



**Memorandum of Understanding
on cooperation**

between

EUROJUST

and

**the European Monitoring Centre for Drugs and Drug Addiction
(EMCDDA)**

EUROJUST

represented for the purposes of this Memorandum of Understanding by
Ms Michèle Coninx, President

and

the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA),

represented for the purposes of this Memorandum of Understanding by
Mr Wolfgang Götz, Director

hereinafter collectively referred to as “the Parties”, or individually as “the Party”

Having regard to the Council Decision of 28 February 2002 setting up EUROJUST with a view to reinforcing the fight against serious crime, as last amended by Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of EUROJUST (hereinafter referred to as “the EUROJUST Decision”),

Having regard to Article 26 of the EUROJUST Decision, which provides that EUROJUST may establish and maintain cooperative relations with the institutions, bodies and agencies set up by, on the basis of, the Treaties establishing the European Communities or the Treaty on the European Union,

Considering Eurojust’s objectives to support and strengthen coordination and cooperation between national investigating and prosecuting authorities in relation to serious crime, including drug trafficking;

Recalling the Council Regulation (EEC) no. 302/93 of 8 February 1993 on the establishment of a European Monitoring Centre for Drugs and Drug Addiction and the recast Regulation (EC) no. 1920/2006 of the European Parliament and of the Council of 12 December 2006 on the European Monitoring Centre for Drugs and Drug Addiction (hereinafter referred to as “the EMCDDA Regulation”),

Having regard to Article 20 of the EMCDDA Regulation, which provides that EMCDDA shall actively seek to cooperate with international organisations and other, particularly European, governmental and non-governmental bodies competent in the sector of drugs,

Considering EMCDDA’s objectives to provide the European Union and its Member States with factual, objective, reliable and comparable information at European level concerning drugs and drug addiction and their consequences,

Taking note of the progress achieved so far by EUROJUST and EMCDDA on the identification of a mutual interest concerning an enhanced effort on joint cooperating activities to be developed by both Parties in the near future;

Agreeing, within their respective mandates, on the joint need to develop exchange of strategic and technical information between the Parties, avoiding any duplication of efforts and any overlapping of their respective activities while ensuring the best use of available resources;

Agreeing on their mutual interest to identify future joint activities as a set of common efforts aimed at increased cooperation between the Parties, relating to different topics including drug supply, drug supply reduction and legislation issues that may be relevant to judicial cooperation;

Have agreed as follows:

Article 1

Purpose of the Memorandum of Understanding

The purpose of this Memorandum of Understanding is to enhance the cooperation between the Parties in the areas mentioned under Article 2 of this Memorandum of Understanding, in particular through the exchange of strategic and technical information.

Article 2

Areas for enhanced cooperation

1. The cooperation between the Parties shall concern drug-related matters, including drug supply, drug supply reduction and legislation issues that may be relevant to judicial cooperation and shall be based on the principles of appropriateness, common interest, reciprocity and complementarity, in accordance with the respective mandate of each Party.
2. Specific cooperation projects and other activities, including those involving third States, will be jointly agreed by the Parties and their implementation shall be undertaken with reference to each Party's annual work programme, following approval of the work programmes by the relevant decision-making bodies and taking into account the availability of adequate resources.
3. EUROJUST and the EMCDDA:
 - (a) Shall cooperate in the collection and analysis of relevant data in the drug field and in the dissemination of information related to drugs. They shall also coordinate their efforts to achieve the best use of available information and to ensure the most effective utilisation of their resources to this end;
 - (b) May seek the other Party's technical expertise and cooperation in the interest of their respective activities and may conclude, as required, specific working arrangements for this purpose, including joint projects;
 - (c) Shall invite each other to attend meetings convened under their respective auspices whenever matters in which the other Party might have an interest or technical

competence are being discussed. The Parties shall ensure the timely exchange of information on meeting schedules and agendas to facilitate the expression of such interest.

Article 3

Mutual consultation

EUROJUST and the EMCDDA:

- (a) Shall consult each other regularly and keep each other informed on strategy issues and matters of common interest, for the purpose of achieving their respective objectives, implementing their respective mandates and coordinating their respective activities;
- (b) Shall inform each other to ensure the greatest possible degree of coordination with regard to the organisation of meetings and missions of technical experts concerning questions in which both Parties have an interest;
- (c) Will each designate one or more contact points for the maintenance of close, direct and continuing contacts between the Parties. The contact points shall consult each other on a regular basis with a view to ensuring the implementation of the provisions of the present Memorandum of Understanding;
- (d) Will convene, when appropriate, meetings between representatives of the Parties aimed to exchange views on cooperation and coordination measures. Where necessary, decisions shall be referred to the President of the College of Eurojust and the Director of the EMCDDA.

Article 4

Exchange of strategic and technical information

1. Exchange of information between Eurojust and the EMCDDA shall only take place for the purpose of and in accordance with the provisions of this Memorandum of Understanding, and shall not include the transmission of operational information, including data related to an identified or identifiable individual.
2. The Parties shall inform each other, at the moment of supply of information or before, of the purpose for which the information is supplied and of any restriction on its use, deletion or destruction, including possible access restrictions in general or specific terms. Where the need for such restrictions becomes apparent after the supply of the information, the Parties shall inform each other of such restrictions as soon as possible.

Article 5

Confidentiality of information

1. Each Party shall ensure that information received pursuant to this Memorandum of Understanding will be subject to its confidentiality and security standards for the processing of information.
2. Each Party will ensure that information received from the other Party will receive a level of protection that is equivalent to the level of protection offered by the measures applied to that information by the other Party. In order to ensure the implementation of this principle, if necessary both Parties will establish a table of equivalence between their respective confidentiality and security standards.
3. In accordance with the principle of proportionality, confidentiality levels will be attributed at the lowest possible level by each Party and amended accordingly wherever possible.
4. The Party supplying the information will be responsible for the choice of the appropriate confidentiality level for information supplied and shall ensure that the level is clearly indicated.
5. Both Parties may at any time request an amendment to the chosen confidentiality level for the information supplied, including the possible removal of such a level. The receiving Party shall be obliged to amend the confidentiality level accordingly.

Article 6 **Evaluation of cooperation**

At least once per year, the Parties shall report to each other on the state of implementation of this Memorandum of Understanding and on the activities conducted on its basis. These reports shall also be transmitted to the College of Eurojust and the Management Board of the Centre.

Article 7 **Settlement of disputes**

All disputes that may emerge in connection with the interpretation or application of the present Memorandum of Understanding shall be settled by means of consultations and negotiations between representatives of the Parties.

Article 8 **Amendments**

1. This Memorandum of Understanding may be amended by mutual consent at any time.
2. Eurojust and the EMCDDA shall enter into consultation with respect to the amendments of this Memorandum of Understanding at the request of either of them.

3. All such amendments shall be agreed upon in writing between the Parties, pursuant to the previous approval by the respective governing bodies in accordance with the relevant provisions of the basic act of each Party.

Article 9 Termination

This Memorandum of Understanding may be terminated by either Party upon three months' written notification.

Article 10 Entry into force and signatures

This Memorandum of Understanding shall enter into force on the first day of the month following signature by the last Party.

Done in The Hague, 15 July 2014

For EUROJUST

For EMCDDA

Michèle Coninx
President of the College

Wolfgang Götz
Director