



Cabinet External Relations and Security Committee

Minute of Decision

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Europol Agreement: Approval for Signature

Portfolio Police

On 10 May 2022, the Cabinet External Relations and Security Committee (ERS):

1 **noted** that on 28 July 2020, ERS:

1.1 authorised New Zealand Police to commence negotiations with the European Union (EU) on an agreement between New Zealand and the EU Agency for Law Enforcement (Europol) on the exchange of personal data for fighting serious crime and terrorism (the Agreement);

1.2 invited the Minister of Police to report back following the negotiations seeking approval of the final text;

[ERS-20-MIN-0024]

2 **noted** that negotiations with the EU were conducted over 2021, and have now been completed, with the final negotiated text of the Agreement attached as Appendix 2 to the paper under ERS-22-SUB-0015;

3 **noted** that the Agreement will:

3.1 provide New Zealand with access to critical information held by Europol for disrupting and responding to serious crimes and terrorism;

3.2 reinforce New Zealand's relationship with the EU;

3.3 enhance New Zealand's credibility to enter into other international information sharing agreements;

4 **noted** that while the Agreement does not present any legislative or regulatory change obligations, it still constitutes a bilateral treaty and therefore requires New Zealand and EU Parliamentary consideration, as per Standing Order 405;

5 **approved** the content of the National Interest Analysis (NIA), attached as Appendix 1 to the paper under ERS-22-SUB-0015;

6 **noted** that the Agreement will enter into force through the exchange of diplomatic notes;

- 7 **noted** that the Agreement will enter into application when the implementing administrative arrangement is concluded between Europol and New Zealand's competent authorities, subject to supervisory authority input and review;
- 8 **agreed** that the Minister of Police present the Agreement and associated NIA to the Foreign Affairs, Defence and Trade Select Committee, for Parliamentary treaty examination, by 31 May 2022;
- 9 **authorised** the Minister of Police to make any necessary minor or technical amendments to the Agreement, following Parliamentary treaty examination, and to sign the final Agreement.

Janine Harvey
Committee Secretary

Present:

Hon Grant Robertson
Hon Kelvin Davis
Hon David Parker
Hon Nanaia Mahuta (Chair)
Hon Poto Williams
Hon Kris Faafoi
Hon Peeni Henare
Hon Kiri Allan

Officials present from:

Office of the Prime Minister
Officials Committee for ERS