

## **Declaration by the President of the European Council, the President of the European Commission and the Prime Minister of Denmark to minimise the negative effects of the Danish departure from Europol, following the referendum in Denmark on 3 December 2015**

Following the referendum in Denmark on 3 December 2015, we agree on the need for operational arrangements, minimising the negative impact of Denmark's departure from Europol on 1 May 2017, for the mutual benefit of Denmark and the rest of the European Union in the combatting of cross-border serious and organised crime and international terrorism. Such arrangements must be Denmark-specific, and not in any way equal full membership of Europol, i.e. provide access to Europol's data repositories, or for full participation in Europol's operational work and database, or give decision-making rights in the governing bodies of Europol. However, it should ensure a sufficient level of operational cooperation including exchange of relevant data, subject to adequate safeguards.

This arrangement would be conditioned on Denmark's continued membership of the European Union and of the Schengen area, on Denmark's obligation to fully implement in Danish law Directive 2016/680/EU on data protection in police matters by 1 May 2017 and on Denmark's agreement to the application of the jurisdiction of the European Court of Justice and the competence of the European Data Protection Supervisor.

The Commission and Denmark will endeavour to initiate the necessary legal procedure as rapidly as possible and take all necessary actions, including contacts with relevant institutional actors, to ensure a swift process with a view to the new arrangements being in place by 1 May 2017 or as rapidly as possible thereafter. This is to limit to the maximum extent possible the gap between 1 May 2017 and the entry into force of the future operational agreement, in order to minimise the negative impact on cooperation and data exchange.

We acknowledge that the only way for Denmark to fully participate in the new Europol Regulation by 1 May 2017 is to make use of the procedure foreseen in Protocol No 22 to the Treaty on the European Union and the Treaty on the Functioning of the European Union.