



Brussels, 6 March 2019
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JAIEX 36
COPEN 91
EUROJUST 42

'I/A' ITEM NOTE

From:	Presidency
To:	Permanent Representatives Committee/Council
No. prev. doc.:	7110/19
Subject:	Eurojust's plans to start formal negotiations to enter into a cooperation agreement with Denmark

1. By letter of 28 February 2019, set out in the Annex, the President of Eurojust informed the Council of Eurojust's plans to start formal negotiations to enter into a cooperation agreement with Denmark.
2. In accordance with Article 26a(2) of Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust, as last amended by Council Decision 2009/426/JHA of 16 December 2008, the Council may draw any conclusions it deems appropriate concerning such plans.
3. The above-mentioned letter was examined by the JHA Counsellors (COPEN) on 6 March 2019. No Member States presented any comments.
4. Subject to approval by Coreper, the Council is invited to take note of Eurojust's plans to start formal negotiations with a view to entering into a cooperation agreement with Denmark.



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Ms Claudia Visoiu
Chair of the JAI-RELEX (JAIEX) Working Party
Council of the European Union

Via e-mail: claudia.visoiu@rpro.eu

The Hague, 28 February 2019

Eurojust's plans for commencing negotiations with a view to entering into a cooperation agreement with Denmark

Dear Ms Visoiu,

Pursuant to Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Denmark is not bound by the Eurojust Regulation or subject to its application. In practice, this means that from 12 December 2019 there will no longer be a legal basis for cooperating with Denmark, and it will be extremely difficult for Eurojust to support Member States' ongoing investigations and prosecutions involving Denmark.

In order to avoid operational gaps as of 12 December 2019, when Denmark will be in a position as a third State with respect to Eurojust, it is most important that the procedure for the conclusion of an agreement with Denmark on operational cooperation be initiated without delay. A failure to ensure continuity would hamper cross-border criminal investigations and could undermine security and justice in the EU as a whole.

To that end, and in accordance with Article 26a (2), final sentence of the Council Decision of 28 February 2002 setting up Eurojust, as last amended by Council Decision 2009/426/JHA of 16 December 2008, I am pleased to inform you that Eurojust envisages launching formal negotiations with the intention of entering into a cooperation agreement with Denmark on 27 March 2019.

This follows the decision taken on 22 November 2018 by the College of Eurojust to include Denmark in its priority list for the entering into cooperation agreements with third States. The College took this decision after Denmark's request to the European Commission of 8 November 2018 to enter into negotiations for the conclusion of a cooperation agreement.

We look forward to receiving the conclusions the Council may deem appropriate with respect to the above prior to the indicated commencement of the negotiations.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'L. Hamran'.

Ladislav Hamran
President of Eurojust