

Eurojust: agreement on judicial cooperation in criminal matters with Denmark

2019/0805(CNS) - 28/03/2019 - Document attached to the procedure

PURPOSE: draft Agreement on criminal justice cooperation between Eurojust and the Kingdom of Denmark.

BACKGROUND: at the meeting on 26 March 2019, Justice and Home Affairs Council examined the draft Agreement on Criminal Justice Cooperation between Eurojust and the Kingdom of Denmark. The Presidency concluded that the Member States approve the draft Agreement.

As a reminder, the Eurojust-Denmark criminal justice cooperation agreement is necessary following the “Lisbonisation” of Eurojust which replaced and repealed Council Decision 2002/187/JHA with Regulation (EU) 2018/1727 of the European Parliament and the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust). The Regulation will apply from 19 December 2019.

In view of Denmark's special status in the area of criminal justice after Lisbon (Protocol 22), Denmark is not taking part in the new Regulation and is not bound by it. However, Denmark expressed the wish to further participate in the activities of Eurojust. In that regard, this cooperation agreement has to be agreed between Denmark and Eurojust.

CONTENT: the Agreement seeks to establish cooperative relations between Eurojust and Denmark in order to support and strengthen national investigations and prosecutions concerning serious crime affecting two or more Member States, or requiring prosecution on common bases on the basis of operations conducted and information supplied by the Member States' authorities, by Europol, by the EPPO, and by OLAF in accordance with Article 3 of the Eurojust Regulation.

In general, the Agreement with Denmark shall ensure, inter alia, that Denmark: (i) continues to participate in the Eurojust structure; (ii) is part of the Schengen area; (iii) participates in various former third pillar instruments, including the European Arrest Warrant; (iv) participates in the financing of Eurojust.

Denmark shall have a status between that of a Member State and a third country and shall have a representative participating in the meetings of the College, without the right to vote. It shall also contribute to the revenue of Eurojust.

It shall apply [Directive \(EU\) 2016/680](#) of the European Parliament and of the Council with regard to personal data exchanged under the Agreement.

Denmark has subscribed to the specific data protection provisions contained in the agreement and recognises the role of the European Data Protection Supervisor.