



Council of the
European Union

Brussels, 21 December 2016
(OR. en)

15759/16

Interinstitutional File:
2016/0823 (CNS)

ENFOPOL 497
JAIEX 125
JAI 1111

COVER NOTE

From:	Mr Arie Ijzeman, Chairperson of the Europol Management Board
date of receipt:	21 December 2016
To:	Ms Christine Roger, Director General of Justice and Home Affairs
Subject:	Addition of Denmark to the list of third States with which Europol shall conclude an agreement

Delegations will find attached a letter from the Chairperson of the Europol Management Board regarding the addition of Denmark to the list of third States with which Europol shall conclude an agreement.

Ms Christine Roger
Director General
Justice and Home Affairs
General Secretariat of the Council

Subject: addition of Denmark to the list of third States with which Europol shall conclude an agreement

Dear Ms Roger,

On 15 December 2016, the President of the European Commission, the President of the European Council and the Prime Minister of Denmark adopted a declaration to minimise the negative effects of the Danish departure from Europol, following the referendum in Denmark on 3 December 2015.

The Commission, the Council and Denmark have asked the relevant institutional actors, including the Management Board, to initiate the procedure for the conclusion of an operational agreement between Denmark and Europol.

Against this background, I am pleased to inform you that the Management Board has agreed to propose to the Council the addition of Denmark to the list of third States and organisations with which Europol shall conclude agreements, established in the Annex to Council Decision 2009/935/JHA. Please note that the legal services of both Council and Commission have provided assurance that this request is legally possible.

Yours sincerely,



Arie IJzerman
Chairperson

Enclosure: #870402 Declaration by the President of the European Commission, the President of the European Council and the Prime Minister of Denmark



Declaration by the President of the European Commission, Jean-Claude Juncker, the President of the European Council, Donald Tusk and the Prime Minister of Denmark, Lars Løkke Rasmussen

Brussels, 15 December 2016

Declaration to minimise the negative effects of the Danish departure from Europol, following the referendum in Denmark on 3 December 2015

Following the referendum in Denmark on 3 December 2015, we agree on the need for operational arrangements, minimising the negative impact of Denmark's departure from Europol on 1 May 2017, for the mutual benefit of Denmark and the rest of the European Union in the combatting of cross-border serious and organised crime and international terrorism. Such arrangements must be Denmark-specific, and not in any way equal full membership of Europol, i.e. provide access to Europol's data repositories, or for full participation in Europol's operational work and database, or give decision-making rights in the governing bodies of Europol. However, it should ensure a sufficient level of operational cooperation including exchange of relevant data, subject to adequate safeguards.

This arrangement would be conditioned on Denmark's continued membership of the European Union and of the Schengen area, on Denmark's obligation to fully implement in Danish law [Directive \(EU\) 2016/680/EU](#) on data protection in police matters by 1 May 2017 and on Denmark's agreement to the application of the jurisdiction of the Court of Justice of the EU and the competence of the European Data Protection Supervisor.

The Commission and Denmark will endeavour to initiate the necessary legal procedure as rapidly as possible and take all necessary actions, including contacts with relevant institutional actors, to ensure a swift process with a view to the new arrangements being in place by 1 May 2017 or as rapidly as possible thereafter. This is to limit to the maximum extent possible the gap between 1 May 2017 and the entry into force of the future operational agreement, in order to minimise the negative impact on cooperation and data exchange.

We acknowledge that the only way for Denmark to fully participate in the new Europol Regulation by 1 May 2017 is to make use of the procedure foreseen in Protocol No 22 to the Treaty on European Union and the Treaty on the Functioning of the European Union.

IP/16/4398