



Council of the  
European Union

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## LEGISLATIVE ACTS AND OTHER INSTRUMENTS

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Subject: COUNCIL IMPLEMENTING DECISION approving the conclusion by Eurojust of the Agreement on Cooperation between Eurojust and Montenegro

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**COUNCIL IMPLEMENTING DECISION (EU) 2015/...**

**of ...**

**approving the conclusion by Eurojust  
of the Agreement on Cooperation  
between Eurojust and Montenegro**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime<sup>1</sup>, and in particular Article 26a(2) thereof,

Having regard to the opinion of the European Parliament,

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<sup>1</sup> OJ L 63, 6.3.2002, p. 1.

Whereas:

- (1) According to Decision 2002/187/JHA, Eurojust may conclude agreements with third States and organisations. Such agreements may, in particular, concern the exchange of information, including personal data, and the secondment of liaison officers or liaison magistrates to Eurojust. Such agreements 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.
- (2) According to Decision 2002/187/JHA, such agreements containing provisions on the exchange of personal data may only be concluded if the entity concerned is subject to the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (CETS No. 108) of 28 January 1981 ('Council of Europe Convention') or after an assessment confirming the existence of an adequate level of data protection ensured by that entity.
- (3) In order to strengthen its capacity to work with Montenegro, Eurojust has negotiated an Agreement on Cooperation between Eurojust and Montenegro (the 'Agreement').

- (4) The Agreement contains provisions on the exchange of personal data. Montenegro has ratified the Council of Europe Convention and its Additional Protocol regarding supervisory authorities and transborder data. The Joint Supervisory Body of Eurojust gave a positive opinion on the provisions of the Agreement concerning data protection.
- (5) The Agreement was approved by the College of Eurojust on 9 June 2015.
- (6) Eurojust should be authorised to conclude the Agreement.
- (7) Denmark is bound by Decision 2002/187/JHA and is therefore taking part in the adoption and application of this Decision which implements Decision 2002/187/JHA.
- (8) The United Kingdom and Ireland are bound by Decision 2002/187/JHA and are therefore taking part in the adoption and application of this Decision which implements Decision 2002/187/JHA,

HAS ADOPTED THIS DECISION:

*Article 1*

Eurojust is hereby authorised to conclude the Agreement on Cooperation between Eurojust and Montenegro.

*Article 2*

This Decision shall take effect on the date of its notification.

*Article 3*

This Decision is addressed to Eurojust.

Done at ....

*For the Council*

*The President*

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