



Plenary sitting

A8-0007/2016

19.1.2016

REPORT

on the draft Council implementing decision approving the conclusion by Eurojust of the Agreement on Cooperation between Eurojust and Ukraine (11592/2015 – C8-0300/2015 – 2015/0810(CNS))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Sylvia-Yvonne Kaufmann

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 Ukraine (11592/2015 – C8-0300/2015 – 2015/0810(CNS))

(Consultation)

The European Parliament,

- having regard to the Council draft (11592/2015),
 - 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 (C8-0300/2015),
 - 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, in particular Article 26a(2) thereof,
 - having regard to Rule 59 of its Rules of Procedures,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Legal Affairs (A8-0007/2016),
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, the Commission and Eurojust.

¹ OJ L 63, 6.3.2002, p. 1.

EXPLANATORY STATEMENT

This proposal concerns the proposed approval of a cooperation agreement between Eurojust and Ukraine with the aim to enhancing judicial cooperation in the fight against serious crime in particular organised crime and terrorism. This draft agreement contains provisions concerning the operational cooperation between Eurojust and Ukraine, such as the secondment of a liaison officer by Ukraine to Eurojust and the exchange of information including personal data

In accordance with article 26a (2) of the Eurojust Decision, the Joint Supervisory Body of Eurojust (JSB) has approved the draft agreement; its opinion is attached to the draft agreement. The JSB noted in particular that all Eurojust amendments to the draft agreement have been taking into account and that Ukraine is Party to the Council of Europe Convention of 28 January 1981 for the Protection of Individuals with regard to Automatic Processing of Personal Data and its protocol regarding supervisory authorities and transborder data. On this last point, the JSB has concluded that issues regarding the independence of the supervisory competent authority in Ukraine have been satisfactorily addressed by the transfer of the tasks to the Ombudsman which enjoys full independence in accordance with the Ukrainian constitution.

In order to reinforce the fight against transnational crime and to enhance judicial co-operation in Europe, there is a clear operational need for Eurojust to cooperate with the Ukraine.

Pursuant to Article 26a(2) of the Council Decision of 28 February 2002 setting up Eurojust, as last amended by Council Decision 2009/426/JHA of 16 December 2008, it is for the Council to approve, by qualified majority, the agreements conclude by Eurojust with third countries or international organisations.

Pursuant to article 39(1) of the ex-Treaty on European Union which the Court of Justice has ruled on 16 April 2015 to be still applicable, in accordance with article 9 of protocol 36, the Council is required to consult the Parliament when adopting implementing measures on the basis of the third pillar acquis and may lay down a time limit for the Parliament to deliver its opinion (CJEU C-317/13 et C-679/13, 15 April 2015)

The rapporteur supports the conclusion of this cooperation agreement with Ukraine, since it would aid and reinforce the fight against serious crime and would contribute to enhancing judicial co-operation in particular in the field of organised crime and terrorism.

12.1.2016

OPINION OF THE COMMITTEE ON LEGAL AFFAIRS

for the Committee on Civil Liberties, Justice and Home Affairs

on the draft Council implementing decision approving the conclusion by Eurojust of the Agreement on Cooperation between Eurojust and Ukraine (11592/2015 – C8-0300/2015 – 2015/0810(CNS))

Rapporteur: Jiří Maštálka

SHORT JUSTIFICATION

This decision proposes to approve a cooperation agreement between Eurojust and Ukraine in order to strengthen judicial cooperation in the fight against serious crime and corruption. The agreement contains detailed provisions on operational cooperation between Eurojust and Ukraine, such as the secondment of a Ukrainian liaison officer to Eurojust and the exchange of information.

Article 26a(2) of the Eurojust Decision states that the Council must approve such agreements with third countries or international organisations. Article 39(1) of the pre-Lisbon version of the Treaty on European Union provides that Parliament must be consulted on that approval. This procedure is still temporarily in force in accordance with Article 9 of Protocol No 36.

Your rapporteur considers that there is a clear operational need for Eurojust to cooperate with Ukraine in order to fight transnational crime and strengthen judicial cooperation in Europe. Your rapporteur supports the cooperation agreement, and therefore proposes the approval of the Council implementing decision without amendment.

The Committee on Legal Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to propose approval of the draft Council implementing decision approving the conclusion by Eurojust of the Agreement on Cooperation between Eurojust and Ukraine.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Agreement on Cooperation between Eurojust and Ukraine
References	11592/2015 – C8-0300/2015 – 2015/0810(CNS)
Committee responsible Date announced in plenary	LIBE 14.10.2015
Opinion by Date announced in plenary	JURI 14.10.2015
Rapporteur Date appointed	Jiří Maštálka 26.11.2015
Date adopted	11.1.2016
Result of final vote	+: 19 –: 2 0: 0
Members present for the final vote	Max Andersson, Joëlle Bergeron, Marie-Christine Boutonnet, Jean-Marie Cavada, Mady Delvaux, Rosa Estaràs Ferragut, Laura Ferrara, Mary Honeyball, Dietmar Köster, Gilles Lebreton, António Marinho e Pinto, Julia Reda, Evelyn Regner, Pavel Svoboda
Substitutes present for the final vote	Daniel Buda, Angel Dzhambazki, Sylvia-Yvonne Kaufmann, Constance Le Grip, Stefano Maullu, Angelika Niebler, Virginie Rozière

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Agreement on Cooperation between Eurojust and Ukraine	
References	11592/2015 – C8-0300/2015 – 2015/0810(CNS)	
Date of consulting Parliament	8.10.2015	
Committee responsible Date announced in plenary	LIBE 14.10.2015	
Committees asked for opinions Date announced in plenary	AFET 14.10.2015	JURI 14.10.2015
Not delivering opinions Date of decision	AFET 13.10.2015	
Rapporteurs Date appointed	Sylvia-Yvonne Kaufmann 19.11.2015	
Discussed in committee	1.12.2015	
Date adopted	14.1.2016	
Result of final vote	+: 40 -: 2 0: 9	
Members present for the final vote	Jan Philipp Albrecht, Malin Björk, Michał Boni, Caterina Chinnici, Ignazio Corrao, Rachida Dati, Frank Engel, Cornelia Ernst, Laura Ferrara, Monika Flašíková Beňová, Lorenzo Fontana, Mariya Gabriel, Kinga Gál, Ana Gomes, Nathalie Griesbeck, Sylvie Guillaume, Jussi Halla-aho, Filiz Hyusmenova, Sophia in 't Veld, Iliana Iotova, Sylvia-Yvonne Kaufmann, Timothy Kirkhope, Barbara Kudrycka, Kashetu Kyenge, Marju Lauristin, Juan Fernando López Aguilar, Monica Macovei, Vicky Maeijer, Barbara Matera, Claude Moraes, József Nagy, Judith Sargentini, Birgit Sippel, Csaba Sógor, Traian Ungureanu, Bodil Valero, Marie-Christine Vergiat, Udo Voigt, Josef Weidenholzer, Kristina Winberg, Tomáš Zdechovský	
Substitutes present for the final vote	Gérard Deprez, Anna Hedh, Teresa Jiménez-Becerril Barrio, Ska Keller, Andrejs Mamikins, Angelika Mlinar, Christine Revault D'Allonnes Bonnefoy, Barbara Spinelli, Jaromír Štětina	
Substitutes under Rule 200(2) present for the final vote	Petri Sarvamaa	
Date tabled	19.1.2016	