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European Union

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Subject: COUNCIL DECISION on the signing, on behalf of the European Union, of the Agreement between the European Union and Bosnia and Herzegovina on the cooperation between the European Union Agency for Criminal Justice Cooperation (Eurojust) and the authorities of Bosnia and Herzegovina competent for judicial cooperation in criminal matters

COUNCIL DECISION (EU) 2024/ ...

of ...

**on the signing, on behalf of the European Union,
of the Agreement between
the European Union
and Bosnia and Herzegovina
on the cooperation between
the European Union Agency for Criminal Justice Cooperation (Eurojust)
and the authorities of Bosnia and Herzegovina
competent for judicial cooperation in criminal matters**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 16(2) and Article 85, in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Articles 47(1) and 52(1) of Regulation (EU) 2018/1727 of the European Parliament and of the Council¹ provide that Eurojust may establish and maintain cooperation with authorities of third countries based on a cooperation strategy.
- (2) Pursuant to Article 56(2)(c) of Regulation (EU) 2018/1727, Eurojust may transfer personal data to an authority of a third country provided that, inter alia, an international agreement has been concluded between the Union and that third country pursuant to Article 218 of the Treaty on the Functioning of the European Union (TFEU), that provides for adequate safeguards with respect to the protection of privacy and fundamental rights and freedoms of individuals.
- (3) On 1 March 2021, the Council authorised the Commission to open negotiations with Bosnia and Herzegovina for an agreement on cooperation between the European Union Agency for Criminal Justice Cooperation (Eurojust) and the authorities of Bosnia and Herzegovina competent for judicial cooperation in criminal matters ('the Agreement').

¹ Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA (OJ L 295, 21.11.2018, p. 138).

- (4) The negotiations on the Agreement were successfully finalised, at the level of the negotiation teams, in January 2024. After the Member States had approved the text on technical level on 22 March 2024, Bosnia and Herzegovina gave its final agreement on 10 April 2024.
- (5) The Agreement enables the transfer of personal data between Eurojust and the competent authorities of Bosnia and Herzegovina, with a view to fighting serious crime and terrorism and protecting the security of the Union and its citizens.
- (6) The Agreement ensures full respect of the fundamental rights of the Union, in particular the right to respect for private and family life, the right to the protection of personal data, and the right to an effective remedy and a fair trial laid down in Articles 7, 8 and 47 of the Charter of Fundamental Rights of the European Union, respectively. In particular, the Agreement includes adequate safeguards for the protection of personal data transferred by Eurojust under the Agreement.
- (7) Ireland is bound by Regulation (EU) 2018/1727 and is therefore taking part in the adoption of this Decision.

- (8) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the TFEU, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (9) The European Data Protection Supervisor delivered its Opinion 20/2024 on 6 September 2024.
- (10) The Agreement should be signed.
- (11) In accordance with the Treaties, the Commission should ensure the signing of the Agreement, subject to its conclusion,

HAS ADOPTED THIS DECISION:

Article 1

The signing on behalf of the Union of the Agreement between the European Union and Bosnia and Herzegovina on the cooperation between the European Union Agency for Criminal Justice Cooperation (Eurojust) and the authorities of Bosnia and Herzegovina competent for judicial cooperation in criminal matters ('the Agreement') is hereby authorised, subject to the conclusion of the said Agreement².

Article 2

The Commission shall ensure the signing of the Agreement, subject to its conclusion.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at ..., ...

For the Council

The President

² The text of the Agreement will be published together with the decision on its conclusion.