

Memorandum of Understanding between the Office for Harmonisation in the Internal Market and Eurojust

2015/0811(CNS) - 07/12/2015 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Legal Affairs adopted, in the framework of a special legislative procedure (Parliament's consultation), the report by Kostas CHRYSOGONOS (GUE/NGL, EL) on the draft Council implementing decision approving the conclusion by Eurojust of the Memorandum of Understanding between the Office for Harmonisation in the Internal Market and Eurojust.

The Committee on Legal Affairs recommended the European Parliament to approve the Council draft aiming to formalise the conclusion by Eurojust of the Memorandum of Understanding between the Office for Harmonisation in the Internal Market (OHIM), for which the Committee on Legal Affairs is responsible.

The purpose of the Memorandum of Understanding (MoU) is to foster cooperation between Eurojust and OHIM in compliance with their respective mandates.

The explanatory statement accompanying the report highlighted a provision which is particularly worthy of attention is Article 3(5) of the MoU, whereby the exchange of information or experience provided for in this MoU shall not include the transmission of operational information including data relating to an identified or identifiable person. The Rapporteur fully endorsed this approach and called on the Council to be vigilant of the implementation in practice of the data protection guarantee.

Another interesting provision is **Article 6 on settlement of disputes** which: (i) stipulates that disputes related to the interpretation or application of the MoU must be settled by means of consultations and negotiations between representatives of Eurojust and OHIM, thus excluding the arbitration of any third party; (ii) lays down that in the event of serious failing to comply with the provisions of the MoU, or if Eurojust or OHIM is of the view that such failing may occur in the near future, either of them may suspend the application of the MoU temporarily, pending the consultations and negotiations.