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*Plenary sitting*

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**A8-0192/2019**

9.4.2019

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## **REPORT**

on the draft Council implementing decision approving the conclusion by Eurojust of the Agreement on Criminal Justice Cooperation between Eurojust and the Kingdom of Denmark  
(07770/2019 – C8-0152/2019 – 2019/0805(CNS))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Claude Moraes

(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 Criminal Justice Cooperation between Eurojust and the Kingdom of Denmark  
(07770/2019 – C8-0152/2019 – 2019/0805(CNS))**

### **(Consultation)**

*The European Parliament,*

- having regard to the Council draft (07770/2019),
  - 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 (C8-0152/2019),
  - having regard to Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime<sup>1</sup>, 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 (A8-0192/2019),
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 the Commission.

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<sup>1</sup> OJ L 63, 6.3.2002, p. 1.

## EXPLANATORY STATEMENT

The Eurojust-Denmark criminal justice cooperation agreement is necessary following the “Lisbonisation” of Eurojust which replaced and repealed Council Decision 2002/187/JHA with Regulation (EU) 2018/1727 of the EP and the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust). The Regulation will apply from 19 December 2019. In view of Denmark's special status in the area of criminal justice after Lisbon (Protocol 22), Denmark is not taking part in the new Regulation and is not bound by it. However, Denmark expressed the wish to further participate in the activities of Eurojust. In that regard a cooperation agreement has to be agreed between Denmark and Eurojust (similar to the agreement Denmark had to agree after the "Lisbonisation" of Europol). In that regard, Denmark will have a status between that of a Member State and a third country. For example, it will have a representative participating in the meetings of the College, without the right to vote, and Denmark will contribute to the revenue of Eurojust. Although, in principle, a common system in criminal justice cooperation for all Member States should be the rule and is preferable, an agreement with Denmark is important to guarantee, inter alia, the following: continuation of Denmark's participation in the Eurojust structure (Denmark is part of Eurojust from the beginning and active in Eurojust); Denmark is part of the Schengen area; Denmark takes part in several former third pillar instruments, notably the European Arrest Warrant; Denmark will take part in the financing of Eurojust; the preservation of the common EU JHA area; and the application of the EDPS and Court of Justice prerogatives.

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. On 28 March 2019, the Joint Supervisory Body of Eurojust gave a positive opinion on the provisions of the Agreement concerning data protection. Denmark will apply Directive (EU) 2016/680 of the European Parliament and of the Council<sup>1</sup>, with respect to the personal data exchanged pursuant to the Agreement, agreed to specific data protection provisions in the Agreement and recognises the role of the European Data Protection Supervisor.

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 Denmark.

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<sup>1</sup> Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).

## PROCEDURE – COMMITTEE RESPONSIBLE

<b>Title</b>	Proposal for a Council implementing decision approving the conclusion by Eurojust of the Agreement on judicial cooperation in criminal matters between Eurojust and the Kingdom of Denmark	
<b>References</b>	07770/2019 – C8-0152/2019 – 2019/0805(CNS)	
<b>Date of consulting Parliament</b>	1.4.2019	
<b>Committee responsible</b> Date announced in plenary	LIBE 3.4.2019	
<b>Committees asked for opinions</b> Date announced in plenary	JURI 3.4.2019	
<b>Not delivering opinions</b> Date of decision	JURI 3.4.2019	
<b>Rapporteurs</b> Date appointed	Claude Moraes 3.4.2019	
<b>Simplified procedure - date of decision</b>	1.4.2019	
<b>Discussed in committee</b>	2.4.2019	8.4.2019
<b>Date adopted</b>	8.4.2019	
<b>Date tabled</b>	9.4.2019	