

Working Arrangement

between Eurojust and the Home Office, on behalf of the competent authorities of the United Kingdom of Great Britain and Northern Ireland implementing the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community and the United Kingdom of Great Britain and Northern Ireland

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The Home Office, on behalf of the competent authorities of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as the 'United Kingdom'),

And

The European Union Agency for Criminal Justice Cooperation (hereinafter referred to as 'Eurojust'), together referred to as 'the Parties',

Having regard to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community and the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as 'the Agreement'), and in particular Article 594 of the Agreement,

Having regard to the Rules of Procedure of Eurojust as amended, approved by the Council by Implementing Decision (EU) 2019/2250 of 19 December 2019 and Implementing Decision (EU) 2020/1114 of 23 July 2020 and adopted by the College on 20 December 2019 and 24 July 2020 respectively (hereinafter referred to as the 'Eurojust's Rules of Procedure'), and in particular Article 5(5)(b),

Having regard to the Rules of Procedure on the Processing and Protection of Personal Data at Eurojust approved by the Council by Implementing Decision (EU) 2019/2250 of 19 December 2019 and adopted by the College on 20 December 2019,

Noting that any transfer of personal data by Eurojust to the competent authorities of the United Kingdom under this Arrangement may only take place in accordance with Regulation (EU) 2018/1727, and any transfer of personal data by the competent authorities of the United Kingdom to Eurojust under this Arrangement may only take place in accordance with the data protection rules on international transfers of the United Kingdom,

HAVE AGREED as follows:

CHAPTER I
GENERAL PROVISIONS

Article 1

Purpose

The purpose of this Working Arrangement (hereinafter referred to as 'Arrangement') is to implement relevant provisions in the Agreement regarding the cooperation with Eurojust, in particular Title VI of Part Three of the Agreement.

Article 2

Authorities competent for the implementation and joint review of the Arrangement

The implementation of this Arrangement and the joint review referred to in Article 19 of this Arrangement shall take place under the direct supervision of:

- (a) On behalf of the competent authorities of the United Kingdom of Great Britain and Northern Ireland, the Home Office;
- (b) On behalf of Eurojust, a National Member designated by the College.

CHAPTER II
MODES OF COOPERATION

Article 3

Liaison Prosecutor to Eurojust

1. The United Kingdom shall second a Liaison Prosecutor to Eurojust who may be assisted by up to five persons, including Assistants and other support staff.
2. The number of Assistants and other support staff, not exceeding the total number of five persons, may be modified by agreement between the Parties via exchange of letters. The Liaison Prosecutor, his/her Assistants and support staff are not subject to any contractual relationship with Eurojust.
3. The Liaison Prosecutor shall assist in enhancing cooperation between the competent authorities of the United Kingdom and of the Member States of the European Union, including through ensuring appropriate coordination of investigations and prosecutions concerning the United Kingdom and supported by Eurojust.
4. The United Kingdom shall notify Eurojust, in writing, about the appointment of the Liaison Prosecutor, his or her Assistants and support staff. The notification shall include, inter alia, information on the duration of the appointments, an indication of which Assistants may replace the Liaison Prosecutor, the powers granted in accordance with Article 585(4) of the Agreement and their areas of expertise. Any changes shall be communicated to Eurojust immediately.
5. The Liaison Prosecutor, his or her Assistants and support staff shall adhere to Eurojust's rules and regulations.
6. For the purpose of Article 585(8) of the Agreement, "working documents" means all records, correspondence, documents, manuscripts, computer and media data, photographs, film,

video and sound recordings belonging to the Liaison Prosecutor, his or her Assistants and support staff’.

Article 4

Eurojust Liaison Magistrate

In accordance with Article 586 of the Agreement, Eurojust may post a Liaison Magistrate to the UK. If Eurojust decides to do so, the Liaison Magistrate’s rights and obligations, as well as costs involved shall be settled by a separate working arrangement.

Article 5

Contact points

1. The contact points notified by the United Kingdom under points, (e) and (f) of Article 690(6) of the Agreement shall facilitate, only in the absence of the Liaison Prosecutor or his or her Assistants, the exchange of information with the National Members and ensure that information is promptly shared with relevant competent authorities of the United Kingdom.
2. The contact points may also be used to convey strategic information of common interest for Eurojust and the United Kingdom for the purpose of realising their objectives and coordinating their activities more effectively. In particular, the Parties shall regularly inform each other about activities and initiatives that may be of relevance to the other Party.
3. Eurojust shall be informed by the United Kingdom, by using the dedicated Eurojust template, of the notification of contact points under the Agreement, as well as of any modification of such notification.

Article 6

Office space and other facilities

1. Eurojust shall endeavour to provide sufficient facilities to the Liaison Prosecutor, his or her Assistants and support staff, within the constraints of the infrastructure and subject to availability of resources.
2. These facilities shall include office space for the Liaison Prosecutor. Office space for his or her Assistants and support staff shall be provided to the extent possible.
3. The facilities referred to in paragraph 1 of this Article may also include such services as:
 - a. Computer, laptop and mobile phone;
 - b. Eurojust e-mail account;
 - c. Eurojust business cards;
 - d. Use of meeting rooms and videoconferencing facilities;
 - e. Access to Eurojust intranet and extranet, as appropriate;
 - f. Access to Knowledge Management Interface;
 - g. Access to the Library;
 - h. Access and use of Case Information Form application;
 - i. Access and use of Document Management System (DMS), to create and store their own documents and to view and process documents to which they have been granted access.

