

Opinion of the Joint Supervisory Body of Eurojust regarding the Memorandum of Understanding between Frontex and Eurojust

On the 31st May 2013 the Joint Supervisory Body was invited by Eurojust to give its views regarding the envisaged Memorandum of Understanding between Frontex and Eurojust in the light of Article 26.2 of the Eurojust Decision.

Following the request from the Eurojust presidency to issue an opinion in the shortest possible timeframe, the JSB considered this text during its meeting on the 20th June 2013.

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

The Joint Supervisory Body welcomes the draft Memorandum of Understanding between Eurojust and Frontex and is generally satisfied with its content but would like to make the following observations:

- ✓ Article 4.2 of the Memorandum implies the possibility for Eurojust and Frontex to exchange strategic information other than what is enumerated in this Article. It should in any case be stressed that any kind of information exchanged should in any cases comply with Article 4.4. of this Memorandum, meaning that in no case personal data could be part of such strategic information exchanged.
- ✓ Concerning Article 4.4 of the Memorandum, the JSB would strongly welcome the deletion of the wording "notwithstanding Article 13 of the Frontex regulation and Article 26 of the Eurojust Decision" at the beginning of this paragraph, as this wording could lead to misunderstanding.

It would further suggest aligning the wording of this paragraph, which is the most important one from the data protection viewpoint, to the wording used in the Memoranda with IberRed, Interpol and so forth, which exclude both the transmission of operational and personal data.

The JSB does not see any reason for using a different wording in this case and advises Eurojust to use the same formulation also in this case for reasons of consistency and clarity.

The Joint Supervisory Body of Eurojust trusts that these observations will be taken on board by Eurojust and, provided this is the case, issues a positive opinion regarding this Memorandum of Understanding.

Done at The Hague,
20 June 2013



Lotty Prussen
Chair of the Joint Supervisory Body