



Council of the
European Union

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

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

COUNCIL IMPLEMENTING DECISION (EU) 2019/...

of ...

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

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 crime¹, and in particular Article 26a(2) thereof,

Having regard to the opinion of the European Parliament²,

¹ OJ L 63, 6.3.2002, p. 1.

² Opinion of ... (not yet published in the Official Journal).

Whereas:

- (1) In accordance with 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 approval by the Council.
- (2) In accordance with 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 of 28 January 1981 ('the 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 Serbia, Eurojust has negotiated an Agreement on Cooperation between Eurojust and Serbia ('the Agreement').

- (4) The Agreement contains provisions on the exchange of personal data. Serbia has ratified the Convention and the Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data regarding supervisory authorities and transborder data flows. 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 26 March 2019.
- (6) The conclusion, by Eurojust, of the Agreement should be approved.
- (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

The conclusion by Eurojust of the Agreement on Cooperation between Eurojust and Serbia is hereby approved.

Article 2

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

Article 3

This Decision is addressed to Eurojust.

Done at ...,

For the Council

The President
