

WORKING ARRANGEMENT BETWEEN EUROJUST AND THE IBEROAMERICAN ASSOCIATION OF PUBLIC PROSECUTORS

Eurojust, represented for the purposes of this working arrangement by Bostjan Skrlec, Vice-President of Eurojust

and

the Iberoamerican Association of Public Prosecutors [hereinafter AIAMP], represented for the purpose of this working arrangement by Francisco Roberto Barbosa Delgado, Fiscal Nacional de la Nación de Colombia and President of AIAMP, and in the presence of Jorge Abbott Charme, Fiscal Nacional de Chile and Former President of AIAMP.

(Hereinafter collectively referred to as the 'Parties', or individually as the 'Party'),

Having regard to Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA (hereinafter referred to as the "Eurojust Regulation"), and in particular Article 47(1) and (3), as well as Article 52 (1) and (2) thereof,

Having regard to the Iberoamerican Association of Public Prosecutors' Statute of 2017,

Considering that the Executive Board of Eurojust was consulted on Eurojust's intention to conclude a working arrangement with AIAMP on 27 June 2022 and gave a favourable opinion, and that the College approved its conclusion on 05 July 2022.

Considering the approval given by the General Assembly of AIAMP to the conclusion of a working arrangement,

Considering the interests of both AIAMP and Eurojust in developing a close and dynamic cooperation to meet the present and future challenges posed by serious crime, particularly organised crime and terrorism;

Respecting the fundamental rights and principles as reflected in the Charter of Fundamental Rights of the European Union,

HAVE AGREED AS FOLLOWS:

CHAPTER I – GENERAL PROVISIONS

Article 1

Purpose and scope

1. The purpose of this working arrangement is to encourage and develop strategic cooperation between the Parties in combating serious crime, particularly transnational organised crime, drug trafficking, trafficking in human beings, cybercrime and terrorism, as well as in the field of victims' protection. Under this arrangement, only administrative personal data, that is contact details of contact points in the AIAMP and its permanent Specialised Networks, as well as of national authorities in EU MS and AIAMP countries, will be exchanged. Any exchange of operational personal data is excluded from the scope of this arrangement.
2. Cooperation between the Parties will not extend or go beyond their respective mandate. It may, in particular, include:
 - a. The exchange of legal, strategic and technical information, including results of strategic analysis, information concerning substantive and procedural criminal legislation and practices, practical difficulties, best practices and lessons learned in judicial cooperation in criminal matters.
 - b. Participation in training activities, including contributions to the development of courses, seminars, conferences, study visits, exchange programmes, etc.
 - c. Inviting each other to awareness raising and knowledge building events on issues related to their respective mandate.
 - d. Improving international cooperation in the field of criminal justice by facilitating the communication between the competent authorities of the Member States of the European Union and AIAMP;
 - e. Ensuring mutual understanding and familiarisation with the requirements in cooperation in relation to serious crime, particularly transnational organised crime, drug trafficking, traffic of human beings, cybercrime and terrorism, as well as in the field of victims' protection.

- f. Exchanging best practices in fighting the most severe forms of crimes.

Article 2

Relation to other international instruments

This working arrangement shall be without prejudice to any other obligations incurred under the terms of any bilateral or multilateral agreement between AIAMP and the European Union or any of its Member States that contains provisions governing international cooperation in criminal matters.

CHAPTER II – MODE OF COOPERATION

Article 3

Contact points

1. The parties shall designate one or more contact point(s), whose task shall be to coordinate cooperation between the Parties and ensure that relevant information is promptly shared with relevant national authorities/ offices of each Party.
2. These appointments shall be duly notified to the other Party in writing. The Parties will inform each other without delay of any change regarding these appointments.
3. The contact points shall consult each other on strategic matters of common interest for the purpose of realising their objectives and coordinating their activities. In particular, within the limits of their respective legal frameworks, the Parties shall regularly inform each other about activities and initiatives that may be of relevance to the other Party.
4. The Parties shall ensure the possibility for contact points to exchange information without undue delay, and AIAMP shall ensure that its contact point(s) is (are) able to exchange information with national competent judicial authorities without delay. This Arrangement does not allow the formal communication of operational information or international legal cooperation instruments, which shall follow the respective formal communication channels foreseen in the applicable International Legal Cooperation Agreements.

