


Basic information	
2019/0805(CNS) CNS - Consultation procedure Decision	Awaiting final decision
Eurojust: agreement on judicial cooperation in criminal matters with Denmark Subject 7.40.04 Judicial cooperation in criminal matters Geographical area Denmark	

Key players				
European Parliament	Committee responsible		Rapporteur	Appointed
	LIBE Civil Liberties, Justice and Home Affairs		MORAES Claude (S&D)	03/04/2019
	Committee for opinion		Rapporteur for opinion	Appointed
	JURI Legal Affairs		The committee decided not to give an opinion.	
Council of the European Union				

Key events			
Date	Event	Reference	Summary
29/03/2019	Legislative proposal published	07770/2019	Summary
03/04/2019	Committee referral announced in Parliament		
08/04/2019	Vote in committee		
09/04/2019	Committee report tabled for plenary, 1st reading/single reading	A8-0192/2019	Summary
18/04/2019	Decision by Parliament	T8-0425/2019	Summary
18/04/2019	Results of vote in Parliament		

Technical information	
Procedure reference	2019/0805(CNS)
Procedure type	CNS - Consultation procedure
Nature of procedure	Legislation
Legislative instrument	Decision

Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Awaiting final decision
Committee dossier	LIBE/8/15927

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee draft report		PE637.525	04/04/2019	
Committee report tabled for plenary, 1st reading/single reading		A8-0192/2019	09/04/2019	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0425/2019	18/04/2019	Summary
Council of the EU				
Document type		Reference	Date	Summary
Document attached to the procedure		07897/2019	28/03/2019	Summary
Legislative proposal		07770/2019	29/03/2019	Summary

Eurojust: agreement on judicial cooperation in criminal matters with Denmark

2019/0805(CNS) - 09/04/2019 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted, following the consultation procedure, the report by Claude MORAES (S&D, UK) on the draft Council implementing decision approving the conclusion by Eurojust of the Agreement on judicial cooperation in criminal matters between Eurojust and the Kingdom of Denmark.

The committee responsible recommended that the European Parliament approve the Council's draft.

In view of Denmark's special status in the field of criminal justice since Lisbon (Protocol No 22), Denmark does not participate in and is not bound by the new [Regulation \(EU\) 2018/1727](#) of the European Parliament and of the Council on the European Union Agency for Judicial Cooperation in Criminal Matters (Eurojust). The said Regulation shall apply from 19 December 2019.

However, Denmark has expressed its wish to be more involved in Eurojust's activities. To this end, a cooperation agreement must be concluded between Denmark and Eurojust (similar to the one Denmark had to approve after the "Lisbonisation" of Europol). Denmark shall thus have a status between that of a Member State and that of a third country. For example, it shall have a representative participating in College meetings, without voting rights, and the country shall contribute to Eurojust's revenue.

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, 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.

Eurojust: agreement on judicial cooperation in criminal matters with Denmark

2019/0805(CNS) - 18/04/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 558 votes to 20, with 4 abstentions, following the consultation procedure, a legislative resolution on the Council implementing decision approving the conclusion by Eurojust of the Agreement on Criminal Justice Cooperation between Eurojust and the Kingdom of Denmark.

The European Parliament approved the Council's draft.

Eurojust: agreement on judicial cooperation in criminal matters with Denmark

2019/0805(CNS) - 28/03/2019 - Document attached to the procedure

PURPOSE: draft Agreement on criminal justice cooperation between Eurojust and the Kingdom of Denmark.

BACKGROUND: at the meeting on 26 March 2019, Justice and Home Affairs Council examined the draft Agreement on Criminal Justice Cooperation between Eurojust and the Kingdom of Denmark. The Presidency concluded that the Member States approve the draft Agreement.

As a reminder, 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 European Parliament 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, this cooperation agreement has to be agreed between Denmark and Eurojust.

