficking.

2.4. Kosovo⁷ and Kosovo Specialist Chambers

1. Kosovo

Kosovo could be a valuable partner in addressing the following crime areas:

- a) terrorism and extremism,
- b) illicit trafficking, distribution and use of firearms.

Kosovo is the only partner in the Western Balkans without any structured and formalised cooperation with Europol, which creates a significant gap. Strengthening cooperation with Kosovo seems essential in the light of the gradual changes in the mandate of EU LEX Kosovo.

Declaration on behalf of the Management Board: *'Operational cooperation between Europol and Kosovo is without prejudice to Member States' positions on status and does not constitute recognition of Kosovo as an independent State, nor does it constitute recognition by individual Member States in that capacity where they have not previously taken such a step.'*⁸

2. Kosovo Specialist Chambers (KSC)

Developing cooperation with KSC might be beneficial for Europol given the importance, on the one hand, of Kosovo in terms of organised crime threats to/in the EU and, on the other hand, the creation of an Analysis Project on genocide, war crimes and crimes against humanity following the addition of these offences to Europol's mandate in the Europol Regulation.

3. The way forward

The above list is submitted to the Management Board for its decision, in accordance with Article 12(5) of the Decision of the Management Board laying down guidelines implementing Europol's external relations with EU bodies, third countries and international organisations.

⁷ This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

⁸ Language based on the Declaration contained in Council Decision (EU) 2015/1988, adopted by the 28 EU Member States on 22 October 2015.