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European Union

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: 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

COUNCIL DECISION (EU) 2021/...

of ...

**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**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular
Articles 16(2) and 85, in conjunction with Article 218(3) and (4) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) Regulation (EU) 2018/1727 of the European Parliament and of the Council¹ was adopted on 14 November 2018 and has been applied since 12 December 2019.
- (2) Pursuant to Article 52 of Regulation (EU) 2018/1727, Eurojust may establish and maintain cooperation with authorities of third countries and international organisations. To that end, Eurojust is to prepare a cooperation strategy every four years in consultation with the Commission, which specifies the third countries and international organisations with which there is an operational need for cooperation. Accordingly, in consultation with the Commission, Eurojust prepared such a cooperation strategy for the period 2020-2024.
- (3) Regulation (EU) 2018/1727, in particular Article 56 thereof, sets out the general principles for the transfer of personal data from the European Union Agency for Criminal Justice Cooperation (Eurojust) to third countries and international organisations. Eurojust may transfer personal data to a third country on the basis of an international agreement 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.

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) Negotiations should be opened with a view to concluding Agreements between the European Union and Algeria, Argentina, Armenia, Bosnia and Herzegovina, Brazil, Colombia, Egypt, Israel, Jordan, Lebanon, Morocco, Tunisia and Turkey ('the Agreements').
- (5) The Commission should be able, where necessary, to consult the European Data Protection Supervisor (EDPS), including during the negotiation of the Agreements, and, in any event, it should be able to consult the EDPS before the Agreements are concluded.
- (6) The Agreements should respect the fundamental rights and observe the principles recognised by the Charter of Fundamental Rights of the European Union, in particular the right to respect for private and family life, recognised in Article 7 thereof, the right to the protection of personal data, recognised in Article 8 thereof, and the right to an effective remedy and to a fair trial, recognised in Article 47 thereof. The Agreements should be applied in accordance with those rights and principles.
- (7) The Agreements should not affect, and should be without prejudice to, the transfer of personal data or other forms of cooperation between the authorities responsible for safeguarding national security.
- (8) Ireland is bound by Regulation (EU) 2018/1727 and is therefore taking part in the adoption of this Decision.

- (9) 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.
- (10) The EDPS has been consulted on this Decision and the Addendum thereto and issued an opinion on 17 December 2020,

HAS ADOPTED THIS DECISION:

Article 1

1. The Commission is hereby authorised to open 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.
2. The negotiations shall be conducted on the basis of the negotiation directives of the Council set out in the Addendum to this Decision.

Article 2

The Commission is hereby nominated as the Union negotiator.

Article 3

The negotiations shall be conducted in consultation with the Council Working Party on Cooperation in Criminal Matters (COPEN) and in accordance with the directives contained in the Addendum, subject to any directives which the Council may subsequently issue to the Commission.

The Commission shall regularly report to the COPEN Working Party on the progress of the negotiations and shall forward all negotiating documents to it without delay.

Article 4

This Decision is addressed to the Commission.

Done at ...,

For the Council

The President