4. Eurojust may request the reimbursement of all or part of the expenses it has incurred in providing these facilities. If such a request is made, the Parties shall consult with each other to determine and agree the amount to be paid. If the Parties cannot agree, then Article 20 of this Arrangement shall apply.
5. Eurojust may, upon request and insofar as feasible, facilitate the stay and integration in the Netherlands of the Liaison Prosecutor, his or her Assistants and support staff.

Article 7

Participation in College plenary meetings

1. The Liaison Prosecutor and/or his or her Assistants may attend, at the invitation of the President, meetings of the College as observers, without the right to vote. In particular, the Liaison Prosecutor and/or his or her Assistants may attend:
 - (a) The operational tour de table to discuss operational matters, in line with Article 3(1)(a) of College Decision 2017-24 on the practical arrangements for Liaison Prosecutors seconded from Third States to Eurojust, as amended by College Decision 2021-07 of 14 September 2021;
 - (b) Other parts of College meetings where there is a need for an exchange of views or expertise.
2. The Liaison Prosecutor and his or her Assistants may be consulted by the President on matters related to the work of the College when directly impacting on his or her secondment to Eurojust.
3. The Liaison Prosecutor and his or her Assistants shall be provided with the agenda of the meetings of the College and the relevant documents for the meetings or part of the meetings that they are invited to attend.

Article 8

Participation in and organisation of operational meetings and coordination centres

1. The Liaison Prosecutor and his or her Assistants may participate in Eurojust operational meetings and coordination centres involving the United Kingdom, at the invitation of the National Member(s) organising the meeting or centre and with the approval of the other National Members involved in the case.
2. The Liaison Prosecutor and his or her Assistants may request one or more National Member(s) concerned by a case to participate in and/or convene operational meetings or coordination centres.
3. Subject to availability of resources and upon request, Eurojust may offer the Liaison Prosecutor and his or her Assistants substantive support for his or her participation in operational meetings and coordination centres. Such support may involve the preparation of legal and/or analytical findings, opinions, advice and recommendations on operational matters; facilitation of exchange of operational information with other agencies; and/or facilitation of external communication.

Article 9

Participation in activities of College working groups

1. The Liaison Prosecutor and his or her Assistants may, based on their areas of expertise and subject to the invitation of the chair of a working group, be associated to the work of College working groups as established by the Eurojust Rules of Procedure.
2. The Liaison Prosecutor and his or her Assistants shall not have voting rights in the working groups.
3. The Liaison Prosecutor and his or her Assistants shall be provided with documents related to the activities of the working groups to which he or she is associated.

Article 10

Participation in strategic meetings, trainings, outreach activities and projects

1. Upon the invitation of the President of Eurojust, the Liaison Prosecutor and his or her Assistants may attend strategic meetings.
2. Upon the invitation of the President of Eurojust, the Liaison Prosecutor and his or her Assistants may attend staff trainings, in line with Eurojust internal rules.
3. Upon the invitation of the President of Eurojust, the Liaison Prosecutor or his or her Assistants may be associated to outreach activities and projects that Eurojust organises, implements or supports. Eurojust may reimburse, subject to availability of resources, mission expenses incurred by the participation of the Liaison Prosecutor or his or her Assistants, where he or she acts in the interest of Eurojust.

CHAPTER III

EXCHANGE OF INFORMATION

Article 11

General provision

1. Any exchange and further processing of personal data shall be in accordance with and based upon the Parties' respective legal frameworks, and Title VI of Part 3 and Article 525 of the Agreement.
2. Eurojust and the competent authorities of the United Kingdom shall keep a record of the transmission and receipt of data communicated under this Working Arrangement, including the grounds for such transmissions.

Article 12

Transmission of special categories of personal data

1. Special categories of personal data as referred to in Article 525(2)(b) of the Agreement, may only be provided if they are strictly necessary and proportionate for a purpose set forth in accordance with Articles 580 and Article 589 of the Agreement.
2. Eurojust and the competent authorities of the United Kingdom shall take adequate safeguards, particularly appropriate technical and organisational security measures as described in

Article 525(2)(c) of the Agreement, to comply with the special sensitivity of the categories of personal data mentioned in paragraph 1 of this Article and to ensure no discrimination against any natural person on the basis of such personal data.

Article 13

Rights of data subjects

1. Eurojust and the competent authorities of the United Kingdom shall consult each other before any decision is taken regarding an individual's request for access, rectification, restriction or erasure of personal data which had been processed in the context of this Arrangement to ensure that any reasons for the restrictions in line with Article 525(2)(d) of the Agreement, raised by the other Party or, where relevant, the national authorities who initially provided the personal data, is properly considered.
2. Such consultation shall take place through the Liaison Prosecutor.

