Basic information

2017/0803(CNS) CNS - Consultation procedure	Awaiting final decision
Agreement on operational and strategic cooperation between Denmark and European Police Office (Europol) **Subject** 7.30.05 Police cooperation 7.30.05.01 Europol, CEPOL **Geographical area** Denmark	

Key players

	Committee responsible	Rapporteur	Appointed
European Parliament	LIBE Civil Liberties, Justice and Home Affairs	DÍAZ DE MERA GARCÍA CONSUEGRA Agustín (PPE)	23/03/2017
Council of the European Union			

Key events

Date	Event	Reference	Summary
20/03/2017	Legislative proposal published	07281/2017	Summary
03/04/2017	Committee referral announced in Parliament		
11/04/2017	Vote in committee		
19/04/2017	Committee report tabled for plenary, 1st reading/single reading	A8-0164/2017	Summary
27/04/2017	Decision by Parliament	T8-0136/2017	Summary
27/04/2017	Results of vote in Parliament		

Technical information

Procedure reference	2017/0803(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Awaiting final decision
Committee dossier	LIBE/8/09593

Documentation gateway				
European Parliament				
Document type	**Committee**	**Reference**	**Date**	**Summary**
Committee draft report		PE602.774	28/03/2017	
Amendments tabled in committee		PE602.950	05/04/2017	
Committee report tabled for plenary, 1st reading/single reading		A8-0164/2017	19/04/2017	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0136/2017	27/04/2017	Summary
Council of the EU				
Document type		**Reference**	**Date**	**Summary**
Document attached to the procedure		07078/2017	17/03/2017	
Legislative proposal		07281/2017	20/03/2017	Summary
European Commission				
Document type		**Reference**	**Date**	**Summary**
For information		COM(2021)0077	23/02/2021	
For information		SWD(2021)0022	23/02/2021	

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Agreement on operational and strategic cooperation between Denmark and European Police Office (Europol)

2017/0803(CNS) - 27/04/2017 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 569 votes to 8, with 62 abstentions, following the consultation procedure, a legislative resolution on the draft Council implementing decision approving the conclusion by the European Police Office (Europol) of the Agreement on Operational and Strategic Cooperation between the Kingdom of Denmark and Europol.

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

Members called for the Parliament to be **kept regularly informed and consulted**, pursuant to Article 25 of the Agreement on Operational and Strategic Cooperation between the Kingdom of Denmark and Europol, in particular through the Europol Joint Parliamentary Scrutiny Group to be established pursuant to the Europol Regulation (Regulation (EU) 2016/794).

Moreover, they called on all parties involved to exhaust all possibilities under primary and secondary law in order to once again offer Denmark full membership of Europol.

Parliament recalled its legislative resolution of 14 February 2017 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, and in particular the request in paragraph 4 calling for the future arrangement between Europol and Denmark to have an expiry date of five years, in order to ensure its transitional nature with a view to a more permanent arrangement.

Agreement on operational and strategic cooperation between Denmark and European Police Office (Europol)

2017/0803(CNS) - 20/03/2017 - Legislative proposal

PURPOSE: to approve the conclusion by the European Police Office (Europol) of the Agreement on operational and strategic cooperation between Denmark and Europol.

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: further to Decision 2009/371/JHA establishing the European Police Office (Europol) and Decision 2009/934/JHA adopting the implementing rules governing Europol's relations with its partners, Europol shall conclude agreements with third countries which have been included in the list established by Decision 2009/935/JHA determining the list of third States and organisations with which EUROPOL shall conclude agreements.

The aim of these agreements is to support the action of the competent authorities of the Member States and their mutual cooperation in **preventing and combating organised crime and terrorism** and may concern the exchange of operational, strategic or technical information, Including personal data and classified information.

According to Council Implementing Decision (EU) 2017/290, Denmark is included in the list of countries annexed to Decision 2009/935/JHA with which Europol will conclude agreements. The reason for Denmark's inclusion is that the new Europol Regulation (Regulation (EU) 2016/794), by which Denmark is not bound, will apply from 1 May 2017. Consequently, Denmark will be considered as a third country vis-à-vis Europol as of that date.

In view of the need to **ensure that Europol and Denmark cooperate on key issues** relating to security threats, Europol has started the procedure for concluding an agreement on operational and strategic cooperation between Denmark and Europol.

The Europol Management Board approved the Operational and Strategic Agreement on 11 and 12 May 2016.

CONTENT: Under the draft Council Implementing Decision, Europol would be authorised to conclude the **Agreement on operational and strategic cooperation** in the fight against serious crime and terrorism between Denmark and Europol.

The **terms of cooperation** covered by the Agreement provide for the exchange of information, which may include expertise, results of strategic analysis, information on criminal investigation procedures and information on crime prevention methods, as well as participation in training activities and the provision of advice and support in certain criminal investigations.

The agreement also contains provisions on the **exchange of personal data**.

In view of the fact that Denmark is both an EU Member State and a Member State of the Schengen Area, a number of specific provisions have been incorporated into the Agreement concerning, for example:

- additional opportunities for information exchange;
- the possibility of inviting Denmark to be an observer at the Europol Management Board;
- the jurisdiction of the Court of Justice;
- the role of the European Data Protection Supervisor;
- a contribution from Denmark to the Europol budget ; and
- the requirement to maintain Denmark's membership in the Schengen area.

Denmark, the United Kingdom and Ireland shall participate in the adoption and application of the implementing decision.

Agreement on operational and strategic cooperation between Denmark and European Police Office (Europol)

2017/0803(CNS) - 19/04/2017 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted, following the consultation procedure, the report by Agustín DÍAZ DE MERA GARCÍA CONSUEGRA (EPP, ES) on the draft Council implementing decision approving the conclusion by the European Police Office (Europol) of the Agreement on Operational and Strategic Cooperation between the Kingdom of Denmark and Europol.

The committee called on the European Parliament to **approve the Council draft**.

Members called for the Parliament to be **kept regularly informed and consulted**, pursuant to Article 25 of the Agreement on Operational and Strategic Cooperation between the Kingdom of Denmark and Europol, in particular through the Europol Joint Parliamentary Scrutiny Group to be established pursuant to the Europol Regulation (Regulation (EU) 2016/794);

Moreover, they called on all parties involved to exhaust all possibilities under primary and secondary law in order to once again offer Denmark full membership of Europol.

To recap, Denmark did not take part in the adoption of this new Europol Regulation and is not subject to its application. The new Europol Regulation will start to 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 be part of Europol and will not be able to participate in its activities, consult its databases or exchange data with it.

In order to minimise the negative effects of the Danish departure from Europol, it is proposed in a joint statement by the European Council, the President of the European Commission and the Prime Minister of Denmark (15 December 2016), that Denmark be associated to Europol in the form of an operational cooperation agreement.

On 14 February 2017, the European Parliament adopted with an overwhelming majority the recommendation to amend Decision 2009/935/JHA in order to place Denmark on the list of third States and organisations with which Europol shall conclude international cooperation agreements.

This report concerns Parliament's consultation on the draft operational cooperation agreement between Europol and Denmark,

The rapporteur recommends to approve the Council draft proposed agreement. The reason being that 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.