Agreement on operational and strategic cooperation between Denmark and European Police Office (Europol)

2017/0803(CNS) - 20/03/2017 - Legislative proposal

PURPOSE: to approve the conclusion by the European Police Office (Europol) of the Agreement on operational and strategic cooperation between Denmark and Europol.

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: further to Decision 2009/371/JHA establishing the European Police Office (Europol) and Decision 2009/934/JHA adopting the implementing rules governing Europol's relations with its partners, Europol shall conclude agreements with third countries which have been included in the list established by Decision 2009/935/JHA determining the list of third States and organisations with which EUROPOL shall conclude agreements.

The aim of these agreements is to support the action of the competent authorities of the Member States and their mutual cooperation in **preventing and combating organised crime and terrorism** and may concern the exchange of operational, strategic or technical information, Including personal data and classified information.

According to Council Implementing Decision (EU) 2017/290, Denmark is included in the list of countries annexed to Decision 2009/935/JHA with which Europol will conclude agreements. The reason for Denmark's inclusion is that the new Europol Regulation (Regulation (EU) 2016/794), by which Denmark is not bound, will apply from 1 May 2017. Consequently, Denmark will be considered as a third country vis-à-vis Europol as of that date.

In view of the need to **ensure that Europol and Denmark cooperate on key issues** relating to security threats, Europol has started the procedure for concluding an agreement on operational and strategic cooperation between Denmark and Europol.

The Europol Management Board approved the Operational and Strategic Agreement on 11 and 12 May 2016.

CONTENT: Under the draft Council Implementing Decision, Europol would be authorised to conclude the **Agreement on operational and strategic cooperation** in the fight against serious crime and terrorism between Denmark and Europol.

The **terms of cooperation** covered by the Agreement provide for the exchange of information, which may include expertise, results of strategic analysis, information on criminal investigation procedures and information on crime prevention methods, as well as participation in training activities and the provision of advice and support in certain criminal investigations.

The agreement also contains provisions on the **exchange of personal data**.

In view of the fact that Denmark is both an EU Member State and a Member State of the Schengen Area, a number of specific provisions have been incorporated into the Agreement concerning, for example:

- additional opportunities for information exchange;
- the possibility of inviting Denmark to be an observer at the Europol Management Board;
- the jurisdiction of the Court of Justice;
- the role of the European Data Protection Supervisor;
- a contribution from Denmark to the Europol budget ; and
- the requirement to maintain Denmark's membership in the Schengen area.

Denmark, the United Kingdom and Ireland shall participate in the adoption and application of the implementing decision.