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Committee on Civil Liberties, Justice and Home Affairs

2013/0091(COD)

1.10.2013

AMENDMENTS 126 - 377

Draft report

Agustín Díaz de Mera García Consuegra
(PE513.116v01-00)

on the proposal for a regulation of the European Parliament and of the Council on the European Union Agency for Law Enforcement Cooperation and Training (Europol) and repealing Decisions 2009/371/JHA and 2005/681/JHA

Proposal for a regulation
(COM(2013)0173 – C7-0094/2013 – 2013/0091(COD))

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EN

United in diversity

EN

Amendment 126
Kinga Göncz, Josef Weidenholzer

Proposal for a regulation
Title 1

Text proposed by the Commission

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
on the European Union Agency for Law
Enforcement Cooperation *and Training*
(Europol) and repealing *Decisions*
2009/371/JHA *and 2005/681/JHA*

Amendment

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
on the European Union Agency for Law
Enforcement Cooperation (Europol) and
repealing *Decision* 2009/371/JHA

Or. en

Amendment 127
Josef Weidenholzer

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) Europol was set up by Decision
2009/371/JHA²⁷ as an entity of the Union
funded from the general budget of the
Union to support and strengthen action by
competent authorities of the Member States
and their mutual cooperation in preventing
and combating organised crime, terrorism
and *other forms of* serious crime affecting
two or more Member States. Decision
2009/371/JHA replaced the Convention
based on Article K.3 of the Treaty on
European Union, on the establishment of a
European Police Office (Europol
Convention).²⁸

Amendment

(1) Europol was set up by Decision
2009/371/JHA²⁷ as an entity of the Union
funded from the general budget of the
Union to support and strengthen action by
competent authorities of the Member States
and their mutual cooperation in preventing
and combating *specified forms of*
organised crime, terrorism and serious
crime affecting two or more Member
States. Decision 2009/371/JHA replaced
the Convention based on Article K.3 of the
Treaty on European Union, on the
establishment of a European Police Office
(Europol Convention).²⁸

Or. de

Amendment 128
Kinga Göncz, Josef Weidenholzer

Proposal for a regulation
Recital 3

Text proposed by the Commission

Amendment

(3) *The European Police College ('CEPOL') was established by Decision 2005/681/JHA²⁹ to facilitate cooperation between national police forces by organising and coordinating training activities with a European policing dimension.*

deleted

²⁹ *OJ L 256, 1.10.2005, p. 63.*

Or. en

Amendment 129
Kinga Göncz, Josef Weidenholzer

Proposal for a regulation
Recital 4

Text proposed by the Commission

Amendment

(4) The 'Stockholm Programme – An open and secure Europe serving and protecting citizens'³⁰ calls for Europol to evolve and become a 'hub for information exchange between the law enforcement authorities of the Member States, a service provider and a platform for law enforcement services.' On the basis of an assessment of Europol's functioning, further enhancement of its operational effectiveness is needed to meet this objective. ***The Stockholm Programme also sets the aim of creating a genuine European law enforcement culture by setting up European training schemes and exchange programmes for all relevant law enforcement professionals at national and Union level.***

(4) The 'Stockholm Programme – An open and secure Europe serving and protecting citizens'³⁰ calls for Europol to evolve and become a 'hub for information exchange between the law enforcement authorities of the Member States, a service provider and a platform for law enforcement services.' On the basis of an assessment of Europol's functioning, further enhancement of its operational effectiveness is needed to meet this objective.

Amendment 130
Kinga Göncz, Josef Weidenholzer

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) Large-scale criminal and terrorist networks pose a significant threat to the internal security of the Union and to the safety and livelihood of its citizens. Available threat assessments show that criminal groups are becoming increasingly poly-criminal and cross-border in their activities. National law enforcement authorities therefore need to cooperate more closely with their counterparts in other Member States. In this context, it is necessary to equip Europol to support Member States more in Union-wide crime prevention, analyses and investigations. This has also been confirmed in the evaluations of *Decisions 2009/371/JHA and 2005/681/JHA*.

Amendment

(5) Large-scale criminal and terrorist networks pose a significant threat to the internal security of the Union and to the safety and livelihood of its citizens. Available threat assessments show that criminal groups are becoming increasingly poly-criminal and cross-border in their activities. National law enforcement authorities therefore need to cooperate more closely with their counterparts in other Member States. In this context, it is necessary to equip Europol to support Member States more in Union-wide crime prevention, analyses and investigations. This has also been confirmed in the evaluations of *Decision 2009/371/JHA*.

Amendment 131
Kinga Göncz, Josef Weidenholzer

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) Given the links between the tasks of Europol and CEPOL, integrating and rationalising the functions of the two agencies would enhance the effectiveness of operational activity, the relevance of training and the efficiency of Union

Amendment

deleted

police cooperation.

Or. en

Amendment 132

Kinga Göncz, Josef Weidenholzer

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) **Decisions** 2009/371/JHA and 2005/681/JHA should therefore be repealed and replaced by this regulation, which draws on the lessons learnt from *the* implementation *of both Decisions*. *Europol as established by this regulation should replace and assume the functions of Europol and CEPOL as established by the two repealed Decisions.*

Amendment

(7) **Decision** 2009/371/JHA should therefore be repealed and replaced by this regulation, which draws on the lessons learnt from *its* implementation.

Or. en

Amendment 133

Cornelia Ernst

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) As crime often occurs across internal borders, Europol should support and strengthen Member State actions and their cooperation in preventing and combating serious crime affecting two or more Member States. As terrorism is one of the most important threats for the security of the Union, Europol should assist Member States in facing common challenges in this regard. *As the EU law enforcement agency, Europol should also support and strengthen actions and cooperation on*

Amendment

(8) As crime often occurs across internal borders, Europol should support and strengthen Member State actions and their cooperation in preventing and combating serious crime affecting two or more Member States. As terrorism is one of the most important threats for the security of the Union, Europol should assist Member States in facing common challenges in this regard. It should also offer support in preventing and combating related criminal offences which are committed in order to

tackling forms of crime that affect the interests of the EU. It should also offer support in preventing and combating related criminal offences which are committed in order to procure the means, to facilitate, to carry out or to ensure the impunity of acts in respect of which Europol is competent.

procure the means, to facilitate, to carry out or to ensure the impunity of acts in respect of which Europol is competent.

Or. en

Amendment 134
Nils Torvalds

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) ***As crime often occurs across internal borders,*** Europol should support and strengthen Member State actions and their cooperation in preventing and combating serious crime affecting two or more Member States. As terrorism ***is one of the most important threats*** for the security of the Union, Europol should assist Member States in facing common challenges in this regard. As the EU law enforcement agency, Europol should also support and strengthen actions and cooperation on tackling forms of crime that affect the interests of the EU. It should also offer support in preventing and combating related criminal offences which are committed in order to procure the means, to facilitate, to carry out or to ensure the impunity of acts in respect of which Europol is competent.