CONTENT: the Agreement seeks to establish cooperative relations between Eurojust and Denmark in order to support and strengthen national investigations and prosecutions concerning serious crime affecting two or more Member States, or requiring prosecution on common bases on the basis of operations conducted and information supplied by the Member States' authorities, by Europol, by the EPPO, and by OLAF in accordance with Article 3 of the Eurojust Regulation.

In general, the Agreement with Denmark shall ensure, inter alia, that Denmark: (i) continues to participate in the Eurojust structure; (ii) is part of the Schengen area; (iii) participates in various former third pillar instruments, including the European Arrest Warrant; (iv) participates in the financing of Eurojust.

Denmark shall have a status between that of a Member State and a third country and shall have a representative participating in the meetings of the College, without the right to vote. It shall also contribute to the revenue of Eurojust.

It shall apply [Directive \(EU\) 2016/680](#) of the European Parliament and of the Council with regard to personal data exchanged under the Agreement.

Denmark has subscribed to the specific data protection provisions contained in the agreement and recognises the role of the European Data Protection Supervisor.

Eurojust: agreement on judicial cooperation in criminal matters with Denmark

2019/0805(CNS) - 29/03/2019 - Legislative proposal

PURPOSE: to approve the conclusion by Eurojust of the Agreement on criminal justice cooperation between Eurojust and the Kingdom of Denmark.

PROPOSED ACT: Council Implementing Decision.

ROLE OF THE EUROPEAN PARLIAMENT: the Council adopts the act after consulting the European Parliament but without being obliged to follow its opinion.

BACKGROUND: Decision 2002/187/JHA provides that Eurojust may conclude agreements with third States and organisations. Such agreements may concern the exchange of information, including personal data, and the secondment of liaison officers or liaison magistrates to Eurojust. They may only be concluded after consultation by Eurojust with the Joint Supervisory Body concerning the provisions on data protection and after approval by the Council.

Denmark is bound by and subject to the application of Decision 2002/187/JHA. However, it shall not be bound by or subject to the application of [Regulation \(EU\) 2018/1727](#) of the European Parliament and of the Council on the European Union Agency for Criminal Justice Cooperation and replacing and repealing Council Decision 2002/187/JHA, which will apply from 12 December 2019.

Given the interest of Eurojust and Denmark in establishing close and dynamic cooperation in order to meet the present and future challenges posed by serious crime and to avoid an operational gap as of 12 December 2019, Eurojust has negotiated an Agreement on Criminal Justice Cooperation between Eurojust and the Kingdom of Denmark.

Eurojust's Joint Supervisory Body gave a positive opinion on the data protection provisions of the Agreement.

The Agreement was approved by the College of Eurojust on 21 March 2019.

CONTENT: under the draft Council Implementing Decision, Eurojust shall be authorised to conclude the Agreement on criminal justice cooperation between Eurojust and Denmark.

The Agreement includes provisions on the exchange of personal data. Denmark shall apply [Directive \(EU\) 2016/680](#) of the European Parliament and of the Council with regard to personal data exchanged under the Agreement. It also provides for the exchange of information and the participation of the Representative to Eurojust in certain operational and strategic meetings.

As Denmark is affected by strategic and operational issues discussed in the College of Eurojust which affect all Member States, the Agreement provides for a wider participation of the Representative to Eurojust in meetings of the College of Eurojust than that provided for liaison magistrates of third States.

For the same reasons, it is appropriate that the national Parliament of Denmark is informed on Eurojust's annual report, as well as on the results of studies and strategic projects commissioned by Eurojust, its strategic programming documents and working arrangements concluded with third parties in the same way as the national Parliaments of the other Member States.

Furthermore, given the specific situation of Denmark, being both a European Union Member State and a Schengen Area Country, a number of other specific provisions were included in the Agreement. Those provisions relate to the jurisdiction of the Court of Justice of the European Union, the role of the European Data Protection Supervisor, an appropriate contribution by Denmark to Eurojust's budget and Denmark's required continued membership of the Schengen area.

The United Kingdom and Ireland shall participate in the adoption and implementation of this Decision.