Article 4

Collaboration with AIAMP's Permanent Specialised Networks

1. The permanent Specialised Networks established by AIAMP, such as those mentioned below, will facilitate the communication between the competent authorities of the Member States of the European Union and AIAMP Members through Eurojust with the aim to establish closer collaboration between them:

AIAMP Criminal Cooperation Network (REDCOOP)
Network against Trafficking in Persons and Smuggling of Migrants (REDTRAM)
Cybercrime Network
Network of Anti-Drug Prosecutors (RFAI)
Ibero-American Network of Prosecutors against Corruption
Specialised Gender Network (REG)
Environmental Protection Network

2. Each Specialised Network, under the AIAMP coordination, shall designate one or more contact point(s), whose task shall be to coordinate cooperation between the Specialised Network and Eurojust, and ensure that relevant information is promptly shared with relevant national authorities/ offices of each Party.

CHAPTER III – EXCHANGE OF INFORMATION

Article 5

Purpose and use

1. Exchange of information between the Parties shall only take place for the purpose of and in accordance with the provisions of this working arrangement, and shall exclude the transmission of operational personal data.
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.
3. The use of information for a different purpose than that for which the information was transmitted shall be subject to a prior authorisation of the transmitting Party.

Article 6

Onward transmission

Any information received by either Party under this working arrangement may only be transmitted onward to a third party with the prior written consent of the transmitting Party and subject to any conditions or restrictions indicated by that Party.

Article 7
Confidentiality

The Parties shall be bound by an obligation of confidentiality in respect of information received in the implementation of this Arrangement. Any restriction imposed by the Parties, Members of AIAMP or EU national authorities on the use of the information transmitted shall be respected.

CHAPTER IV – FINAL PROVISIONS

Article 8
Amendments

This Arrangement may be amended in writing, at any time, by mutual consent between the Parties.

Article 9
Expenses

The Parties shall bear their own expenses that may arise in the course of implementation of the present working arrangement, unless otherwise agreed on a case-by-case basis.

Article 10
Settlement of disputes

1. All disputes that may emerge in connection with the interpretation or application of the present working arrangement shall be settled by means of consultations and negotiations between representatives of the Parties with a view to finding an equitable solution.
2. In the event of serious failings of either Party to comply with the provisions of this working arrangement, or if a Party is of the view that such a failing may occur in the near future, either Party may suspend the application of this arrangement temporarily.

Article 11
Assessment of cooperation

At least once every two years, the Parties shall report to each other on the implementation of this working arrangement and propose methods for improvement.

Article 12
Termination

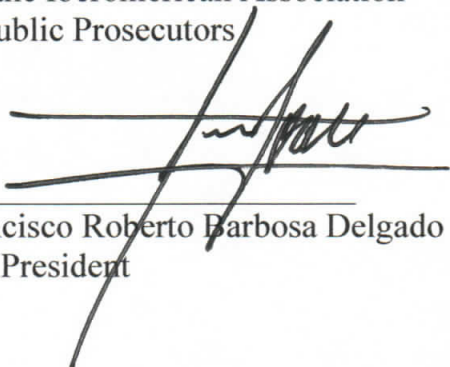
1. This working arrangement may be terminated by either Party upon three months written notification.
2. In case of termination, the Parties shall reach agreement under the conditions set out in this working arrangement on the continued use and storage of the information exchanged between them. If no agreement is reached, either Party is entitled to request the deletion of the information transmitted.

Article 13
Entry into force

This working arrangement shall enter into force on the first day following its signature.

Done at Cartagena de Indias (Colombia) on 29 July 2022 in duplicate in the English and Spanish languages. In case of discrepancy, the English text shall prevail.