Amendment

(8) Europol should support and strengthen Member State actions and their cooperation in preventing and combating serious crime affecting two or more Member States. As terrorism ***presents a threat*** for the security of the Union, Europol should assist Member States in facing common challenges in this regard. As the EU law enforcement agency, Europol should also support and strengthen actions and cooperation on tackling forms of crime that affect the interests of the EU. It should also offer support in preventing and combating related criminal offences which are committed in order to procure the means, to facilitate, to carry out or to ensure the impunity of acts in respect of which Europol is competent.

Or. en

Amendment 135
Josef Weidenholzer

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) As crime often occurs across internal borders, Europol should support and strengthen Member State actions and their cooperation in preventing and combating serious crime affecting two or more Member States. As terrorism is one of the most important threats for the security of the Union, Europol should assist Member States in facing common challenges in this regard. As the EU law enforcement agency, Europol should also support and strengthen actions and cooperation on tackling forms of crime that affect the interests of the EU. It should also offer support in preventing and combating related criminal offences which are committed in order to procure the means, to facilitate, to carry out or to ensure the impunity of acts in respect of which Europol is competent.

Amendment

(8) Europol should support Member State actions and their cooperation in preventing and combating serious crime affecting two or more Member States **and** in facing common challenges in this regard. As the EU law enforcement agency, Europol should also support and strengthen actions and cooperation on tackling forms of crime that affect the interests of the EU.

Or. de

Amendment 136
Kinga Göncz, Josef Weidenholzer

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) Europol should ensure better quality, coherent and consistent training for law enforcement officers of all ranks within a clear framework in accordance with identified training needs.

Amendment

deleted

Or. en

Amendment 137
Josef Weidenholzer

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) Europol should be able to request Member States to initiate, conduct or coordinate criminal investigations in specific cases where cross-border cooperation would add value. Europol should inform Eurojust of such requests.

Amendment

(10) Europol should be able to request Member States to initiate, conduct or coordinate criminal investigations in specific cases where cross-border cooperation would add value. Europol should inform Eurojust of such requests.
Europol should justify the request.

Or. de

Amendment 138
Cornelia Ernst

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) To increase the effectiveness of Europol as a hub for information exchange in the Union, clear obligations for Member States to provide Europol with the data necessary for it to fulfil its objectives should be laid down. While implementing such obligations, Member States should pay particular attention to providing data relevant for the fight against crimes considered to be strategic and operational priorities within relevant policy instruments of the Union. Member States should also provide Europol with a copy of bilateral and multilateral exchanges of information with other Member States on crime falling under Europol's objectives. At the same time, Europol should increase the level of its support to Member States, so as to enhance mutual cooperation and sharing of information. Europol should

Amendment

(11) Member States should pay particular attention to providing data relevant for the fight against crimes considered to be strategic and operational priorities within relevant policy instruments of the Union. Member States should also provide Europol with a copy of bilateral and multilateral exchanges of information with other Member States on crime falling under Europol's objectives. At the same time, Europol should increase the level of its support to Member States, so as to enhance mutual cooperation and sharing of information. Europol should submit an annual report to all Union institutions and to national Parliaments on the extent to which individual Member States provide it with information.

submit an annual report to all Union institutions and to national Parliaments on the extent to which individual Member States provide it with information.

Or. en

Amendment 139
Josef Weidenholzer

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) To increase the effectiveness of Europol as a hub for information exchange in the Union, clear obligations for Member States to provide Europol with the data necessary for it to fulfil its objectives should be laid down. While implementing such obligations, Member States **should** pay particular attention to providing data relevant for the fight against crimes considered to be strategic and operational priorities within relevant policy instruments of the Union. Member States should also provide Europol with a copy of bilateral and multilateral exchanges of information with other Member States on crime falling under Europol's objectives. At the same time, Europol should increase the level of its support to Member States, so as to enhance mutual cooperation and sharing of information. Europol **should** submit an annual report to all Union institutions and to national Parliaments on the extent to which individual Member States provide it with information.

Amendment

(11) To increase the effectiveness of Europol as a hub for information exchange in the Union, clear obligations for Member States to provide Europol with the data necessary for it to fulfil its objectives should be laid down. While implementing such obligations, Member States **must** pay particular attention to providing **only** data relevant for the fight against crimes considered to be strategic and operational priorities within relevant policy instruments of the Union. Member States should also provide Europol with a copy of bilateral and multilateral exchanges of information with other Member States on crime falling under Europol's objectives **and also indicate the source of this information**. At the same time, Europol should increase the level of its support to Member States, so as to enhance mutual cooperation and sharing of information. Europol **must** submit an annual report to all Union institutions and to national Parliaments on the extent to which individual Member States provide it with information.

Or. de

Amendment 140
Sarah Ludford

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) To increase the effectiveness of Europol as a hub for information exchange in the Union, ***clear obligations for Member States to provide Europol with the data necessary for it to fulfil its objectives should be laid down. While implementing such obligations, Member States should pay particular attention to providing data relevant for the fight against crimes considered to be strategic and operational priorities within relevant policy instruments of the Union.*** Member States should ***also provide Europol with a copy of bilateral and multilateral exchanges of information with other Member States on crime falling under Europol's objectives.*** At the same time, Europol should increase the level of its support to Member States, so as to enhance mutual cooperation and sharing of information. Europol should submit an annual report to all Union institutions and to national Parliaments on the extent to which individual Member States provide it with information.

Amendment

(11) To increase the effectiveness of Europol as a hub for information exchange in the Union, ***Member States shall on their own initiative provide Europol with the data necessary for it to fulfil its objectives. Member States have discretion to decide what information to provide to Europol. In doing so it is acknowledged that Europol is the EU information exchange hub.*** Member State cooperation with Europol in the fulfilment of its tasks, including through an increase in the volume of quality information provided to it, improves Europol's ability to support Member States' action in cross border law enforcement investigations. ***In providing such information Member States should consider paying particular attention to providing data relevant for the fight against crimes considered to be strategic and operational priorities within relevant policy instruments of the Union.*** At the same time, Europol should increase the level of its support to Member States, so as to enhance mutual cooperation and sharing of information. Europol should submit an annual report to all Union institutions and to national Parliaments on the extent to which individual Member States provide it with information.

Or. en

Amendment 141
Timothy Kirkhope

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) To increase the effectiveness of Europol as a hub for information exchange in the Union, **clear obligations for** Member States **to** provide Europol with **the data** necessary for it to fulfil its objectives **should be laid down. While implementing such obligations,** Member States should pay particular attention to providing data relevant for the fight against crimes considered to be strategic and operational priorities within relevant policy instruments of the Union. **Member States should also provide Europol with a copy of bilateral and multilateral exchanges of information with other Member States on crime falling under Europol's objectives.** At the same time, Europol should increase the level of its support to Member States, so as to **enhance** mutual cooperation and sharing of information. Europol should submit an annual report to all Union institutions and to national Parliaments on the extent to which individual Member States provide it with information.

