Basic information

2016/0823(CNS) CNS - Consultation procedure	Awaiting final decision
Europol agreements: cooperation with Denmark Amending JHA act 2009/935/JHA 2009/0809(CNS) **Subject** 1.20.09 Protection of privacy and data protection 7.30.05.01 Europol, CEPOL **Geographical area** Denmark	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	DÍAZ DE MERA GARCÍA CONSUEGRA Agustín (PPE)	30/01/2017
	Shadow rapporteur CHINNICI Caterina (S&D) VISTISEN Anders (ECR) PETERSEN Morten (ALDE) ERNST Cornelia (GUE/NGL) TERRICABRAS Josep-Maria (Verts/ALE) VON STORCH Beatrix (EFDD) FONTANA Lorenzo (ENF)	

Committee for opinion	Rapporteur for opinion	Appointed
BUDG Budgets	The committee decided not to give an opinion.	
CONT Budgetary Control	The committee decided not to give an opinion.	
AFCO Constitutional Affairs	The committee decided not to give an opinion.	

Council of the European Union	

Key events

Date	Event	Reference	Summary
05/01/2017	Legislative proposal published	15778/2016	Summary
16/01/2017	Committee referral announced in Parliament		
09/02/2017	Vote in committee		
09/02/2017	Committee report tabled for plenary, 1st reading/single reading	A8-0035/2017	Summary
14/02/2017	Decision by Parliament	T8-0023/2017	Summary
14/02/2017	Results of vote in Parliament		

Technical information

Procedure reference	2016/0823(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Amendments and repeals	Amending JHA act 2009/935/JHA 2009/0809(CNS)
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Awaiting final decision
Committee dossier	LIBE/8/08896

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE597.541	26/01/2017	
Amendments tabled in committee		PE599.612	07/02/2017	
Committee report tabled for plenary, 1st reading/single reading		A8-0035/2017	09/02/2017	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0023/2017	14/02/2017	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	15778/2016	05/01/2017	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Europol agreements: cooperation with Denmark

2016/0823(CNS) - 05/01/2017 - Legislative proposal

PURPOSE: to amend Decision 2009/935/JHA as regards the list of third States and organisations with which Europol shall conclude agreements.

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: Council Decision 2009/371/JHA establishing the European Police Office (Europol) confers on the Council implementing powers to determine the list of third States and organisations with which Europol is to conclude agreements. That list is set out in the Annex to Decision 2009/935/JHA.

The new Regulation (EU) 2016/794 of the European Parliament and of the Council on the European Union Agency for Law Enforcement Cooperation (Europol) will apply from 1 May 2017.

Pursuant to Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Denmark is not bound by the Europol Regulation or subject to its application. Therefore, as of 1 May 2017, Denmark will be regarded as a third country with respect to Europol.

Given the importance attached by all sides to preventing and combating serious crime affecting two or more Member States, terrorism and forms of crime which affect a common interest covered by a Union policy, it is important to ensure cooperation between Europol and Denmark on key matters so as to enhance the Union's resilience to security threats.

In order to avoid an operational gap as of 1 May 2017, when Denmark will no longer participate in Europol as a Member State, it is most important that Europol initiate the procedure for the conclusion of a cooperation agreement with Denmark as a third country without delay.

CONTENT: it is proposed to amend Decision 2009/935/JHA to **insert Denmark in the list of third States** with which Europol shall conclude agreements.

Europol agreements: cooperation with Denmark

2016/0823(CNS) - 14/02/2017 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 632 votes to 10, with 51 abstentions, following a special legislative procedure (Parliament's consultation), a legislative resolution on the draft Council implementing decision amending Decision 2009/935/JHA as regards the list of third States and organisations with which Europol shall conclude agreements.

As a reminder, the Council draft seeks to amend Council Decision 2009/935/JHA which determines the list of third States and organisations with which Europol shall conclude agreements.

In line with its Committee on Civil Liberties, Justice and Home Affairs, Parliament **approved, unamended, the Council draft**.

The Council is called on to provide, within the provisions of the future arrangement between Europol and Denmark, for an expiry date of five years after the date of entry into force thereof, in order to ensure its transitional nature with a view to full membership or the conclusion of an international agreement in accordance with Article 218 TFEU.

Europol agreements: cooperation with Denmark

2016/0823(CNS) - 09/02/2017 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted, following a special legislative procedure (Parliament's consultations), the report by Agustín DÍAZ DE MERA GARCÍA CONSUEGRA (EPP, ES) on the draft Council implementing decision amending Decision 2009/935/JHA as regards the list of third States and organisations with which Europol shall conclude agreements.

The committee recommended the European Parliament to **approve the Council draft**.

In the explanatory memorandum, it is recalled that Denmark is currently fully participating in Europol, which operates under the existing Council Decision (2009/371/JHA). However, the new Europol Regulation, which will apply on 1 May 2017, on which date the existing Europol Council Decision will automatically be repealed. This means that by 1 May 2017, Denmark will not anymore be part of Europol and will not be able to participate in its activities, consult its databases or exchange data with it.

Following the negative outcome of the 2015 referendum on converting its current inflexible opt-out on Justice and Home Affairs matters in Protocol No 22 into a more flexible selective opt-in, the Danish authorities and the European Institutions in order to seek ways for Denmark to be as closely as possible associated to Europol.

These informal discussions led to a joint statement on 15 December 2016 by the President of the European Council, the President of the European Commission and the Prime Minister of Denmark in which it is proposed that Denmark be associated to Europol in the form of an operational cooperation agreement. In order to avoid any operational gaps, this cooperation agreement would need to be concluded between Europol and Denmark before 1 May 2017.

Combatting cross-border serious and organised crime and international terrorism within the Union, necessitates close cooperation and the sharing of data between all European countries.

A sudden departure of Denmark from Europol without a smooth transition regime into some form of an association between Denmark and Europol, could lead to operational gaps and reduce the EU’s capacity to effectively fight organised crime and terrorism.

It is therefore important to ensure a sufficient level of operational cooperation between Denmark and Europol including the exchange of relevant personal data, subject to adequate safeguards and data protection.