Europol agreements: cooperation with Denmark

2016/0823(CNS) - 05/01/2017 - Legislative proposal

PURPOSE: to amend Decision 2009/935/JHA as regards the list of third States and organisations with which Europol shall conclude agreements.

PROPOSED ACT: Council implementing Decision.

ROLE OF THE EUROPEAN PARLIAMENT: the Council adopts the act after consulting the European Parliament but without being obliged to follow its opinion.

BACKGROUND: Council Decision 2009/371/JHA establishing the European Police Office (Europol) confers on the Council implementing powers to determine the list of third States and organisations with which Europol is to conclude agreements. That list is set out in the Annex to Decision 2009/935/JHA.

The new Regulation (EU) 2016/794 of the European Parliament and of the Council on the European Union Agency for Law Enforcement Cooperation (Europol) will apply from 1 May 2017.

Pursuant to Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Denmark is not bound by the Europol Regulation or subject to its application. Therefore, as of 1 May 2017, Denmark will be regarded as a third country with respect to Europol.

Given the importance attached by all sides to preventing and combating serious crime affecting two or more Member States, terrorism and forms of crime which affect a common interest covered by a Union policy, it is important to ensure cooperation between Europol and Denmark on key matters so as to enhance the Union’s resilience to security threats.

In order to avoid an operational gap as of 1 May 2017, when Denmark will no longer participate in Europol as a Member State, it is most important that Europol initiate the procedure for the conclusion of a cooperation agreement with Denmark as a third country without delay.

CONTENT: it is proposed to amend Decision 2009/935/JHA to **insert Denmark in the list of third States** with which Europol shall conclude agreements.