Amendment

(11) To increase the effectiveness of Europol as a hub for information exchange in the Union, Member States **shall voluntarily** provide Europol with **accurate, timely, and** necessary **data** for it to fulfil its objectives. **Member States shall provide information to Europol, with the aim of improving the quality and effectiveness of Europol's operations. In providing such information** Member States should pay particular attention to providing data relevant for the fight against crimes considered to be strategic and operational priorities within relevant policy instruments of the Union. At the same time, Europol should increase the level of its support to Member States, so as to **enhance** mutual cooperation and sharing of information. Europol should submit an annual report to all Union institutions and to national Parliaments on the extent to which individual Member States provide it with information.

Or. en

Amendment 142

Kinga Göncz, Josef Weidenholzer

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) To ensure effective cooperation between Europol and Member States, a national unit should be set up in each Member State. It should be the principal liaison between national law enforcement authorities and **training institutes and** Europol. To ensure continuous, effective exchange of information between Europol

Amendment

(12) To ensure effective cooperation between Europol and Member States, a national unit should be set up in each Member State. It should be the principal liaison between national law enforcement authorities and Europol. To ensure continuous, effective exchange of information between Europol and national

and national units and to facilitate their cooperation, each national unit should second at least one liaison officer to Europol.

units and to facilitate their cooperation, each national unit should second at least one liaison officer to Europol.

Or. en

Amendment 143
Josef Weidenholzer

Proposal for a regulation
Recital 13

Text proposed by the Commission

Amendment

(13) Taking into account the decentralised structure of some Member States and the need to ensure in certain cases rapid exchanges of information, Europol should be allowed to cooperate directly with law enforcement authorities in Member States in individual investigations, while keeping Europol national units informed.

deleted

Or. de

Amendment 144
Kinga Göncz, Josef Weidenholzer

Proposal for a regulation
Recital 14

Text proposed by the Commission

Amendment

(14) To ensure that Union-level law enforcement training is of high quality, coherent and consistent, Europol should act in line with Union law enforcement training policy. Union-level training should be available to law enforcement officers of all ranks. Europol should ensure that training is evaluated and that conclusions from training needs

deleted

assessments are part of planning to reduce duplication. Europol should promote the recognition in Member States of training provided at Union level.

Or. en

Amendment 145
Josef Weidenholzer

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) The Commission and the Member States should be represented on the Management Board of Europol to effectively supervise its work. *To reflect the dual mandate of the new agency, operational support and training for law enforcement, the full members of the Management Board should be appointed on the basis of their knowledge of law enforcement cooperation, whereas alternate members should be appointed on the basis of their knowledge of training for law enforcement officers. Alternate members should act as full members in the absence of the full member and in any case when training is discussed or decided. The Management Board should be advised by a scientific committee on technical training issues.*

Amendment

(16) The Commission and the Member States should be represented on the Management Board of Europol to effectively supervise its work. *The parliamentary monitoring unit should also be given the opportunity of sending a representative with observer status the meetings of the Europol Management Board.*

Or. de

Amendment 146
Kinga Göncz, Josef Weidenholzer

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) The Commission and the Member States should be represented on the Management Board of Europol to effectively supervise its work. ***To reflect the dual mandate of the new agency, operational support and training for law enforcement, the full*** members of the Management Board should be appointed on the basis of their knowledge of law enforcement cooperation, ***whereas alternate members should be appointed on the basis of their knowledge of training for law enforcement officers. Alternate members should act as full members in the absence of the full member and in any case when training is discussed or decided. The Management Board should be advised by a scientific committee on technical training issues.***

Amendment

(16) The Commission and the Member States should be represented on the Management Board of Europol to effectively supervise its work. ***The*** members of the Management Board should be appointed on the basis of their knowledge of law enforcement cooperation.

Or. en

Amendment 147
Josef Weidenholzer

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) The Management Board should be given the necessary powers, in particular to set the budget, verify its execution, adopt the appropriate financial rules and planning documents, establish transparent working procedures for decision-making by the Executive Director of Europol, and adopt the annual activity report. It should exercise the powers of appointing authority towards staff of the agency including the Executive Director. ***To streamline the decision making process, and to reinforce supervision of administrative and***

Amendment

(17) The Management Board should be given the necessary powers, in particular to set the budget, verify its execution, adopt the appropriate financial rules and planning documents, establish transparent working procedures for decision-making by the Executive Director of Europol, and adopt the annual activity report. It should exercise the powers of appointing authority towards staff of the agency including the Executive Director.

budgetary management, the Management Board should be also entitled to establish an Executive Board.

Or. de

Amendment 148
Cornelia Ernst

Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) For the purposes of preventing and combating crime falling under its objectives, it is necessary for Europol to have the fullest and most up-to-date information possible. Therefore, Europol should be able to process data provided to it by Member States, third countries, international organisations and Union bodies as well as coming from publicly available sources to develop an understanding of criminal phenomena and trends, to gather information about criminal networks, and to detect links between different offences.

Amendment

(19) For the purposes of preventing and combating crime falling under its objectives, it is necessary for Europol to have the fullest and most up-to-date information possible. Therefore, Europol should be able to process data provided to it by Member States, third countries, international organisations and Union bodies as well as coming from publicly available sources, ***as long as Europol can be considered to be lawful recipient of that data***, to develop an understanding of criminal phenomena and trends, to gather information about criminal networks, and to detect links between different offences.

Or. en

Amendment 149
Josef Weidenholzer

Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) For the purposes of preventing and combating crime falling under its objectives, it is necessary for Europol to have ***the fullest and most*** up-to-date

Amendment

(19) For the purposes of preventing and combating crime falling under its objectives, it is necessary for Europol to have up-to-date information possible.

information possible. Therefore, Europol should be able to process data provided to it by Member States, third countries, international organisations and Union bodies as well as coming from publicly available sources to develop an understanding of criminal phenomena and trends, to gather information about criminal networks, and to detect links between *different* offences.

Therefore, Europol should be able to process data provided to it by Member States, third countries, international organisations and Union bodies as well as coming from publicly available sources to develop an understanding of criminal phenomena and trends, to gather information about criminal networks, and to detect links between offences.

Or. de

Amendment 150
Josef Weidenholzer

Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) To improve Europol's effectiveness in providing accurate crime analyses to the Member States' law enforcement authorities, it should use new technologies to process data. Europol should be able to swiftly detect links between investigations and common *modi operandi* across different criminal groups, to check cross-matches of data and to have a clear overview of trends, while *maintaining* high level of protection of personal data for individuals. ***Therefore, Europol databases should not be pre-defined, allowing Europol to choose the most efficient IT structure.*** To ensure a high level of data protection, the purpose of processing operations and access rights as well as specific additional safeguards should be laid down.

