



**2019/0807(CNS)**

9.9.2019

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## **PRANEŠIMO PROJEKTAS**

dėl Tarybos įgyvendinimo sprendimo, kuriuo pritariama tam, kad Eurojustas sudarytų Eurojusto ir Serbijos bendradarbiavimo susitarimą, projekto (10334/2019 – C9-0041/2019 – 2019/0807(CNS))

Piliečių laisvių, teisingumo ir vidaus reikalų komitetas

Pranešėjas: Juan Fernando López Aguilar

### ***Procedūrų sutartiniai ženklai***

- \* Konsultavimosi procedūra
- \*\*\* Pritarimo procedūra
- \*\*\*I Įprasta teisėkūros procedūra (pirmasis svarstymas)
- \*\*\*II Įprasta teisėkūros procedūra (antrasis svarstymas)
- \*\*\*III Įprasta teisėkūros procedūra (trečiasis svarstymas)

(Procedūra pasirenkama atsižvelgiant į teisės akto projekte pasiūlytą teisinį pagrindą.)

### ***Teisės akto projekto pakeitimai***

#### **Parlamento pakeitimai, išdėstomi dviejuose stulpeliuose**

Išbrauktos teksto dalys žymimos *pusjuodžiu kursyvu* kairiajame stulpelyje. Pakeitimai žymimi *pusjuodžiu kursyvu* abiejuose stulpeliuose. Naujas tekstas žymimas *pusjuodžiu kursyvu* dešiniajame stulpelyje.

Kiekvieno pakeitimo antraštės pirmoje ir antroje eilutėse nurodoma atitinkama svarstomo teisės akto projekto dalis. Jei pakeitimas susijęs su esamu teisės aktu, kurį siekiama pakeisti teisės akto projektu, antraštėje pridedamos trečia ir ketvirta eilutės, kuriose atitinkamai nurodomas esamas teisės aktas ir keičiama šio teisės akto dalis.

#### **Parlamento pakeitimai, pateikiami konsoliduoto teksto forma**

Naujos teksto dalys žymimos *pusjuodžiu kursyvu*. Išbrauktos teksto dalys nurodomos simboliu „■“ arba perbraukiamos. Pakeistos teksto dalys nurodomos naują tekstą pažymint *pusjuodžiu kursyvu*, o ankstesnį nereikalingą tekstą išbraukiant arba perbraukiant. Nežymimi tik grynai techninio pobūdžio pakeitimai, kuriuos daro tarnybos, siekdamas parengti galutinį tekstą.

## TURINYS

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## EUROPOS PARLAMENTO TEISĖKŪROS REZOLIUCIJOS PROJEKTAS

dėl Tarybos įgyvendinimo sprendimo, kuriuo pritariama tam, kad Eurojustas sudarytų Eurojusto ir Serbijos bendradarbiavimo susitarimą, projekto (10334/2019 – C9-0041/2019 – 2019/0807(CNS))

(Speciali teisėkūros procedūra: konsultavimasis)

*Europos Parlamentas,*

- atsižvelgdamas į Tarybos projektą (10334/2019),
  - atsižvelgdamas į Europos Sąjungos sutarties, iš dalies pakeistos Amsterdamo sutartimi, 39 straipsnio 1 dalį ir į Protokolo Nr. 36 dėl pereinamojo laikotarpio nuostatų 9 straipsnį, pagal kuriuos Taryba kreipėsi į Parlamentą dėl konsultacijos (C9-0041/2019),
  - atsižvelgdamas į 2002 m. vasario 28 d. Tarybos sprendimą 2002/187/TVR, įkuriantį Eurojustą siekiant sustiprinti kovą su sunkiais nusikaltimais<sup>1</sup>, ypač į jo 26a straipsnio 2 dalį,
  - atsižvelgdamas į Darbo tvarkos taisyklių 82 straipsnį,
  - atsižvelgdamas į Piliečių laisvių, teisingumo ir vidaus reikalų komiteto pranešimą (A9-0000/2019),
1. pritaria Tarybos projektui;
  2. ragina Tarybą pranešti Parlamentui, jei ji ketina nukrypti nuo teksto, kuriam pritarė Parlamentas;
  3. ragina Tarybą dar kartą konsultuotis su Parlamentu, jei ji ketina iš esmės keisti Parlamento patvirtintą tekstą;
  4. paveda Pirmininkui perduoti Parlamento poziciją Tarybai ir Komisijai.

