

PROACTIVE INFORMATION	
International Agreement between New Zealand and the European Union	
Deadline: 20 August 2019	Date of Response: 15 August 2019

## Purpose

This briefing provides you with key points on the Cabinet paper, *International Agreement between New Zealand and the European Union*, to talk to at the Social Wellbeing Committee on 21 August 2019.

## Talking points

### Proposal

- I seek Cabinet approval to write to the European Union (EU), formally expressing New Zealand's interest in negotiating an International Agreement with the EU on two-way personal data sharing via Europol, for law enforcement purposes.
- Given that an International Agreement is a treaty-level instrument concluded at government to government level, I am seeking Cabinet endorsement prior to sending this letter to Sir Julian King, the European Commissioner for European Union Security, and Dimitris Avramopolous, the Migration, Home Affairs and Citizenship Commissioner.

### Background

- By way of background, New Zealand Police has a one-way Working Arrangement with Europol that enables Police to share personal data with Europol.
- However, Europol is not currently able to share personal data with New Zealand law enforcement agencies, except under formal Mutual Legal Assistance (MLA) processes, or under exceptional circumstances, such as took place following the Christchurch terrorist attacks.
- Overall, the current standard avenues for sharing personal data from EU member states to Police, to assist with investigations, are narrow and lengthy.
- Commissioner King and fellow EU delegates visited New Zealand at the end of June 2019. They met with myself and other New Zealand officials and Ministers. At our meeting, Commissioner King expressed support for formalising the process for EU consideration of an International Agreement between New Zealand and the EU.
- Commissioner King is soon leaving office and recently indicated that if a letter signalling New Zealand's interest in negotiating an International Agreement was received by 26 August, this would allow the current Commission time to seek authorisation to commence negotiations, from the Council of the EU.

## *New Zealand's interest in negotiating an International Agreement with the EU*

- In my view, we must prioritise the development of effective and efficient information flows to assist with domestic and international investigations. This is due to the rapidly increasing transnational nexus between organised crime, violent extremism, human exploitation and trafficking, money laundering and terrorism financing, weapons proliferation, and cybercrime.
- Law enforcement agencies are taking a proactive approach by tackling crime upstream before it has infiltrated New Zealand.
- As an example, Police is currently leading the development of a cross-agency Transnational Organised Crime Strategy, which is expected to come to Cabinet soon. One of the important pillars within this strategy is the ability to share information between countries.
- Given the significant flow of people, commodities, and money across borders, the ability to share information is crucial to combatting crime and the broader harm it causes to New Zealand and its citizens. To do this, we need to work with international partners to grow strong relationships and share information.

### *Initial consultation with New Zealand law enforcement agencies*

- Police has consulted with the Ministry of Foreign Affairs and Trade on this Cabinet paper, and has also informed other New Zealand law enforcement agencies of it.
- Thus far, New Zealand Customs Service and Immigration New Zealand have indicated that they wish to be included in discussions about personal data sharing with Europol.

### *Next steps*

- The final nature of an International Agreement will need to be negotiated.
- I will come back to Cabinet once we have a reply from the EU, seeking a formal mandate to enter into negotiations.

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