

Eurojust: agreement on judicial cooperation in criminal matters with Denmark

2019/0805(CNS) - 29/03/2019 - Legislative proposal

PURPOSE: to approve the conclusion by Eurojust of the Agreement on criminal justice cooperation between Eurojust and the Kingdom of Denmark.

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: Decision 2002/187/JHA provides that Eurojust may conclude agreements with third States and organisations. Such agreements may concern the exchange of information, including personal data, and the secondment of liaison officers or liaison magistrates to Eurojust. They may only be concluded after consultation by Eurojust with the Joint Supervisory Body concerning the provisions on data protection and after approval by the Council.

Denmark is bound by and subject to the application of Decision 2002/187/JHA. However, it shall not be bound by or subject to the application of [Regulation \(EU\) 2018/1727](#) of the European Parliament and of the Council on the European Union Agency for Criminal Justice Cooperation and replacing and repealing Council Decision 2002/187/JHA, which will apply from 12 December 2019.

Given the interest of Eurojust and Denmark in establishing close and dynamic cooperation in order to meet the present and future challenges posed by serious crime and to avoid an operational gap as of 12 December 2019, Eurojust has negotiated an Agreement on Criminal Justice Cooperation between Eurojust and the Kingdom of Denmark.

Eurojust's Joint Supervisory Body gave a positive opinion on the data protection provisions of the Agreement.

The Agreement was approved by the College of Eurojust on 21 March 2019.

CONTENT: under the draft Council Implementing Decision, Eurojust shall be authorised to conclude the Agreement on criminal justice cooperation between Eurojust and Denmark.

The Agreement includes provisions on the exchange of personal data. Denmark shall apply [Directive \(EU\) 2016/680](#) of the European Parliament and of the Council with regard to personal data exchanged under the Agreement. It also provides for the exchange of information and the participation of the Representative to Eurojust in certain operational and strategic meetings.

As Denmark is affected by strategic and operational issues discussed in the College of Eurojust which affect all Member States, the Agreement provides for a wider participation of the Representative to Eurojust in meetings of the College of Eurojust than that provided for liaison magistrates of third States.

For the same reasons, it is appropriate that the national Parliament of Denmark is informed on Eurojust's annual report, as well as on the results of studies and strategic projects commissioned by Eurojust, its strategic programming documents and working arrangements concluded with third parties in the same way as the national Parliaments of the other Member States.

Furthermore, given the specific situation of Denmark, being both a European Union Member State and a Schengen Area Country, a number of other specific provisions were included in the Agreement. Those provisions relate to the jurisdiction of the Court of Justice of the European Union, the role of the European Data Protection Supervisor, an appropriate contribution by Denmark to Eurojust's budget and Denmark's required continued membership of the Schengen area.

The United Kingdom and Ireland shall participate in the adoption and implementation of this Decision.