



Council of the
European Union

**Brussels, 8 August 2014
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**EUROJUST 141
FREMP 149**

NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Approval by the Council of the EU of the draft Memorandum of Understanding on cooperation between Eurojust and the European Union Agency for Fundamental Rights (FRA)

Delegations will find in the Annexes a letter from the President of Eurojust and two attachments.



EUROJUST
The European Union's Judicial Cooperation Unit
P.O. Box 16183 - 2500 BD The Hague • The Netherlands

D140149

To the attention of the President
of the Council of the European Union
H.E. Andrea Orlando
Minister of Justice of Italy

The Hague, 29 July 2014

Approval by the Council of the EU of the draft Memorandum of Understanding on cooperation between Eurojust and the European Union Agency for Fundamental Rights (FRA)

Mr. President,
Your Excellency,

Eurojust is pleased to submit for your approval, in accordance with Article 26(2) of the Council Decision of 28 February 2002 setting up Eurojust, as last amended by Council Decision 2009/426/JHA of 16 December 2008, the attached draft Memorandum of Understanding on cooperation between Eurojust and the European Union Agency for Fundamental Rights (FRA).

Eurojust is pleased to state that full agreement has been reached between the Parties on the attached document. Eurojust would like to highlight that the draft Memorandum of Understanding ensures that cooperation between both bodies respects and remains within their respective mandates (*see* in particular Article 1, paragraph 2). Taking into account the Multiannual Framework for FRA, the thematic areas considered relevant for cooperation include victims of crime (such as victims of trafficking in human beings) and the rights of the child (e.g. child exploitation).

This draft Memorandum of Understanding is now submitted to you for approval. It has been approved by the College of Eurojust on 15 July 2014, as required. Furthermore, by decision of 19 June 2014, the Joint Supervisory Body of Eurojust gave a positive opinion regarding the provisions on data protection.

Eurojust welcomes the Council's approval of this draft Memorandum of Understanding which will enable Eurojust and FRA to cooperate in accordance with their respective legal frameworks and mandates.

Yours faithfully,

Michèle Coninx
President of Eurojust

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EUROJUST

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D140149

- Enc.: - Draft Memorandum of Understanding between Eurojust and the European Union Agency for Fundamental Rights (FRA)
- Opinion of the Joint Supervisory Body of Eurojust on the Memorandum of Understanding between Eurojust and the European Union Agency for Fundamental Rights (FRA)



EUROJUST'S INDEPENDENT DATA PROTECTION SUPERVISOR

**Opinion of the Joint Supervisory Body of Eurojust regarding the
Memorandum of Understanding on cooperation between Eurojust and the
European Union Agency for Fundamental Rights (FRA)**

On 19 June 2014, the Joint Supervisory Body of Eurojust was invited by Eurojust to give its views regarding the envisaged Memorandum of Understanding between Eurojust and the European Union Agency for Fundamental Rights, in accordance with Article 26a(2) of the Eurojust Decision.

The Joint Supervisory Body appreciated very much the opportunity to provide its views regarding this proposal.

The Joint Supervisory Body welcomed the draft Memorandum of Understanding between Eurojust and the Fundamental Rights Agency and was particularly satisfied with the wording used in its Article 4(4) stating that "the exchange of information or experience provided for in this Memorandum of Understanding shall not include the transmission of operational information, including data relating to an identified or identifiable person", which is in line with the advice and recommendations given by the JSB on previous occasions.

The Joint Supervisory Body of Eurojust issues therefore a positive opinion regarding this Memorandum of Understanding.

Done at The Hague,
19 June 2014

A handwritten signature in blue ink, appearing to read 'Hans Frennered'.

Hans Frennered
Chair
Joint Supervisory Body of Eurojust

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DRAFT

**Memorandum of Understanding on
cooperation between
Eurojust
and
the European Union Agency for Fundamental Rights
(FRA)**

Preamble

The European Union Agency for Fundamental Rights (FRA), established by Council Regulation (EC) No 168/2007 of 15 February 2007 (hereinafter referred to as the “FRA Regulation”), represented for the purposes of signature of this Memorandum of Understanding by its Director, Morten Kjaerum,

and

Eurojust, established by Council Decision of 28 February 2002 with a view to reinforcing the fight against serious crime, as last amended by Council Decision 2009/426/JHA of 16 December 2008 on strengthening Eurojust¹ (hereinafter referred to as the “Eurojust Decision”), represented for the purposes of signature of this Memorandum of Understanding by its President, Michèle Coninx

(hereinafter collectively referred to as the “Parties”, or individually as the “Party”)