Amendment

(20) To improve Europol's effectiveness in providing accurate crime analyses to the Member States' law enforcement authorities, it should use new technologies to process data. Europol should be able to swiftly detect links between investigations and common *modi operandi* across different criminal groups, to check cross-matches of data and to have a clear overview of trends, while *guaranteeing* high level of protection of personal data for individuals. To ensure a high level of data protection, the purpose of processing operations and access rights as well as specific additional safeguards should be laid down. ***The principles of relevance and proportionality must be observed with regard to personal data processing.***

Or. de

Amendment 151
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Recital 21

Text proposed by the Commission

(21) To respect ownership of data and protection of information, Member States and authorities in third countries and international organisations should be able to determine the purpose for which Europol may process the data they provide and to restrict access rights.

Amendment

(21) To respect ownership of data and protection of information, Member States and authorities in third countries and international organisations should be able to determine the purpose for which Europol may process the data they provide and to restrict access rights. ***Purpose limitation contributes to transparency, legal certainty and predictability and is especially of high importance in the area of police cooperation, where data subjects are usually unaware when their personal data are being collected and processed and where the use of personal data may have a very significant impact on the lives and freedoms of individuals.***

Or. en

Amendment 152
Cornelia Ernst

Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) To enhance operational cooperation between the agencies, and particularly to establish links between data already in possession of the different agencies, Europol should enable Eurojust and the European Anti-Fraud Office (OLAF) to have access to and be able to search against data available at Europol.

Amendment

deleted

Or. en

Amendment 153
Kinga Göncz, Josef Weidenholzer

Proposal for a regulation
Recital 24

Text proposed by the Commission

(24) Europol should maintain cooperative relations with other Union bodies, law enforcement authorities **and law enforcement training institutes** of third countries, international organisations, and private parties to the extent required for the accomplishment of its tasks.

Amendment

(24) Europol should maintain cooperative relations with other Union bodies **and** law enforcement authorities of third countries, international organisations, and private parties to the extent required for the accomplishment of its tasks.

Or. en

Amendment 154
Cornelia Ernst

Proposal for a regulation
Recital 25

Text proposed by the Commission

(25) To ensure operational effectiveness, Europol should be able to exchange all information, with the exception of personal data, with other Union bodies, law enforcement authorities and law enforcement training institutes of third countries, and international organisations to the extent necessary for the performance of its tasks. ***Since companies, firms, business associations, non-governmental organisations and other private parties hold expertise and data of direct relevance to the prevention and combating of serious crime and terrorism, Europol should also be able to exchange such data with private parties.*** To prevent and combat cybercrime, as related to network and information security incidents, Europol

Amendment

(25) To ensure operational effectiveness, Europol should be able to exchange all information, with the exception of personal data, with other Union bodies, law enforcement authorities and law enforcement training institutes of third countries, and international organisations to the extent necessary for the performance of its tasks. To prevent and combat cybercrime, as related to network and information security incidents, Europol should, pursuant to Directive [name of adopted Directive] of the European Parliament and of the Council concerning measures to ensure a high common level of network and information security across the Union,³¹ cooperate and exchange information, with the exception of personal

should, pursuant to Directive [name of adopted Directive] of the European Parliament and of the Council concerning measures to ensure a high common level of network and information security across the Union,³¹ cooperate and exchange information, with the exception of personal data, with national authorities competent for the security of network and information systems.

data, with national authorities competent for the security of network and information systems.

Or. en

Amendment 155
Kinga Göncz, Josef Weidenholzer

Proposal for a regulation
Recital 25

Text proposed by the Commission

(25) To ensure operational effectiveness, Europol should be able to exchange all information, with the exception of personal data, with other Union bodies, law enforcement authorities **and law enforcement training institutes** of third countries, and international organisations to the extent necessary for the performance of its tasks. Since companies, firms, business associations, non-governmental organisations and other private parties hold expertise and data of direct relevance to the prevention and combating of serious crime and terrorism, Europol should also be able to exchange such data with private parties. To prevent and combat cybercrime, as related to network and information security incidents, Europol should, pursuant to Directive [name of adopted Directive] of the European Parliament and of the Council concerning measures to ensure a high common level of network and information security across the Union,³¹ cooperate and exchange information, with the exception of personal data, with

Amendment

(25) To ensure operational effectiveness, Europol should be able to exchange all information, with the exception of personal data, with other Union bodies **and** law enforcement authorities of third countries, and international organisations to the extent necessary for the performance of its tasks. Since companies, firms, business associations, non-governmental organisations and other private parties hold expertise and data of direct relevance to the prevention and combating of serious crime and terrorism, Europol should also be able to exchange such data with private parties. To prevent and combat cybercrime, as related to network and information security incidents, Europol should, pursuant to Directive [name of adopted Directive] of the European Parliament and of the Council concerning measures to ensure a high common level of network and information security across the Union,³¹ cooperate and exchange information, with the exception of personal data, with national authorities competent for the

national authorities competent for the security of network and information systems.

security of network and information systems.

Or. en

Amendment 156
Josef Weidenholzer

Proposal for a regulation
Recital 25

Text proposed by the Commission

(25) To ensure operational effectiveness, Europol should be able to exchange all information, with the exception of personal data, with other Union bodies, law enforcement authorities and law enforcement training institutes of third countries, and international organisations to the extent necessary for the performance of its tasks. ***Since companies, firms, business associations, non-governmental organisations and other private parties hold expertise and data of direct relevance to the prevention and combating of serious crime and terrorism, Europol should also be able to exchange such data with private parties.*** To prevent and combat cybercrime, as related to network and information security incidents, Europol should, pursuant to Directive [name of adopted Directive] of the European Parliament and of the Council concerning measures to ensure a high common level of network and information security across the Union,³¹ cooperate and exchange information, with the exception of personal data, with national authorities competent for the security of network and information systems.

Amendment

(25) To ensure operational effectiveness, Europol should be able to exchange all information, with the exception of personal data, with other Union bodies, law enforcement authorities and law enforcement training institutes of third countries, and international organisations to the extent necessary for the performance of its tasks. To prevent and combat cybercrime, as related to network and information security incidents, Europol should, pursuant to Directive [name of adopted Directive] of the European Parliament and of the Council concerning measures to ensure a high common level of network and information security across the Union,³¹ cooperate and exchange information, with the exception of personal data, with national authorities competent for the security of network and information systems.

Or. de

Amendment 157
Josef Weidenholzer

Proposal for a regulation
Recital 27

Text proposed by the Commission

(27) Serious crime and terrorism often have links beyond the territory of the EU. Europol should therefore be able to exchange personal data with law enforcement authorities of third countries and with international organisations such as Interpol to the extent necessary for the accomplishment of its tasks.

