REPORT

on the draft Council implementing decision approving the conclusion by Eurojust of the Agreement on Cooperation between Eurojust and Georgia (13483/2018 – C8-0484/2018 – 2018/0813(CNS))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Sylvia-Yvonne Kaufmann

(Simplified procedure – Rule 50(1) of the Rules of Procedure)
Symbols for procedures

* Consultation procedure
*** Consent procedure
****I Ordinary legislative procedure (first reading)
****II Ordinary legislative procedure (second reading)
****III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in bold italics in the left-hand column. Replacements are indicated in bold italics in both columns. New text is indicated in bold italics in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in bold italics. Deletions are indicated using either the symbol or strikeout. Replacements are indicated by highlighting the new text in bold italics and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.
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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the draft Council implementing decision approving the conclusion by Eurojust of the Agreement on Cooperation between Eurojust and Georgia
(13483/2018 – C8-0484/2018 – 2018/0813(CNS))

(Consultation)

The European Parliament,

– having regard to the Council draft (13483/2018),

– having regard to Article 39(1) of the Treaty on European Union, as amended by the Treaty of Amsterdam, and Article 9 of Protocol No 36 on transitional provisions, pursuant to which the Council consulted Parliament (C8-0484/2018),

– having regard to Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime¹, and in particular Article 26a(2) thereof,

– having regard to Rule 78c of its Rules of Procedure,

– having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Legal Affairs (A8-0065/2019),

1. Approves the Council draft;

2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;

3. Asks the Council to consult Parliament again if it intends to substantially amend the text approved by Parliament;

4. Instructs its President to forward its position to the Council and Commission.

EXPLANATORY STATEMENT

The Eurojust-Georgia Cooperation agreement follows the model of similar agreements concluded by Eurojust in the past (for example, Eurojust-FYROM, Eurojust-US, Eurojust-Norway, Eurojust-Switzerland, and most recently Eurojust-Albania). The purpose of such agreements is to foster cooperation as regards combating serious crime, especially organised crime and terrorism. They provide, inter alia, for liaison officers, contact points and exchange of information. Such cooperation agreements are based on Article 26a(2) of the Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime.

Organised crime groups originating in Georgia are operating in EU Member States (see, for example, a recent joint Georgian/Greek/French joint action in 2018) and Georgia is a post-conflict nation with a large stock of weapons remaining in country with the potential for trafficking of weapons (see, for example, US Department of State, Georgia 2018 Crime & Safety Report). The European Commission stated, in its Visa Suspension Mechanism Report (COM(2017)815), that “organised criminal groups from Georgia are still reported as one of the most frequently represented non-EU nationalities involved in serious and organised crime in the EU. Georgian OCGs are highly mobile, are mainly involved in organised property crime (particularly organised burglaries and thefts) and especially active in France, Greece, Germany, Italy and Spain. These OCGs are particularly threatening to the EU because their activities are often dismissed as low intensity crime, their control of criminal markets is gradually increasing and they cooperate with other non-EU OCGs. Georgia remains a transit country for various illicit commodities trafficked to the EU, in particular drugs. Georgia has been increasingly used to launder illicit proceeds generated by various OCGs in the EU and outside the EU and has been emerging as a transit country for laundered criminal proceeds.” Hence, such an agreement can foster greater cooperation in the fight against organised crime and is in the interest of Georgia and EU Member States, as organised crime is a transnational problem. Such an agreement is also welcome in the area of judicial cooperation, in view of an already existing 2017 Europol-Georgia agreement as regards police cooperation.

Such cooperation will also aid Georgian authorities to ensure continuous fulfilment of their obligations, and their serious commitment, to preventing and fighting organised crime (such as the new National Strategy of 2017-2020 for Combating Organised Crime, police reforms from 2015 onwards, efforts to strengthen the judiciary based on Council of Europe reports, the 2017 agreement with Europol, etc.). The Commission even stated that, as regards visa liberalisation benchmarks, Georgia should “operationalise the Cooperation Agreement concluded with Europol as a matter of priority and conclude the cooperation agreement with Eurojust”.