For the Iberomeric Association
of Public Prosecutors



Francisco Roberto Barbosa Delgado
The President

For Eurojust



Bostjan Skrljec
The Vice-President

For the Iberomeric Association
of Public Prosecutors



Jorge Abbot Charme
The former President



DATA PROTECTION NOTICE

1. Context and Controller

Establishing close contacts between Eurojust and judicial networks and associations in other regions of the world is a valuable tool for improving cooperation between the Member States of the European Union and other countries.

The processing of personal data is subject to Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC ([hereinafter – Regulation \(EU\) 2018/1725](#)).

The data controller for the administrative personal data of AIAMP and AIAMP's Specialised Networks Contact Points is the Head of the Institutional Affairs Office (institutional.affairs@eurojust.europa.eu).

The data controller for the administrative personal data of members of prosecution offices of EU Members States and AIAMP countries is Eurojust's College (collegedpn@eurojust.europa.eu).

2. What personal information do we collect, for what purpose, on which legal basis and through which technical means?

Types of personal data

The personal data processed are as follows: name, surname, function, work address, corporate telephone number, corporate fax, and corporate email address.

Purpose of the processing

The purpose of processing the personal data is to maintain and update a list of Contact Points appointed by AIAMP and AIAMP Specialised Networks, as well as to exchange personal data of relevant members of prosecution offices of EU Members States and AIAMP countries in order to enhance judicial cooperation in criminal matters between competent authorities in EU Members States and AIAMP Members.

Legal basis

The data subjects have given consent to the processing of their personal data for the purposes specified in Articles 1, 3 and 4 of the Working Arrangement between Eurojust and AIAMP.

Technical means

We collect this information via email and/or in paper form. We store the electronic forms in Eurojust secure ICT environment with restricted access to post holders of Eurojust on the need to know basis. We store the paper forms in a locked cabinet only accessible to the Head of IAO.

3. Who has access to your personal data and to whom is it disclosed?

Members of the National Desks of Eurojust, Representative of Denmark at Eurojust, duly authorised Eurojust staff members from the Institutional Affairs Office and Operations Department, as well as national prosecution authorities in EU and AIAMP countries will have access to the data for the purpose described above.

Transfers to third countries / international organisations

Data related to relevant members of prosecution offices of EU Members States will be transmitted to prosecution offices in AIAMP countries.

4. How do we protect and safeguard your information?

The information of AIAMP and AIAMP's Specialised Networks Contact Points is electronically archived in the Data Management System of Eurojust, a secured network. All IT tools at Eurojust are developed according to a standard set of security and are thoroughly tested accordingly, to ensure robustness and reliability. Paper files are stored in secured lockers and are destroyed in compliance with security procedures.

The information of members of prosecution offices of EU Members States will not be stored at Eurojust.

5. How long do we keep your personal data?

The data contained in the contact list are regularly reviewed (once per year). As soon as Eurojust is notified about the changes of the position of a person, the data in the list are updated, or if no longer necessary, deleted.

Data related to members of national authorities in EU Members States or AIAMP countries will be deleted by the members of Eurojust National Desks who transmitted it immediately upon transmission to the requesting authority, by deleting the email from the mailbox.

6. How can you verify, modify or delete your information?

You have the right to access, rectify or erase or restrict the processing of your personal data or, where applicable, the right to object to processing or the right to data portability in line with Regulation (EU) 2018/1725. Any such request should be directed to the data controller, by using the following email address: institutional.affairs@eurojust.europa.eu or collegedpn@eurojust.europa.eu .

7. Contact information

In case of queries regarding the processing of personal data:
Eurojust Data Protection Officer can be contacted via email: dpo@eurojust.europa.eu.

8. Recourse

You have the right of recourse to the [European Data Protection Supervisor \(EDPS\)](#) via email: edps@edps.europa.eu or following the link: https://edps.europa.eu/data-protection/our-role-supervisor/complaints_en.