Amendment

(27) Serious crime and terrorism often have links beyond the territory of the EU. Europol should therefore be able to exchange personal data with law enforcement authorities of third countries and with international organisations such as Interpol to the extent necessary for the accomplishment of its tasks. ***In exchanging personal data with third countries and international organisations, it is necessary to strike an appropriate balance between the need for effective enforcement and personal data protection.***

Or. de

Amendment 158
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Recital 28

Text proposed by the Commission

(28) Europol should be able to transfer personal data to an authority of a third country or an international organisation on the basis of a Commission decision finding that the country or international organisation in question ensures an adequate level of data protection, or, in the absence of an adequacy decision, an international agreement concluded by the Union pursuant to Article 218 of the Treaty, or a cooperation agreement concluded between Europol and this third country prior to the entry into force of this Regulation. In view of Article 9 of

Amendment

(28) Europol should be able to transfer personal data to an authority of a third country or an international organisation on the basis of a Commission decision finding that the country or international organisation in question ensures an adequate level of data protection, or, in the absence of an adequacy decision, an international agreement concluded by the Union pursuant to Article 218 of the Treaty, or a cooperation agreement concluded between Europol and this third country prior to the entry into force of this Regulation. ***The Commission should,***

Protocol 36 on transitional provisions attached to the Treaty, legal effects of such agreements should be preserved until those agreements are repealed, annulled or amended in the implementation of the Treaty.

within 12 months after the entry into force of this Regulation, review the existing cooperation agreements and propose amendments to align them with the provision of this Regulation. In view of Article 9 of Protocol 36 on transitional provisions attached to the Treaty, legal effects of such agreements should be preserved until those agreements are repealed, annulled or amended in the implementation of the Treaty.

Or. en

Amendment 159
Josef Weidenholzer

Proposal for a regulation
Recital 28

Text proposed by the Commission

(28) Europol ***should be able to*** transfer personal data to an authority of a third country or an international organisation on the basis of a Commission decision finding that the country or international organisation in question ensures an adequate level of data protection, or, in the absence of an adequacy decision, an international agreement concluded by the Union pursuant to Article 218 of the Treaty, or a cooperation agreement concluded between Europol and this third country prior to the entry into force of this Regulation. In view of Article 9 of Protocol 36 on transitional provisions attached to the Treaty, legal effects of such agreements should be preserved until those agreements are repealed, annulled or amended in the implementation of the Treaty.

Amendment

(28) Europol ***may*** transfer personal data to an authority of a third country or an international organisation ***only*** on the basis of a Commission decision finding that the country or international organisation in question ensures an adequate level of data protection ***comparable with EU standards,*** or, in the absence of an adequacy decision, an international agreement concluded by the Union pursuant to Article 218 of the Treaty, or a cooperation agreement concluded between Europol and this third country prior to the entry into force of this Regulation. In view of Article 9 of Protocol 36 on transitional provisions attached to the Treaty, legal effects of such agreements should be preserved until those agreements are repealed, annulled or amended in the implementation of the Treaty. ***The Commission must, within 12 months from the entry into force of this Regulation, review the existing cooperation agreement on data protection and propose amendments to bring it into***

line with the provisions of this Regulation.

Or. de

Amendment 160

Cornelia Ernst

Proposal for a regulation

Recital 29

Text proposed by the Commission

Amendment

(29) Where a transfer of personal data cannot be based on an adequacy decision taken by the Commission, or, an international agreement concluded by the Union, or an existing cooperation agreement, the Management Board and the European Data Protection Supervisor should be allowed to authorise a transfer or a set of transfers , provided adequate safeguards are ensured. Where none of the above applies, the Executive Director should be allowed to authorise the transfer of data in exceptional cases on a case-by-case basis, if it is necessary to safeguard the essential interests of a Member State, to prevent an imminent danger associated with crime or terrorism, if the transfer is otherwise necessary or legally required on important public grounds, if the data subject has consented, or if vital interests of the data subject are at stake.

deleted

Or. en

Amendment 161

Rui Tavares

Proposal for a regulation

Recital 29

Text proposed by the Commission

(29) Where a transfer of personal data cannot be based on an adequacy decision taken by the Commission, or, an international agreement concluded by the Union, or an existing cooperation agreement, the Management Board and the European Data Protection Supervisor should be allowed to authorise a transfer or a set of transfers, provided adequate safeguards are ensured. Where none of the above applies, the Executive Director should be allowed to authorise the transfer of data in exceptional cases on a case-by-case basis, if it is necessary to safeguard the essential interests of a Member State, to prevent an imminent danger associated with crime or terrorism, if the transfer is otherwise necessary or legally required on important public grounds, ***if the data subject has consented***, or if vital interests of the data subject are at stake.

Amendment

(29) Where a transfer of personal data cannot be based on an adequacy decision taken by the Commission, or, an international agreement concluded by the Union, or an existing cooperation agreement, the Management Board and the European Data Protection Supervisor should be allowed to authorise a transfer or a set of transfers, provided adequate safeguards are ensured. Where none of the above applies, the Executive Director should be allowed to authorise the transfer of data in exceptional cases on a case-by-case basis, if it is necessary to safeguard the essential interests of a Member State, to prevent an imminent danger associated with crime or terrorism, if the transfer is otherwise necessary or legally required on important public grounds, or if vital interests of the data subject are at stake.

Or. en

Amendment 162
Josef Weidenholzer

Proposal for a regulation
Recital 29

Text proposed by the Commission

(29) Where a transfer of personal data cannot be based on an adequacy decision taken by the Commission, or, an international agreement concluded by the Union, or an existing cooperation agreement, the Management Board and the European Data Protection Supervisor should be allowed to authorise a transfer or a set of transfers, provided adequate safeguards are ensured. ***Where none of the above applies, the Executive Director***

Amendment

(29) Where a transfer of personal data cannot be based on an adequacy decision taken by the Commission, or, an international agreement concluded by the Union, or an existing cooperation agreement, the Management Board and the European Data Protection Supervisor should be allowed to authorise a transfer or a set of transfers, ***only*** provided adequate safeguards are ensured ***regarding the protection of personal data***.

should be allowed to authorise the transfer of data in exceptional cases on a case-by-case basis, if it is necessary to safeguard the essential interests of a Member State, to prevent an imminent danger associated with crime or terrorism, if the transfer is otherwise necessary or legally required on important public grounds, if the data subject has consented, or if vital interests of the data subject are at stake.

Or. de

Amendment 163
Nils Torvalds

Proposal for a regulation
Recital 31

Text proposed by the Commission

(31) Any information which has clearly been obtained *by a third country or international organisation* in violation of human rights shall not be processed.

Amendment

(31) Any information which has clearly been obtained in violation of human rights shall not be processed.

