



Plenary sitting

A8-0275/2018

5.9.2018

REPORT

on the draft Council implementing decision approving the conclusion by Eurojust of the Agreement on Cooperation between Eurojust and Albania (08688/2018 – C8-0251/2018 – 2018/0807(CNS))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Laura Ferrara

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 Albania (08688/2018 – C8-0251/2018 – 2018/0807(CNS))

(Special legislative procedure – consultation)

The European Parliament,

- having regard to the Council draft (08688/2018),
 - 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 (C8-0251/2018),
 - 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 (A8-0275/2018),
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 the national parliaments.

EXPLANATORY STATEMENT

The Eurojust-Albania Cooperation agreement follows the model of similar agreements concluded by Eurojust in the past (for example, Eurojust-FYROM, Eurojust-US, Eurojust-Norway, Eurojust-Switzerland, etc.). 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. According to the UN and Europol Albanian criminal groups are among internationally leading ones in the trafficking of heroin, cocaine, and cannabis (UN Office on Drugs and Crime's 2017 report; see also the EU Serious and Organised Crime Threat Assessment 2017). And according, for example, to the US Department of State organized crime continues to remain a concern for most Albanians with a network of criminal organizations involved in drug trafficking, extortion, bribery, money laundering, prostitution, and human trafficking. Hence, such an agreement can foster the fight against such crime and is in the interest of Albania and EU Member States as organised crime is a transnational problem.

In addition, Albania is from 2014 an EU candidate country. According to the Commission 2018 report (SWD(2018) 151 final) as regards the topic of fight against organised crime “in view of previous recommendations, some progress was made on aligning relevant legislation with European standards and best practices. Albania adopted amendments to the Anti-Mafia Law and the Criminal Procedure Code to make criminal investigations more effective. Some progress was also made on confiscating criminal assets, relating mostly to preventive seizures. International police cooperation, especially with EU Member States, has intensified. Cooperation between the police, prosecution and other relevant agencies and bodies needs to be improved. More efforts are needed to tackle money laundering, criminal assets and unjustified wealth”. In view of the mentioned the Cooperation Agreement with Eurojust is an additional building block as regards further improvement of Albania in the mentioned area. It should be also mentioned that a similar agreement as regards police cooperation was signed already on 9 December 2013 between Albania and Europol on operational and strategic 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 Albania ratified in 2005 the mentioned Convention as well as its 2001 Additional protocol. Also the Eurojust Joint Supervisory body of 17 July 2017 delivered a positive opinion in that regard. The envisaged new Eurojust Regulation (2013/0256(COD)), in the process of final adoption after the agreement reached between the EP and the Council in June 2018, provides for the possibility for such agreements whereby such agreements are one of the possible basis for the transfer of personal data, whereby general principles for transfers of operational personal data to third countries have to be respected (see in that regard Articles 38 and 43 of the provisional consolidated version of the mentioned regulation). This means that once the new Regulation enters into force and has to be applied the mentioned cooperation agreements as regards

personal data transfers have to be in line with it, including the current agreement.

Consequently, due to all mentioned the Rapporteur endorses the draft Council implementing decision as regards the draft Agreement on Cooperation between Eurojust and the Republic of Albania.

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Decision approving the conclusion by Eurojust of the Agreement on Cooperation between Eurojust and Albania	
References	08688/2018 – C8-0251/2018 – 2018/0807(CNS)	
Date of consulting Parliament	4.6.2018	
Committee responsible Date announced in plenary	LIBE 11.6.2018	
Committees asked for opinions Date announced in plenary	JURI 11.6.2018	
Not delivering opinions Date of decision	JURI 9.7.2018	
Rapporteurs Date appointed	Laura Ferrara 9.7.2018	
Discussed in committee	30.8.2018	3.9.2018
Date adopted	3.9.2018	
Result of final vote	+: –: 0:	34 1 3
Members present for the final vote	Asim Ademov, Monika Beňová, Caterina Chinnici, Cornelia Ernst, Laura Ferrara, Romeo Franz, Ana Gomes, Dietmar Köster, Barbara Kudrycka, Cécile Kashetu Kyenge, Juan Fernando López Aguilar, Roberta Metsola, Claude Moraes, Péter Niedermüller, Judith Sargentini, Giancarlo Scottà, Birgit Sippel, Csaba Sógor, Sergei Stanishev, Helga Stevens, Bodil Valero, Josef Weidenholzer, Cecilia Wikström, Kristina Winberg, Auke Zijlstra	
Substitutes present for the final vote	Dennis de Jong, Gérard Deprez, Sylvia-Yvonne Kaufmann, Jean Lambert, Jeroen Lenaers, Nuno Melo, Emil Radev, Barbara Spinelli, Jaromír Štětina	
Substitutes under Rule 200(2) present for the final vote	Françoise Grossetête, Nadja Hirsch, Peter Kouroumbashev, Vladimir Urutchev	
Date tabled	6.9.2018	

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

34	+
ALDE	Gérard Deprez, Nadja Hirsch, Cecilia Wikström
ECR	Helga Stevens, Kristina Winberg
EFDD	Laura Ferrara
ENF	Giancarlo Scottà
PPE	Asim Ademov, Françoise Grossetête, Barbara Kudrycka, Jeroen Lenaers, Nuno Melo, Roberta Metsola, Emil Radev, Csaba Sógor, Jaromír Štětina, Vladimir Urutchev
S&D	Monika Beňová, Caterina Chinnici, Ana Gomes, Sylvia-Yvonne Kaufmann, Dietmar Köster, Peter Kouroumbashev, Cécile Kashetu Kyenge, Juan Fernando López Aguilar, Claude Moraes, Péter Niedermüller, Birgit Sippel, Sergei Stanishev, Josef Weidenholzer
VERTS/ALE	Romeo Franz, Jean Lambert, Judith Sargentini, Bodil Valero

1	-
ENF	Auke Zijlstra

3	0
GUE/NGL	Cornelia Ernst, Dennis de Jong, Barbara Spinelli

Key to symbols:

+ : in favour

- : against

0 : abstention