



Council of the European Union
General Secretariat

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CM 1990/21

LIMITE

COPEN
JAI
EUROJUST
PROCED

COMMUNICATION

WRITTEN PROCEDURE

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Subject: END OF WRITTEN PROCEDURE

COUNCIL DECISION authorising the opening of negotiations for Agreements between the European Union and Algeria, Argentina, Armenia, Bosnia and Herzegovina, Brazil, Colombia, Egypt, Israel, Jordan, Lebanon, Morocco, Tunisia and Turkey on cooperation between the European Union Agency for Criminal Justice Cooperation (Eurojust) and the competent authorities for judicial cooperation in criminal matters of those third States

- Adoption
 - Closure of written procedure
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Delegations are informed that the written procedure, opened by CM 1891/21 of 24 February 2021, as revised by CM 1891/1/21 REV 1 of 1 March 2021, was completed on 1 March 2021 at 16:20 and that - except for Cyprus, that voted against - all delegations voted in favour of the adoption of the Decision authorising the opening of negotiations for Agreements between the European Union and Algeria, Argentina, Armenia, Bosnia and Herzegovina, Brazil, Colombia, Egypt, Israel, Jordan, Lebanon, Morocco, Tunisia and Turkey on cooperation between the European Union Agency for Criminal Justice Cooperation (Eurojust) and the competent authorities for judicial cooperation in criminal matters of those third States, as set out in ST 6153/21 + ADD 1.

The required qualified majority has been reached. Therefore, the above Decision of the Council is adopted.

The statement by Cyprus is reproduced in the Annex to this CM.

This statement will be included in the summary of acts adopted by the written procedure as statements to be entered in the Council minutes, in accordance with the third subparagraph of Article 12(1) of the Council's Rules of Procedure.

Statement by Cyprus

Cyprus strongly disagrees with the inclusion of Turkey in the list of third States with which negotiations will be conducted. Despite the EU's repeated calls to abide by its obligations, Turkey continues its discriminatory policy towards the Republic of Cyprus and refuses to cooperate with the latter's authorities in all areas.

The Council, more recently in its June 2019 Enlargement Conclusions (General Affairs Council), has confirmed once again that Turkey's cooperation in the area of justice and home affairs with all EU Member States remains essential. In particular as regards cooperation in criminal matters, Turkey's refusal to cooperate with Cyprus has also been identified by the European Court of Human Rights in the Guzulyurtlu and others v. Cyprus and Turkey (decision of 29/1/2019, application number 36925/07) where the Court held that "Turkey had not made the minimum effort required to comply with its obligations to cooperate with Cyprus for an effective investigation into the Murder of the applicants relatives."

Furthermore, it is recalled that Turkey's obligation to effectively cooperate with all Member States in judicial matters remains one of the unfulfilled benchmarks in the country's visa liberalization roadmap.

For all the aforementioned reasons and taking into account Turkey's persistent flagrant breach of its obligations towards the EU and its Member States, Cyprus strongly disagrees with the inclusion of Turkey in the list of third States. Cyprus expects that all of the above will be duly taken into consideration during the course of negotiations, so as to ensure that Turkey's attitude will not in any way negatively affect the Republic of Cyprus' prerogatives as an EU Member State. Furthermore, Cyprus calls upon the Commission to keep raising the issue of Turkey's unacceptable lack of cooperation with Cyprus in Justice and Home Affairs matters in the course of the ensuing negotiations.