Or. en

Amendment 164
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Recital 32

Text proposed by the Commission

(32) Data protection rules at Europol should be strengthened and draw on the principles underpinning Regulation (EC) No 45/2001³² to ensure a high level of protection of individuals with regard to processing of personal data. As Declaration 21 attached to the Treaty *recognizes the*

Amendment

(32) *Data protection rules at Europol should be strengthened and aligned with other relevant data protection instruments applicable to processing of personal data in the area of police cooperation in the European Union to ensure a high level of protection of individuals with regard to*

specificity of personal data *processing* in the law enforcement context, *the data protection rules of Europol should be autonomous* and aligned with other relevant data protection instruments applicable in the area of police cooperation in the Union, in particular Convention No. 108³³ and Recommendation No R(87) of the Council of Europe³⁴ and Council Framework Decision 2008/977/JHA on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters³⁵ [to be replaced by the relevant Directive in force at the moment of adoption].

processing of personal data. While Decision 2009/371/JHA provides for an adequate data protection regime for Europol, it should be further elaborated to align Europol with the requirements of the Lisbon Treaty, reflect the growing role of Europol and improve the rights of data subjects. Data protection rules at Europol should be strengthened and draw on the principles underpinning Regulation (EC) No 45/2001³² to ensure a high level of protection of individuals with regard to processing of personal data, *as well as on other data protection principles, including accountability principle, data protection impact assessment, privacy by design and by default and notification of personal data breaches. As soon as the new data protection framework of the EU institutions and bodies will be adopted, it should be applicable to Europol.* As Declaration 21 attached to the Treaty *acknowledges, the specific nature of the processing* of personal data in the law enforcement context *proves necessary that specific rules on the protection of personal data and the free movement of such data are established for Europol based on Article 16 of the Treaty on the Functioning of the European Union* and aligned with other relevant data protection instruments applicable in the area of police cooperation in the Union, in particular Convention No. 108³³ and *its Additional Protocol of 8 November 2001 and Recommendation No R(87) of the Council of Europe³⁴ and Council Framework Decision 2008/977/JHA on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters³⁵ [to be replaced by the relevant Directive in force at the moment of adoption].* *Transparency is a crucial part of data protection since it enables other data protection principles and rights to be exercised. To enhance transparency, Europol should have transparent data protection policies that it*

should make easily publicly available setting out in an intelligible form and using clear and plain language the provisions regarding the processing of personal data and the means available for the exercise of the rights of data subjects, as well as publish a list of the international and cooperation agreements it has with third countries, Union bodies and international organisations.

Or. en

Amendment 165
Josef Weidenholzer

Proposal for a regulation
Recital 32

Text proposed by the Commission

(32) Data protection rules at Europol should be strengthened and draw on the principles underpinning Regulation (EC) No 45/2001³² to ensure a high level of protection of individuals with regard to processing of personal data. As Declaration 21 attached to the *Treaty recognizes the specificity of personal data* processing in the law enforcement context, *the data protection rules of Europol should be autonomous* and aligned with other relevant data protection instruments applicable in the area of police cooperation *in the Union, in particular* Convention No. 108³³ and Recommendation No R(87) of the Council of Europe³⁴ and Council Framework Decision 2008/977/JHA on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters³⁵ [to be replaced by the relevant Directive in force at the moment of adoption].

Amendment

(32) Data protection rules at Europol should be strengthened and *aligned with other relevant data protection instruments applicable to processing of personal data in the area of police cooperation in the European Union to ensure a high level of protection of individuals with regard to processing of personal data. While Decision 2009/371/JHA provides for a robust data protection regime for Europol, it should be further elaborated to align Europol with the requirements of the Lisbon Treaty, reflect the growing role of Europol, improve the rights of data subjects and further enhance the trust between Member States and Europol which is necessary for a successful exchange of information. Data protection rules at Europol should be strengthened and* draw on the principles underpinning Regulation (EC) No 45/2001[1] to ensure a high level of protection of individuals with regard to processing of personal data, *as well as on other data protection principles, including accountability*

principle, data protection impact assessment, privacy by design and by default and notification of personal data breaches. As soon as the new data protection framework of the EU institutions and bodies will be adopted, it should be applicable to Europol. As Declaration 21 attached to the Treaty acknowledges, the specific nature of the processing of personal data in the law enforcement context proves necessary that specific rules on the protection of personal data and the free movement of such data are established for Europol based on Article 16 of the Treaty on the Functioning of the European Union and aligned with other relevant data protection instruments applicable in the area of police cooperation in the Union, in particular Convention No. 108[2] and its Additional Protocol of 8 November 2001 and Recommendation No R(87) of the Council of Europe[3] and Council Framework Decision 2008/977/JHA on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters[4] [to be replaced by the relevant Directive in force at the moment of adoption]. Transparency is a crucial part of data protection since it enables other data protection principles and rights to be exercised. To enhance transparency, Europol should have transparent data protection policies that it should make easily publicly available setting out in an intelligible form and using clear and plain language the provisions regarding the processing of personal data and the means available for the exercise of the rights of data subjects, as well as publish a list of the international and cooperation agreements it has with third countries, Union bodies and international organisations.

Or. en

Amendment 166
Sophia in 't Veld

Proposal for a regulation
Recital 32

Text proposed by the Commission

(32) Data protection rules at Europol should be strengthened and draw on the principles underpinning Regulation (EC) No 45/2001³² to ensure a high level of protection of individuals with regard to processing of personal data. As Declaration 21 attached to the Treaty recognizes the specificity of personal data processing in the law enforcement context, the data protection rules of Europol should be autonomous and aligned with other relevant data protection instruments applicable in the area of police cooperation in the Union, in particular Convention No. 108³³ and Recommendation No R(87) of the Council of Europe³⁴ and Council Framework Decision 2008/977/JHA on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters³⁵ [to be replaced by the relevant Directive in force at the moment of adoption].

Amendment

(32) Data protection rules at Europol should be strengthened and draw on the principles underpinning Regulation (EC) No 45/2001³² **or the instrument replacing Regulation (EC) 45/2001** to ensure a high level of protection of individuals with regard to processing of personal data. As Declaration 21 attached to the Treaty recognizes the specificity of personal data processing in the law enforcement context, the data protection rules of Europol should be autonomous and aligned with other relevant data protection instruments applicable in the area of police cooperation in the Union, in particular Convention No. 108³³ and Recommendation No R(87) of the Council of Europe³⁴ and **the robust data protection regime laid down in** Council Framework Decision 2008/977/JHA on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters³⁵ [to be replaced by the relevant Directive in force at the moment of adoption].