In accordance with the current Eurojust Decision such cooperation agreements between Eurojust and third countries containing provisions on the exchange of personal data may only be concluded if the entity concerned is subject to the Council of Europe Convention of 28 January 1981 or after an assessment confirming the existence of an adequate level of data protection ensured by that entity. In that regard it has to be highlighted that Georgia ratified in 2005 the mentioned Convention as well as in 2014 its Additional protocol. On 19 April 2018, the Joint Supervisory Body of Eurojust gave a positive opinion on the provisions of the Agreement concerning data protection. However, it stated that “Article 17 (Data Security) of
the draft agreement does not foresee the communication of personal data breaches between the parties. Therefore, the JSB recommends Eurojust to consider this element in the framework of the regular consultation meetings with Georgian counterparts as foreseen by Article 20 of the draft agreement, especially taking into account the relevant provisions in the Police Directive. Furthermore, the JSB invites Eurojust to include such provision in future cooperation agreements with third parties and states”. Such a statement is supported by the Rapporteur. Also the new Regulation (EU) 2018/1727 on Eurojust replacing and repealing Council Decision 2002/187/JHA provides for the possibility of agreements with third states whereby such agreements are a possible basis for the transfer of personal data provided general principles for transfers of operational personal data to third countries have to be respected (see in that regard Article 56 of the Regulation).

Consequently, based on all of the above considerations, the Rapporteur endorses the draft Council implementing decision as regards the draft Agreement on Cooperation between Eurojust and Georgia.
Mr Claude Moraes  
Chair  
Committee on Civil Liberties, Justice and Home Affairs  
BRUSSELS

Subject: Opinion in the form of a letter concerning draft Council Implementing Decision approving the conclusion by Eurojust of the Agreement on cooperation between Eurojust and Georgia. (2018/0813(CNS))

Dear Mr Chair,

The Legal Affairs Committee, which I have the honour to chair, has been invited to submit an opinion to the Committee on Civil Liberties, Justice and Home Affairs with regards to the decision concerning draft Agreement on Cooperation between Eurojust and Georgia (2018/0813(CNS)). Mrs Joëlle Bergeron has been appointed draftsperson. For reasons relating to the deadlines for the adoption of the report in your committee, the Committee on Legal Affairs decided to send its opinion in the form of a letter.

This decision approves the Cooperation Agreement between Eurojust and Georgia (the “Agreement”) to strengthen judicial cooperation in the fight against serious organized crime and corruption. The Agreement includes provisions on the exchange of personal data. It was approved by the Eurojust College on 20 September 2018.

In accordance with Article 26a(2) of the Council Decision of 28 February 2002 establishing Eurojust, as last amended by Council Decision 2009/426/JHA of 16 December 2008, it shall be the responsibility of the Council to approve agreements concluded by Eurojust with third countries or international organizations. The conditions set out in the said Article 26a must be fulfilled. The Parliament should be consulted about this approval.

The Legal Affairs Committee believes that Eurojust's operational cooperation with Georgia is necessary to combat transnational crime and strengthen judicial cooperation in Europe. The Legal Affairs Committee supports the Agreement and, after exchange between the coordinators via written procedure and adoption of the opinion at the meeting of 23 January 2019, therefore proposes the approval of the Council Implementing Decision without amendment. The Committee calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to propose approval of the draft Council Implementing

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1 The following were present for the final vote: Pavel Svoboda (Chair), Lidia Joanna Geringer de Oedenberg (Vice-Chair), Jean-Marie Cavada (Vice-Chair), Mady Delvaux (Vice-Chair), Max Andersson, Marie-Christine Boutonnet, Pascal Durand, Rosa Estarás Ferragut, Enrico Gasbarra, Sajjad Karim, Sylvia-Yvonne Kaufmann, Gilles Lebreton, António Marinho e Pinto, Angelika Niebler, Julia Reda, Evelyne Regner, Virginie Rozière, József Szájer, Axel Voss, Tiemo Wölken, Francis Zammit Dimech, Tadeusz Zwiefka, Kosma Złotowski, Luis de Grandes Pascual, Lola Sánchez Caldentey (for Kostas Chrysogonos pursuant to Rule 200(2)).
Decision approving the conclusion by Eurojust of the agreement on the cooperation between Eurojust and Georgia.

I trust that this will make a useful contribution into the report drafted by your Committee.

Yours sincerely,

Pavel Svoboda
**PROCEDURE – COMMITTEE RESPONSIBLE**

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<td>LIBE 28.11.2018</td>
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<td>JURI 28.11.2018</td>
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<td>Sylvia-Yvonne Kaufmann 7.1.2019</td>
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<td>10.12.2018</td>
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