

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

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PURPOSE: to conclude the Agreement between the European Union and Bosnia and Herzegovina on the cooperation between the European Union Agency for Criminal Justice Cooperation (Eurojust) and the authorities of Bosnia and Herzegovina competent for judicial cooperation in criminal matters on behalf of the Union.

PROPOSED ACT: Council 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: since the entry into application of the Eurojust Regulation on 12 December 2019 and pursuant to the Treaties, 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.

In June 2023, the Council of Ministers of **Bosnia and Herzegovina** endorsed opening negotiations with the European Commission for an international Agreement on cooperation with Eurojust. The first round of negotiations took place on 25 October 2023. The negotiators reached a preliminary agreement on 16 January 2024. The EU Member States approved the text on a technical level. Bosnia and Herzegovina gave its final agreement on 10 April 2024.

CONTENT: the present proposal concerns the conclusion of an agreement between the European Union and Bosnia and Herzegovina on the cooperation between the European Agency for Criminal Justice Cooperation (Eurojust) and the authorities of Bosnia and Herzegovina competent for judicial cooperation in criminal matters.

The overall objective of this agreement is to **enhance judicial cooperation between Eurojust and the competent authorities of Bosnia and Herzegovina** in combating serious crime.

This agreement allows for the **transfer of personal data** between Eurojust and the competent authorities of Bosnia and Herzegovina, in order to support and strengthen the action by the competent authorities of the Member States of the Union and those of Bosnia and Herzegovina, as well as their cooperation in

investigating and prosecuting serious crime, in particular organised crime and terrorism, while ensuring appropriate safeguards with respect to fundamental rights and freedoms of individuals, including privacy and the protection of personal data.

The proposed decision:

- establishes the obligation of Bosnia and Herzegovina 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 also for terrorism matters;
- provides for the secondment of the Liaison Prosecutor to Eurojust;
- provides for the conditions for the participation of representatives of Bosnia and Herzegovina in operational and strategic meetings at Eurojust;
- provides that Eurojust may assist Bosnia and Herzegovina 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 Bosnia and Herzegovina.

In particular, the agreement provides for adequate safeguards regarding the protection of personal data transferred by Eurojust under the agreement.

- sets out the purposes of data processing under the agreement and 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;
- 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 and for the communication to the data subject of a personal data breach likely to have a serious effect upon his or her rights and freedoms;
- includes rules as regards storage, review, correction and deletion of personal data;
- restricts the onward transfer of the personal data received;
- provides for the notification of a personal data breach affecting personal data;
- includes rules as regards storage, review, correction and deletion of personal data;
- requires the keeping of logs of the collection, alteration, access, disclosure including onward transfers, combination and erasure of personal data;
- includes obligations regarding data security;
- requires effective supervision and enforcement of compliance with the safeguards set out in the agreement.