Or. en

Amendment 167
Agustín Díaz de Mera García Consuegra, Josef Weidenholzer

Proposal for a regulation
Recital 32

Text proposed by the Commission

(32) Data protection rules at Europol should be strengthened and draw on the

Amendment

(32) Data protection rules at Europol should be strengthened and aligned with

principles underpinning Regulation (EC) No 45/2001³² to ensure a high level of protection of individuals with regard to processing of personal data. As Declaration 21 attached to the Treaty *recognizes the specificity of personal data processing in the law enforcement context, the data protection rules of Europol should be autonomous* and aligned with other relevant data protection instruments applicable in the area of police cooperation in the Union, in particular Convention No. 108³³ and Recommendation No R(87) of the Council of Europe³⁴ and Council Framework Decision 2008/977/JHA on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters³⁵ [to be replaced by the relevant Directive in force at the moment of adoption].

other relevant data protection instruments applicable to processing of personal data in the area of police cooperation in the European Union. While Decision 2009/371/JHA provides for a robust data protection regime for Europol, it should be further elaborated to align Europol with the requirements of the Lisbon Treaty, reflect the growing role of Europol, improve the rights of data subjects and further enhance the trust between Member States and Europol which is necessary for a successful exchange of information. Data protection rules at Europol should be strengthened and draw on the principles underpinning Regulation (EC) No 45/2001 to ensure a high level of protection of individuals with regard to processing of personal data. As Declaration 21 attached to the Treaty *acknowledges, the specific nature of the processing of personal data the law enforcement context proves necessary that specific rules on the protection of personal data and the free movement of such data are established for Europol based on Article 16 of the Treaty on the Functioning of the European Union* and aligned with other relevant data protection instruments applicable in the area of police cooperation in the Union, in particular Convention No. 108 *and its Additional Protocol of 8 November 2001* and Recommendation No R(87) of the Council of Europe and Council Framework Decision 2008/977/JHA on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters [to be replaced by the relevant Directive in force at the moment of adoption].

Or. en

Amendment 168

Agustín Díaz de Mera García Consuegra, Josef Weidenholzer, Rui Tavares, Cornelia

Ernst

Proposal for a regulation
Recital 32 a (new)

Text proposed by the Commission

Amendment

(32a) Transparency is a crucial part of data protection since it enables other data protection principles and rights to be exercised. To enhance transparency, Europol should have transparent data protection policies including the means available for the exercise of the rights of data subjects that it should make easily publicly available, as well as publish a list of the international and cooperation agreements it has with third countries, Union bodies and international organisations.

Or. en

Amendment 169
Josef Weidenholzer

Proposal for a regulation
Recital 33

Text proposed by the Commission

Amendment

(33) ***As far as possible, personal*** data should be distinguished according to the degree of their accuracy and reliability. Facts ***should*** be distinguished from personal assessments, in order to ensure both the protection of individuals and the quality and reliability of the information processed by Europol.

(33) ***Personal*** data should be distinguished according to the degree of their accuracy and reliability. Facts ***must*** be distinguished from personal assessments, in order to ensure both the protection of individuals and the quality and reliability of the information processed by Europol.

Or. de

Amendment 170
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Recital 34

Text proposed by the Commission

(34) Personal data relating to different categories of data subjects are processed in the area of police co-operation. Europol should make distinctions between personal data of different categories of data subjects as clear as possible. Personal data of persons such as victims, witnesses, persons possessing relevant information as well as personal data of minors should in particular be protected. Therefore, Europol should not process them unless it is strictly necessary *for* preventing and combating crime within its objectives, and if those data supplement other personal data already processed by Europol.

Amendment

(34) Personal data relating to different categories of data subjects are processed in the area of police co-operation. Europol should make distinctions between personal data of different categories of data subjects as clear as possible. Personal data of persons such as victims, witnesses, persons possessing relevant information as well as personal data of minors should in particular be protected. Therefore, Europol should not process them unless it is strictly necessary *and proportionate for the purpose of* preventing and combating crime within its objectives, and if those *personal* data supplement other personal data already processed by Europol.

Or. en

Amendment 171
Josef Weidenholzer

Proposal for a regulation
Recital 34

Text proposed by the Commission

(34) Personal data relating to different categories of data subjects are processed in the area of police co-operation. Europol should make distinctions between personal data of different categories of data subjects as clear as possible. Personal data of persons such as victims, witnesses, persons possessing relevant information as well as personal data of minors should in particular be protected. Therefore, Europol should not process them *unless it is strictly necessary for preventing and combating crime within its objectives, and if those*

Amendment

(34) Personal data relating to different categories of data subjects are processed in the area of police co-operation. Europol should make distinctions between personal data of different categories of data subjects as clear as possible. Personal data of persons such as victims, witnesses, persons possessing relevant information as well as personal data of minors should in particular be protected. Therefore, Europol should not *be allowed to* process them.

data supplement other personal data already processed by Europol.

Or. de

Amendment 172
Josef Weidenholzer

Proposal for a regulation
Recital 35

Text proposed by the Commission

(35) In the light of fundamental rights to protection of personal data, Europol should not store personal data longer than necessary for the performance of its tasks.

Amendment

(35) In the light of fundamental rights to protection of personal data, Europol should not store personal data longer than necessary for the performance of its tasks.
At the latest three years after the data has been recorded, the need for the continued storage thereof shall be considered.

Or. de

Amendment 173
Josef Weidenholzer

Proposal for a regulation
Recital 36

Text proposed by the Commission

(36) To guarantee the security of personal data, Europol *should* implement ***appropriate technical and organisational*** measures.

Amendment

(36) To guarantee the security of personal data, Europol ***must*** implement ***the necessary*** measures.

Or. de

Amendment 174
Josef Weidenholzer

Proposal for a regulation
Recital 37

Text proposed by the Commission

(37) Any person should have a right of access to personal data concerning them, to have inaccurate data concerning them rectified and to erase or block data concerning them, ***if the data is no longer required. The rights of the data subject and the exercise thereof should not affect the obligations placed on Europol and should be subject to the restrictions laid down in this Regulation.***

Amendment

(37) Any person should have a right of access to personal data concerning them, to have inaccurate data concerning them rectified and to erase or block data concerning them.

Or. de

Amendment 175
Josef Weidenholzer

Proposal for a regulation
Recital 38

Text proposed by the Commission

(38) The protection of the rights and freedoms of data subjects requires a clear attribution of the responsibilities under this Regulation. In particular, Member States should be responsible for accuracy and keeping up to date the data they have transferred to Europol and for the legality of such transfer. Europol should be responsible for accuracy and for keeping the data provided by other data suppliers up to date. Europol ***should*** also ensure that data are processed fairly and lawfully, are collected and processed for a specific purpose, that they are adequate, relevant, not excessive in relation to the purposes for which they are processed, and stored no longer than is necessary for that purpose.

Amendment

(38) The protection of the rights and freedoms of data subjects requires a clear attribution of the responsibilities under this Regulation. In particular, Member States should be responsible for accuracy and keeping up to date the data they have transferred to Europol and for the legality of such transfer. Europol should be responsible for accuracy and for keeping the data provided by other data suppliers up to date. Europol ***must*** also ensure that data are processed fairly and lawfully, are collected and processed for a specific purpose, that they are adequate, relevant, not excessive in relation to the purposes for which they are processed, and stored no longer than is necessary for that purpose.

