



Council of the European Union  
General Secretariat  
General and Institutional Policy  
Deputy Director-General

56617/02485

Mr Antonio TAJANI  
President of the European Parliament  
c/o Mr Markus WINKLER  
Deputy Secretary-General  
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Brussels, 21 -03- 2017

Sir,

As required by the applicable Treaty provisions, the Council decided on 21 March 2017 to consult the European Parliament on the **draft Council Implementing Decision approving the conclusion by the European Police Office (Europol) of the Agreement on Operational and Strategic Cooperation between the Kingdom of Denmark and Europol** [2017/0803 (CNS) - doc. 7281/17]. I have been instructed to forward this request for consultation to you. I also attach the text of the Agreement as well as the Opinion of the Joint Supervisory Body [doc 7078/1/17 REV 1 (en)].

Pursuant to Article 39(1) of the ex-Treaty on European Union, which the Court of Justice has ruled on 16 April 2015<sup>1</sup> to be still applicable, in accordance with Article 9 of Protocol 36, when the Council adopts implementing measures on the basis of the *acquis* based on Title VI of the ex-TEU, the Council may lay down a time limit for the European Parliament to deliver its opinion. In the absence of an opinion within that time limit, the Council may act.

Pursuant to the afore-mentioned provisions, the Council has set the time limit at three months and will act in the absence of an opinion within that time limit. The Council would however be grateful if the European Parliament could kindly submit its opinion as soon as possible, and given the urgency of the file (the agreement should be concluded before 1 May 2017), preferably within a month. As the Court has stated in its judgments, Article 9 of Protocol 36 is aimed at ensuring that acts adopted in the context of the police and judicial cooperation in criminal matters may continue to be applied effectively, notwithstanding the change to the institutional framework. This change should not have the effect of complicating or even preventing the effective application of such acts, thus jeopardising the attainment of the objectives pursued by the authors of the Treaty.<sup>2</sup>

<sup>1</sup> See Judgments of the Court of 16 April 2015 in joint Cases C-317/13 and C-679/13 and in Case C-540/13 (ECLI:EU:C:2015:223 and ECLI:EU:C:2015:224).

<sup>2</sup> See points 54 and 55 in Cases C-317/13 and C-679/13 and points 44 and 45 in Case C-540/13.

The Council will also decide on consulting the Management Board of Europol.

Yours faithfully,

For the Secretary General



Jim CLOOS

Annexes: docs 7281/17 and 7078/1/17 REV 1