








# Procedure file

Basic information		
CNS - Consultation procedure	<a href="#">2015/0811(CNS)</a>	Awaiting final decision
Memorandum of Understanding between the Office for Harmonisation in the Internal Market and Eurojust		
Subject 7.40.04 Judicial cooperation in criminal matters 8.40.08 Agencies and bodies of the EU		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Legal Affairs	Shadow rapporteur	
		 <a href="#">CAVADA Jean-Marie</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	 Industry, Research and Energy	The committee decided not to give an opinion.	
	 Internal Market and Consumer Protection	The committee decided not to give an opinion.	
Council of the European Union	 Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	
	 Culture and Education	The committee decided not to give an opinion.	
	Commission DG	Commissioner	
	<a href="#">Internal Market, Industry, Entrepreneurship and SMEs</a>	<a href="#">BIENKOWSKA Elzbieta</a>	

Key events			
30/09/2015	Legislative proposal published	<a href="#">11595/2015</a>	Summary
14/10/2015	Committee referral announced in Parliament		
03/12/2015	Vote in committee		
07/12/2015	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A8-0353/2015</a>	Summary
15/12/2015	Results of vote in Parliament		
15/12/2015	Decision by Parliament	<a href="#">T8-0434/2015</a>	Summary

Technical information	
Procedure reference	2015/0811(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Other legal basis	Rules of Procedure EP 159

Stage reached in procedure	Awaiting final decision
Committee dossier	JURI/8/04716

Documentation gateway					
Legislative proposal		<a href="#">11595/2015</a>	01/10/2015	CSL	Summary
Committee draft report		<a href="#">PE571.415</a>	27/10/2015	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A8-0353/2015</a>	07/12/2015	EP	Summary
Text adopted by Parliament, 1st reading/single reading		<a href="#">T8-0434/2015</a>	15/12/2015	EP	Summary

## Memorandum of Understanding between the Office for Harmonisation in the Internal Market and Eurojust

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**PURPOSE:** to approve the conclusion by Eurojust of the Memorandum of Understanding between the Office for Harmonisation in the Internal Market and Eurojust.

**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 or working arrangements with the institutions, bodies and agencies set up by, or on the basis of, the Treaties. Such agreements or working arrangements may, in particular, concern the exchange of information, including personal data, and the secondment of liaison officers to Eurojust. Such agreements or working arrangements may only be concluded after consultation by Eurojust with the Joint Supervisory Body concerning the provisions on data protection and after the approval by the Council.

In order to strengthen its capacity to work with the Office for Harmonisation in the Internal Market established by [Council Regulation \(EC\) No 207/2009](#), Eurojust has negotiated a Memorandum of Understanding between the Office for Harmonisation in the Internal Market and Eurojust.

The Memorandum was approved by the College of Eurojust on 19 May 2015.

**CONTENT:** in accordance with the draft implementing Decision, Eurojust is authorised to conclude the Memorandum of Understanding between the Office for Harmonisation in the Internal Market and Eurojust.

Denmark, the United Kingdom and Ireland shall take part in the adoption and application of this Decision.

## Memorandum of Understanding between the Office for Harmonisation in the Internal Market and Eurojust

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The Committee on Legal Affairs adopted, in the framework of a special legislative procedure (Parliaments consultation), the report by Kostas CHRYSOGONOS (GUE/NGL, EL) on the draft Council implementing decision approving the conclusion by Eurojust of the Memorandum of Understanding between the Office for Harmonisation in the Internal Market and Eurojust.

The Committee on Legal Affairs recommended the European Parliament to approve the Council draft aiming to formalise the conclusion by Eurojust of the Memorandum of Understanding between the Office for Harmonisation in the Internal Market (OHIM), for which the Committee on Legal Affairs is responsible.

The purpose of the Memorandum of Understanding (MoU) is to foster cooperation between Eurojust and OHIM in compliance with their respective mandates.

The explanatory statement accompanying the report highlighted a provision which is particularly worthy of attention is Article 3(5) of the MoU, whereby the exchange of information or experience provided for in this MoU shall not include the transmission of operational information including data relating to an identified or identifiable person. The Rapporteur fully endorsed this approach and called on the Council to be vigilant of the implementation in practice of the data protection guarantee.

Another interesting provision is Article 6 on settlement of disputes which: (i) stipulates that disputes related to the interpretation or application of the MoU must be settled by means of consultations and negotiations between representatives of Eurojust and OHIM, thus excluding the arbitration of any third party; (ii) lays down that in the event of serious failing to comply with the provisions of the MoU, or if Eurojust or OHIM is of the view that such failing may occur in the near future, either of them may suspend the application of the MoU temporarily, pending the consultations and negotiations.

## Memorandum of Understanding between the Office for Harmonisation in the Internal Market and Eurojust

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The European Parliament adopted by 571 votes to 59, with 56 abstentions, a legislative resolution on the draft Council implementing decision approving the conclusion by Eurojust of the Memorandum of Understanding between the Office for Harmonisation in the Internal Market and Eurojust.

Parliament approved the Council draft under the Parliaments consultation procedure.

To recall, the draft implementing decision in question formalises the conclusion by Eurojust of the Memorandum of Understanding between the Office for Harmonisation in the Internal Market (OHIM). The purpose of the Memorandum of Understanding (MoU) is to foster cooperation between Eurojust and OHIM in compliance with their respective mandates.