

Opinion of the Joint Supervisory Body of Eurojust on the draft agreement between Eurojust and the former Yugoslav Republic of Macedonia

On the 21st of October 2008, the President of the College of Eurojust, Mr Jose Luis Lopes da Mota, submitted the draft agreement between Eurojust and the former Yugoslav Republic of Macedonia to the Joint Supervisory Body for consideration.

In accordance to article 27.3 of the Eurojust Decision, the Joint Supervisory Body will be consulted by Eurojust when concluding agreements with third parties which contain provisions on the exchange of personal data.

Following the request of the president of the College of Eurojust to deal with this matter urgently, the Joint Supervisory Body made use of the written procedure, as outlined in article 5.7 of the Act of the Joint Supervisory Body of Eurojust of 2 March 2004 laying down its rules of procedure.

The Joint Supervisory Body appreciates the fact that Eurojust has provided it with extensive information through the process of negotiations and is pleased to observe that the level of protection in the former Yugoslav Republic of Macedonia has been checked by the Data Protection Officer.

After careful deliberation and discussion, the Joint Supervisory Body concluded as follows:

Considering that the former Yugoslav Republic of Macedonia has ratified Convention 108 of the Council of Europe on the 24th of March 2006 and that, following the negotiations with Eurojust, the initial restrictions of the scope of application of this convention excluding the processing of personal data in conducting criminal proceedings has been withdrawn on the 3rd of October 2008 and is no longer valid,

Considering that the former Yugoslav Republic of Macedonia has, following the negotiations with Eurojust, ratified the Additional Protocol to the Council of Europe Convention 108 on the 26th of September 2008,

Considering the fact that the data protection legislation applicable in the former Yugoslav Republic of Macedonia has been substantially modified by law of 24th of July 2008 and that all comments and suggestions made by Eurojust in order to ensure an adequate level of protection have been taken on board to the satisfaction of the Data Protection Officer of Eurojust,

Considering that the Public Prosecutor's Office of the former Yugoslav Republic of Macedonia, competent authority in the sense of article 4 of the draft agreement, is subject to the supervision of the Directorate for Personal Data Protection, which offers independent oversight in the terms of article 18 of the agreement,

Considering that the draft agreement contains all relevant data protection provisions in line with the model agreement positively evaluated by the Joint Supervisory Body in previous occasions,

The Joint Supervisory Body considers the provisions on the exchange of personal data contained in the draft agreement between Eurojust and the former Yugoslav Republic of Macedonia adequate and gives therefore a positive opinion on the draft agreement as contained in the letter of Mr Jose Luis Lopes da Mota of 21st of October 2008.

Done at The Hague,
27 October 2008

Didier Gasse
Chairman of the Joint Supervisory Body