EU/Armenia Agreement on cooperation between Eurojust and the competent authorities for judicial cooperation in criminal matters of Armenia

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PURPOSE: to conclude an Agreement between the European Union, of the one part, and the Republic of Armenia, of the other part, on cooperation between the European Union Agency for Criminal Justice Cooperation (Eurojust) and the competent authorities for judicial cooperation in criminal matters of the Republic of Armenia.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: since the entry into application of the Eurojust Regulation on 12 December 2019 and pursuant to the Treaty, the Commission is responsible, on behalf of the Union, for negotiating international agreements with third countries for the cooperation and exchange of personal data with Eurojust.

In order to strengthen the judicial cooperation between Eurojust and selected third countries, the Commission adopted a Recommendation for a Council Decision authorising the opening of negotiations for Agreements between the European Union and Algeria, Armenia, Bosnia and Herzegovina, Egypt, Israel, Jordan, Lebanon, Morocco, Tunisia and Turkey on cooperation between the European Union Agency for Criminal Justice Cooperation (Eurojust) and the competent authorities for judicial cooperation in criminal matters of those third States.

Negotiations with Armenia began in April 2022. After the third and last round of negotiations, which was held in June 2022, the negotiators reached a preliminary agreement in October 2022. Following internal consultations on both sides, including the improvement of quality of drafting, the chief negotiators initialled the draft text of the Agreement.

CONTENT: the Commission proposes that the Council decide to approve, on behalf of the Union, the Agreement between the European Union, of the one part, and the Republic of Armenia, of the other part, on cooperation between the European Union Agency for Criminal Justice Cooperation (Eurojust) and the competent authorities for judicial cooperation in criminal matters of the Republic of Armenia.

The Agreement allows the **transfer of personal data between Eurojust and the competent authorities of Armenia**, in order to combat serious crime and terrorism and to protect the security of the Union and its citizens.

The Agreement ensures full respect for the fundamental rights of the Union, in particular the right to respect for private and family life, as recognised by the Charter of Fundamental Rights of the European Union, the right to the protection of personal data and the right to an effective remedy and to a fair trial.

The proposed Decision:

- establishes the obligation of Armenia to designate at least one contact point within its domestic competent authorities, who cannot be identical to the Liaison Prosecutor. A contact point should be designated for terrorism matters;

- provides for the secondment of the Liaison Prosecutor to Eurojust;

- provides for the conditions for the participation of representatives of Armenia in operational and strategic meetings at Eurojust;

- provides that Eurojust may assist Armenia to establish Joint Investigation Teams and may be requested to provide financial or technical assistance;

- provides for the option of Eurojust to post a Liaison Magistrate to Armenia.

In particular, the agreement provides adequate safeguards for the **protection of personal data** transferred by Eurojust under the agreement. More specifically, the proposal:

- guarantees additional safeguards for the processing of special categories of personal data and different categories of data subject;

- limits fully automated decision-making using personal data transferred under the Agreement;

- restricts the onward transfer of the personal data received;

- provides for the right of access, including to obtain confirmation on whether personal data relating to the data subject are processed under the Agreement as well as essential information on the processing;

- provides for the right to rectification, erasure, and restriction of processing, under certain conditions;

- provides for the notification of a personal data breach affecting personal data transferred under the Agreement, ensuring that the respective competent authorities notify each other as well as their respective supervisory authority of such a breach without delay, and take measures to mitigate its possible adverse effects;

- includes rules as regards storage, review, correction and deletion of personal data;

- requires effective supervision and enforcement of compliance with the safeguards set out in the Agreement, ensuring that there is an independent public authority responsible for data protection (supervisory authority) to oversee matters affecting the privacy of individuals, including the domestic rules relevant under the Agreement to protect the fundamental rights and freedoms of natural persons in relation to the processing of personal data.