

COUNCIL DECISION (EU) 2022/1090**of 27 June 2022**

on the signing, on behalf of the 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

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 16(2), Article 88 and Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Regulation (EU) 2016/794 of the European Parliament and of the Council ⁽¹⁾ provides that it is possible for the European Union Agency for Law Enforcement Cooperation (Europol) to transfer personal data to an authority of a third country, inter alia, on the basis of an international agreement concluded between the Union and that third country pursuant to Article 218 of the Treaty on the Functioning of the European Union (TFEU), adducing adequate safeguards with respect to the protection of privacy and fundamental rights and freedoms of individuals.
- (2) On 13 May 2020, the Council authorised the Commission to open negotiations with New Zealand for an agreement on the exchange of personal data between Europol and the authorities of New Zealand competent for fighting serious crime and terrorism.
- (3) The negotiations on 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 (the 'Agreement') were successfully concluded and followed by the exchange of the initialled text of the Agreement, received on 3 December 2021.
- (4) The Agreement ensures full respect of the fundamental rights of the Union, in particular the right to respect for private and family life, the right to the protection of personal data and the right to an effective remedy and to a fair trial recognised in Articles 7, 8 and 47 of the Charter of Fundamental Rights of the European Union ⁽²⁾, respectively.
- (5) The Agreement does not affect, and is without prejudice to, the transfer of personal data or other forms of cooperation between the authorities responsible for safeguarding national security.
- (6) Ireland is bound by Regulation (EU) 2016/794 and is therefore taking part in the adoption of this Decision.
- (7) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the TFEU, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (8) The European Data Protection Supervisor delivered its Opinion 11/2022 on 10 June 2022.
- (9) The Agreement should be signed on behalf of the Union, subject to its conclusion at a later date,

⁽¹⁾ Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53).

⁽²⁾ OJ C 326, 26.10.2012, p. 391.

HAS ADOPTED THIS DECISION:

Article 1

The signing on behalf of the 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 (the 'Agreement') is hereby authorised, subject to the conclusion of the said Agreement ⁽³⁾.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at Luxembourg, 27 June 2022.

For the Council
The President
A. PANNIER-RUNACHER

⁽³⁾ The text of the Agreement will be published together with the decision on its conclusion.