Europol agreements: cooperation with Denmark

2016/0823(CNS) - 09/02/2017 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted, following a special legislative procedure (Parliament's consultations), the report by Agustín DÍAZ DE MERA GARCÍA CONSUEGRA (EPP, ES) on the draft Council implementing decision amending Decision 2009/935/JHA as regards the list of third States and organisations with which Europol shall conclude agreements.

The committee recommended the European Parliament to **approve the Council draft**.

In the explanatory memorandum, it is recalled that Denmark is currently fully participating in Europol, which operates under the existing Council Decision (2009/371/JHA). However, the new Europol Regulation, which will apply on 1 May 2017, on which date the existing Europol Council Decision will automatically be repealed. This means that by 1 May 2017, Denmark will not anymore be part of Europol and will not be able to participate in its activities, consult its databases or exchange data with it.

Following the negative outcome of the 2015 referendum on converting its current inflexible opt-out on Justice and Home Affairs matters in Protocol No 22 into a more flexible selective opt-in, the Danish authorities and the European Institutions in order to seek ways for Denmark to be as closely as possible associated to Europol.

These informal discussions led to a joint statement on 15 December 2016 by the President of the European Council, the President of the European Commission and the Prime Minister of Denmark in which it is proposed that Denmark be associated to Europol in the form of an operational cooperation agreement. In order to avoid any operational gaps, this cooperation agreement would need to be concluded between Europol and Denmark before 1 May 2017.

Combatting cross-border serious and organised crime and international terrorism within the Union, necessitates close cooperation and the sharing of data between all European countries.

A sudden departure of Denmark from Europol without a smooth transition regime into some form of an association between Denmark and Europol, could lead to operational gaps and reduce the EU's capacity to effectively fight organised crime and terrorism.

It is therefore important to ensure a sufficient level of operational cooperation between Denmark and Europol including the exchange of relevant personal data, subject to adequate safeguards and data protection.