



Number 37 of 2006

EUROPOL (AMENDMENT) ACT 2006

ARRANGEMENT OF SECTIONS

Section

1. Amendment of section 1 of Europol Act 1997.
 2. Amendment of section 2 of Europol Act 1997.
 3. Amendment of section 6 of Europol Act 1997.
 4. New Schedules in Europol Act 1997.
 5. Short title.
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[No. 37.] *Europol (Amendment) Act 2006.* [2006.]

ACTS REFERRED TO

Data Protection Act 1988	1988, No. 25
Data Protection Acts 1988 and 2003	
Europol Act 1997	1997, No. 38



Number 37 of 2006

EUROPOL (AMENDMENT) ACT 2006

AN ACT TO GIVE THE FORCE OF LAW TO THE PROTOCOLS OF 30 NOVEMBER 2000, 28 NOVEMBER 2002 AND 27 NOVEMBER 2003 TO THE CONVENTION OF 26 JULY 1995 ON THE ESTABLISHMENT OF A EUROPEAN POLICE OFFICE, TO AMEND FOR THAT PURPOSE THE EUROPOL ACT 1997 AND TO PROVIDE FOR RELATED MATTERS.

[23rd December, 2006]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—Section 1(1) (interpretation) of the Europol Act 1997 is amended— Amendment of section 1 of Europol Act 1997.

(a) by the deletion of “June, 1997.” in the definition of the 1997 Protocol and the substitution of “June, 1997;”, and

(b) by the addition of the following definitions:

“the 2000 Protocol” means the Protocol drawn up on the basis of Article 43(1) of the Europol Convention amending Article 2 of and the Annex to that Convention, done at Brussels on the 30th day of November, 2000;

“the 2002 Protocol” means the Protocol amending the Europol Convention and the 1997 Protocol, done at Brussels on the 28th day of November, 2002;

“the 2003 Protocol” means the Protocol drawn up on the basis of Article 43(1) of the Europol Convention and amending that Convention, done at Brussels on the 27th day of November 2003.”.

2.—Section 2 (Convention and Protocols to have force of law) of the Europol Act 1997 is amended— Amendment of section 2 of Europol Act 1997.

(a) in subsection (1), by the deletion of “Convention, the 1996 Protocol and the 1997 Protocol” and the substitution of “Convention and the 1996, 1997, 2000, 2002 and 2003 Protocols”,

(b) in subsection (2)—

(i) by the deletion of “and Sixth Schedules” and the substitution of “, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh and Twelfth Schedules”,

- (ii) by the deletion of “and” in paragraph (e),
- (iii) by the deletion of “Protocol.” in paragraph “(f)” and the substitution of “Protocol,” and
- (iv) by the addition of the following paragraphs:
 - “(g) the text in the English language of the 2000 Protocol,
 - (h) the text in the English language of the 2002 Protocol,
 - (i) the text in the English language of the 2003 Protocol,
 - (j) the text in the Irish language of the 2000 Protocol,
 - (k) the text in the Irish language of the 2002 Protocol, and
 - (l) the text in the Irish language of the 2003 Protocol.”.

Amendment of section 6 of Europol Act 1997.

3.—Section 6 (application of Data Protection Act 1988) of the Europol Act 1997 is amended by the substitution of the following subsection for subsection (1):

“(1) For the purposes of this Act and the Convention and the 1996, 1997, 2000, 2002 and 2003 Protocols, the Data Protection Acts 1988 and 2003 shall apply and have effect, with any necessary modifications, in relation to the collection, processing, keeping, use or disclosure of certain information relating to individuals that is processed automatically at Europol.”.

New Schedules in Europol Act 1997.

4.—The following Schedules are added to the Europol Act 1997:

“SEVENTH SCHEDULE

THE TEXT IN THE ENGLISH LANGUAGE OF THE 2000 PROTOCOL

PROTOCOL

drawn up on the basis of Article 43(1) of the Convention on the establishment of a European Police Office (Europol Convention) amending Article 2 and the Annex to that Convention

THE HIGH CONTRACTING PARTIES to this Protocol and Contracting Parties to the Convention on the establishment of a European Police Office, Member States of the European Union,

REFERRING to the Act of the Council of the European Union of 30 November 2000,

Whereas:

- (1) There is a need to give Europol more effective tools to fight money laundering in order to reinforce Europol's possibilities to support the Member States in this fight.
- (2) The European Council invited the Council of the European Union to extend the competence of Europol to money laundering in general, regardless of the type of offence from which the laundered proceeds originate,

HAVE AGREED ON THE FOLLOWING PROVISIONS:

Article 1

The Europol Convention is amended as follows.

1. Article 2 is amended as follows:

- (a) in paragraph 2 the first subparagraph shall be replaced by the following:

'2. In order to achieve progressively the objective mentioned in paragraph 1, Europol shall initially act to prevent and combat unlawful drug trafficking, illegal money-laundering activities, trafficking in nuclear and radioactive substances, illegal immigrant smuggling, trade in human beings and motor vehicle crime.';

- (b) in paragraph 3 the first subparagraph shall be replaced by the following:

'3. Europol's competence as regards a form of crime or specific manifestations thereof shall cover related criminal offences. It shall, however, not cover offences predicate to illegal money-laundering activities with regard to which forms of crime Europol has no competence pursuant to paragraph 2.'

2. The Annex is amended as follows:

the paragraph beginning with the words 'In addition, in accordance with Article 2(2)' shall be replaced by the following:

'In addition, in accordance with Article 2(2), the act of instructing Europol to deal with one of the forms of crime listed above implies that it is also competent to deal with the related criminal offences.'

Article 2

1. This Protocol shall be subject to adoption by the Member States in accordance with their respective constitutional requirements.
2. Member States shall notify the Secretary-General of the Council of the European Union of the completion of their constitutional requirements for adopting this Protocol.
3. This Protocol shall enter into force 90 days after the notification, referred to in paragraph 2, by the Member State which, being a member of the European Union on the date