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<sup>1</sup> OL L 63, 2002 3 6, p. 1.

## AIŠKINAMOJI DALIS

The Eurojust-Serbia Cooperation agreement follows the model of similar agreements concluded by Eurojust in the past (for example, Eurojust-FYROM, Eurojust-US, Eurojust-Norway, Eurojust-Switzerland, Eurojust-Albania, and most recently Eurojust-Georgia). 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.

The mentioned agreement is in line with the 2018 European Commission's Western Balkans Strategy.<sup>1</sup> In that regard the Commission pointed out the fight against serious crime and terrorism by stating that "organised crime remains a very serious issue in the Western Balkans and Turkey. Important smuggling routes run through Turkey as well as the Western Balkans. Powerful criminal networks with an international reach continue to operate from and via these countries... The Western Balkans have taken important steps in recent years to modernise the legal and institutional framework regarding the fight against terrorism. Operational cooperation with EU Member States and EU agencies has continued to improve and intensify. All Western Balkans countries actively participate in the Western Balkans Counter Terrorism Initiative (WBCTi). Nevertheless, most countries still need to step up efforts to address the issue of returning foreign fighters and to prevent extremism and radicalisation, including in prisons." In that regard other candidate countries in the region (Montenegro, North Macedonia and Albania) have already concluded similar agreements. The Commission also mentioned in its 2019 Report that "Serbia should increase its efforts in addressing the shortcomings, and in particular establish a convincing track record of investigation, prosecution, and convictions in organised crime cases". In addition, Serbia is "the most requested country in the region, and overall, the second most requested third country in Eurojust's casework. Serbia was involved in 34 cases in 2018".<sup>2</sup>

The European Commission also stated, in its Second Visa Suspension Mechanism Report, that "As regards organised crime, Serbian nationals continue to be reported as one of the most frequently reported nationalities for organised property crimes in the EU, particularly in Belgium, France, Germany and Italy. Serbian nationals have also continued to be one of the most frequently encountered victims of trafficking in human beings originating from the Western Balkans region. Organised crime groups comprised of Iranian nationals are involved in the trafficking of heroin along this route, as well as the Southern Caucasus route. There remain significant weapon stocks in Serbia, which is a risk in the framework of firearms trafficking."<sup>3</sup>

Hence, such an agreement can foster greater cooperation in the fight against organised crime and is in the interest of Serbia and EU Member States, as organised crime is a transnational

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<sup>1</sup> A credible enlargement perspective for and enhanced EU engagement with the Western Balkans, COM(2018) 65 final.

<sup>2</sup> Communication on EU Enlargement Policy, Serbia 2019 Report, Commission Staff Working Document (SWD(2019) 219 final).

<sup>3</sup> COM(2018) 856 final.

problem. Such an agreement is also welcome in the area of judicial cooperation, in view of an already existing Europol-Serbia agreement and Cefpol-Serbia working arrangement as regards police cooperation.

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 Serbia ratified in 2005 the mentioned Convention as well as in 2008 its Additional protocol. On 28 March 2019, the Joint Supervisory Body of Eurojust gave a positive opinion on the provisions of the Agreement concerning data protection. It pointed out, inter alia, the adoption of new Serbian data protection legislation in 2018.<sup>4</sup> 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 Serbia.

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<sup>4</sup> Zakon o zaštiti podataka o ličnosti (Sl. glasnik RS, br. 87/2018).