Article 14

Time limits for the storage of personal data

Eurojust and the competent authorities of the United Kingdom shall store personal data for no longer than any time period specified by the transferring competent authority in accordance with Article 589(3) of the Agreement or necessary for the achievement of the purposes for which the data were collected or further processed according to Articles 580 and 589(2) of the Agreement. Such necessity should be reviewed constantly in accordance with the respective legal frameworks of the Parties.

Article 15

Data security

1. Eurojust and the competent authorities of the United Kingdom shall ensure that the necessary technical and organisational measures in accordance with Article 525(2)(c) of the Agreement are utilised to protect personal data received under this Working Arrangement against accidental or unlawful destruction, accidental loss or unauthorised disclosure, alteration, access or any unauthorised form of processing. Eurojust and the competent authorities of the United Kingdom shall particularly ensure that only those authorised to access personal data can have access to such data.
2. Eurojust and the competent authorities of the United Kingdom shall inform each other of any security incidents, and in particular, data breaches as referred in Article 525(2)(e) of the Agreement, which are related to data exchanged in the context of this Working Arrangement. Such communication shall take place through the Liaison Prosecutor.

Article 16

Exchange of classified and sensitive non-classified information

As referred to in Articles 593 and 777 of the Agreement, the security procedures for handling and protecting classified information between Eurojust and the competent authorities of the United Kingdom and the handling instructions to ensure the protection of sensitive non-classified information exchanged between them shall be set out in a separate working arrangement between the Parties.

Article 17

Confidentiality

1. The Liaison Prosecutor, his/her Assistants and support staff shall be bound by an obligation of confidentiality with respect to any information which has come to their knowledge in the course of the performance of their tasks.
2. The obligation of confidentiality shall continue to apply after leaving office or employment and after the termination of the activities of the persons referred to in paragraph (1) of this Article.
3. The obligation of confidentiality shall apply to all information received or exchanged through or by Eurojust, unless that information has already lawfully been made public or is accessible to the public.
4. Where the authority of the Member State providing information to Eurojust imposes, pursuant to its national law, conditions on the receiving authority regarding the use of that information, the competent authority of the United Kingdom receiving the information shall be bound by these conditions.
5. The obligation of confidentiality imposed by Article 72 of the Eurojust Regulation shall apply to the persons and bodies listed in that Article in relation to any information provided by the competent authorities of the United Kingdom under the Agreement.

CHAPTER IV

FINAL PROVISIONS

Article 18

Liability

Without prejudice to Article 592 of the Agreement:

- (a) the United Kingdom shall be liable and indemnify Eurojust for any damages and associated costs incurred by Eurojust as a result of any intentional or negligent act or omission of the Liaison Prosecutor or his or her Assistants and support staff in the performance of their duties;
- (b) Eurojust shall be liable and indemnify the United Kingdom for any damages and associated costs incurred by the United Kingdom as a result of any intentional or negligent act or omission of Eurojust, Eurojust staff, a national member, a deputy or an Assistant in the performance of their duties.

Article 19

Monitoring of implementation

1. For the purpose of monitoring the implementation of this Arrangement, the Parties shall carry out a joint biennial review of its implementation.
2. Without prejudice to Title XIII of Part III of the Agreement, any possible issues identified by the Parties during the implementation of this Arrangement shall be jointly addressed by the Parties in accordance with Article 20 of this Arrangement.

3. In order to further cooperation and facilitate the monitoring of the implementation of this Arrangement, regular exchanges shall take place, including by means of high-level meetings between the Parties.

Article 20

Settlement of disputes

1. Without prejudice to Title XIII, Part III of the Agreement, the Parties shall promptly meet at the request of either Party to solve amicably any disputes concerning the interpretation or implementation of this Arrangement that may affect the cooperative relationship between the Parties.
2. If a dispute cannot be settled by means of consultation in accordance with paragraph 1 of this Article, either Party may request entering into negotiations for an amendment of this Arrangement in accordance with Article 21 of this Arrangement.

Article 21

Amendments

1. This Working Arrangement may be amended in writing, at any time, by mutual consent between the Parties.
2. Amendments shall enter into force on the day following the date upon which the Parties notify each other of the completion of their internal requirements.

Article 22

Suspension and Termination

1. If pursuant to Articles 692 or 779 of the Agreement, the United Kingdom and the Union are no longer bound by the Agreement, this Working Arrangement shall be terminated on the same date as the Agreement ceases to apply.
2. If Part III or Title VI of the Agreement cease to apply pursuant to Articles 693 or 700 of the Agreement, this Working Arrangement shall be suspended on the same date and for the same period of time as those provisions of the Agreement cease to apply.
3. Without prejudice to paragraph 1 of this Article, the legal effects of the measures adopted during the period of implementation of this Working Arrangement remain valid and shall not be challenged by the Parties once the Working Arrangement is terminated.

Article 23

Entry into force

This Arrangement shall enter into force on the first day following the date of the last signature.

Done in duplicate in the English language.

For

For Eurojust

President

Done at London
on

Done at The Hague
on