Having regard to Article 26(1) of the Eurojust Decision, which provides that Eurojust may establish and maintain cooperative relations with the institutions, bodies and agencies set up by or on the basis of the Treaties establishing the European Communities or the Treaty on European Union, and

Having regard to Article 7 of the FRA Regulation, which provides that FRA shall ensure appropriate coordination with relevant Community bodies, offices and agencies, and to Article 3(3) of Council Decision 252/2013/EU establishing a Multiannual Framework for 2013-2017 for FRA which provides that FRA shall cooperate with Eurojust,

¹ Council Decision 2002/187/JHA of 28 February 2002, *OJ L 63, 6.3.2002, as last amended.*

Recognising the common interest of both Parties to establish cooperative relations,

Have agreed as follows:

Article 1

Purpose

1. The purpose of this Memorandum of Understanding is to establish, define, encourage and improve cooperation between Eurojust and FRA (hereinafter referred to as “the Parties”) in accordance with their respective mandates.
2. Both Parties shall enhance their cooperation, particularly in areas of common interest within the limits of their respective legal frameworks and taking into account the Multiannual Framework for FRA.

Article 2

Contact points

1. Each Party shall establish a contact point, whose task shall be to coordinate cooperation between the two Parties.
2. The contact points shall consult each other on a regular basis, particularly regarding matters falling under Articles 3, 4 and 5 of this Memorandum of Understanding.
3. The Parties will exchange with each other contact details of the contact points. The Parties will inform each other in writing without undue delay of any change related to the designated contact points.

Article 3

Mutual consultation, exchange of general information and coordination

1. The Parties shall consult each other regularly on issues of common interest for the purpose of realising their objectives and coordinating their activities.

In particular, within the limits of their respective legal frameworks, the Parties shall inform each other about developments in fields and projects of mutual interest and exchange observations concerning such activities to enable them to promote effective cooperation.

2. The Parties shall – where appropriate – coordinate their activities in multilateral fora such as seminars, conferences or the meetings of Heads of Justice and Home Affairs Agencies.

Article 4

Exchange of strategic and technical information

1. Cooperation between the Parties shall be enhanced by the exchange of strategic and technical information. Any information exchanged must be in compliance with Article 4(4) of this Memorandum of Understanding.
2. “Strategic information” includes, but is not limited to:
 - a. Information and analysis of a strategic nature such as trends and challenges faced as a result of Eurojust’s or FRA’s activities.
 - b. Observations and general findings resulting from Eurojust’s or FRA’s activities that could support the work of the other Party.

3. "Technical information" includes, but is not limited to:
 - a. Means of strengthening judicial and law enforcement structures and cooperation in the fields covered by this Memorandum of Understanding.
 - b. Training methods for officials concerned from both Parties.
4. Exchange of information or experience provided for in this Memorandum of Understanding shall not include the transmission of operational information, including data relating to an identified or identifiable person.

Article 5

Joint training and exchange of best practice

1. The Parties may prepare and implement joint training activities, including contributions to the development of courses, seminars, conferences, study visits, training tools and materials in areas of common interest.
2. The goals of joint training activities are to encourage and improve cooperation.
3. The Parties shall exchange expertise and best practice in areas of common interest.

Article 6

Assessment of cooperation

At least once per year, the Parties shall report to each other on the state of implementation of this Memorandum of Understanding and propose methods for improvement.

Article 7

Expenses

The Parties shall commit to bear their own expenses that may arise in the course of implementation of the present Memorandum of Understanding, unless otherwise agreed on a case-by-case basis.

Article 8

Confidentiality

Each Party shall ensure that information, including EU classified information (EUCI), provided or exchanged under this Memorandum of Understanding will receive a level of protection that is equivalent to the level of protection offered by the security standards applied to that information by the other Party, based on the basic principles and minimum standards of the applicable legal framework at EU level.

Article 9

Settlement of disputes

All disputes that may emerge in connection with the interpretation or application of the present working arrangement shall be settled by means of consultations and negotiations between representatives of the Parties.

Article 10

Amendments

1. This Memorandum of Understanding may be amended by mutual consent between the Parties in written form at any time. Such amendment will enter into force after the Parties have notified each other of the completion of their respective internal requirements.
2. Both Parties shall enter into consultation with respect to possible amendments to this Memorandum of Understanding at the request of either Party.

Article 11

Termination

This Memorandum of Understanding may be terminated by each Party in writing by giving three months' notice.

Article 12

Entry into force

This Memorandum of Understanding shall enter into force on the first day of the month following its signature by both Parties.

For Eurojust,

For FRA,

The President,

The Director,

Michèle Coninx

Morten Kjaerum