Or. de

Amendment 176
Josef Weidenholzer

Proposal for a regulation
Recital 39

Text proposed by the Commission

(39) Europol should keep records of collection, alteration, access, disclosure, combination or erasure of personal data for the purposes of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security. Europol **should be** obliged to co-operate with the European Data Protection Supervisor and make the logs or documentation available upon request, so that they can be used for monitoring processing operations.

Amendment

(39) Europol should keep records of collection, alteration, access, disclosure, combination or erasure of personal data for the purposes of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security. Europol **is** obliged to co-operate with the European Data Protection Supervisor and make the logs or documentation available upon request, so that they can be used for monitoring processing operations.

Or. de

Amendment 177
Carlos Coelho, Rui Tavares, Tanja Fajon

Proposal for a regulation
Recital 39

Text proposed by the Commission

(39) Europol should keep records of collection, alteration, access, disclosure, combination or erasure of personal data for the purposes of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security. Europol should be obliged to co-operate with the European Data Protection Supervisor and make the logs or documentation available upon request, so that they can be used for monitoring processing operations.

Amendment

(39) Europol should keep records of collection, alteration, access, disclosure, combination or erasure of personal data for the purposes of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security. Europol should be obliged to co-operate with the European Data Protection Supervisor and **the Joint Supervisory Authority and** make the logs or documentation available upon request, so that they can be used for monitoring processing operations.

Amendment 178
Josef Weidenholzer

Proposal for a regulation
Recital 40

Text proposed by the Commission

(40) Europol should designate a data protection officer to assist it in monitoring compliance with the provisions of this Regulation. The data protection officer should be in a position to perform his/her duties and tasks independently and effectively.

Amendment

(40) Europol should designate a data protection officer to assist it in monitoring compliance with the provisions of this Regulation. The data protection officer should be in a position to perform his/her duties and tasks independently and effectively. ***The data protection officer should be given the resources necessary to fulfil his tasks.***

Amendment 179
Cornelia Ernst

Proposal for a regulation
Recital 41

Text proposed by the Commission

(41) National competent authorities for the supervision of the processing of personal data should monitor the lawfulness of the processing of personal data by Member States. ***The European Data Protection Supervisor*** should monitor the lawfulness of data processing by Europol exercising its functions with complete independence.

Amendment

(41) National competent authorities for the supervision of the processing of personal data should monitor the lawfulness of the processing of personal data by Member States. ***An independent Joint Supervisory Body*** should monitor the lawfulness of data processing by Europol exercising its functions with complete independence.

Amendment 180
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Recital 41

Text proposed by the Commission

(41) National competent authorities for the supervision of the processing of personal data should monitor the lawfulness of the processing of personal data by Member States. The European Data Protection Supervisor should monitor the lawfulness of data processing by Europol exercising its functions with complete independence.

Amendment

(41) *An independent, sufficiently empowered, transparent, accountable and effective structure for supervision is essential for the protection of individuals with regard to the processing of personal data as required by Article 8 of the Charter of Fundamental Rights and Article 16 of the Treaty on the Functioning of the European Union.* National competent authorities for the supervision of the processing of personal data should monitor the lawfulness of the processing of personal data by Member States. The European Data Protection Supervisor should monitor the lawfulness of data processing by Europol exercising its functions with complete independence.

Or. en

Amendment 181
Josef Weidenholzer

Proposal for a regulation
Recital 41

Text proposed by the Commission

(41) National competent authorities for the supervision of the processing of personal data should monitor the lawfulness of the processing of personal data by Member States. The European Data Protection Supervisor should monitor the lawfulness of data processing by Europol exercising its functions with complete independence.

Amendment

(41) *In order to guarantee the protection of individuals regarding the processing of personal data, as provided for in Article 8 of the Charter of Fundamental Rights and Article 16 of the Treaty on the Functioning of the European Union, independent, suitably authorised, transparent and responsible supervision and monitoring is necessary.* National competent authorities for the supervision of

the processing of personal data **and the national data protection authorities** should monitor **strictly and closely** the lawfulness of the processing of personal data by Member States. The European Data Protection Supervisor should monitor **strictly and closely** the lawfulness of data processing by Europol exercising its functions with complete independence.

Or. de

Amendment 182
Cornelia Ernst

Proposal for a regulation
Recital 42

Text proposed by the Commission

(42) The European Data Protection Supervisor and national supervisory authorities should co-operate with each other on specific issues requiring national involvement and to ensure coherent application of this Regulation throughout the Union.

Amendment

deleted

Or. en

Amendment 183
Rui Tavares

Proposal for a regulation
Recital 42

Text proposed by the Commission

(42) The European Data Protection Supervisor and national supervisory authorities should co-operate with each other on specific issues requiring national involvement and to ensure coherent application of this Regulation throughout

Amendment

(42) It is important to ensure a strengthened and effective supervision of Europol, while making optimal use of resources and accumulated expertise both at national and Union level. The European Data Protection Supervisor and national

the Union.

supervisory authorities should co-operate with each other on specific issues requiring national involvement and to ensure coherent application of this Regulation throughout the Union. *Where necessary, the European Data Protection Supervisor may use the expertise and experience of national data protection authorities in carrying out his duties, including the performance of audits and on-site inspections.*

Or. en

Amendment 184
Josef Weidenholzer

Proposal for a regulation
Recital 42

Text proposed by the Commission

(42) The European Data Protection Supervisor and national supervisory authorities should co-operate with each other on specific issues requiring national involvement and to ensure coherent application of this Regulation throughout the Union.

Amendment

(42) The European Data Protection Supervisor and national supervisory authorities should co-operate *closely* with each other on specific issues requiring national involvement and to ensure coherent application of this Regulation throughout the Union. *The European Data Protection Supervisor should make use of the know-how and experience of the national data protection authorities and involve them in proceedings.*

Or. de

Amendment 185
Carlos Coelho, Rui Tavares, Tanja Fajon

Proposal for a regulation
Recital 42

Text proposed by the Commission

(42) The European Data Protection Supervisor and national supervisory authorities should ***co-operate with each other on specific issues requiring national involvement and to ensure*** coherent application of this Regulation throughout the Union.

Amendment

(42) The European Data Protection Supervisor and national supervisory authorities should ***supervise Europol operational data in a coordinated manner to ensure an effective and*** coherent application of this Regulation throughout the Union.

Or. en

Amendment 186

Rui Tavares, Cornelia Ernst

Proposal for a regulation

Recital 43

Text proposed by the Commission

(43) As Europol is processing also non-operational personal data, not related to any criminal investigations, processing of such data should be subject to Regulation (EC) No 45/2001.

Amendment

(43) As Europol is processing also non-operational personal data, not related to any criminal investigations, ***such as personal data of staff of Europol, services providers or visitors,*** processing of such data should be subject to Regulation (EC) No 45/2001.

Or. en

Amendment 187

Josef Weidenholzer

Proposal for a regulation

Recital 44

Text proposed by the Commission

(44) The European Data Protection Supervisor should hear and investigate complaints lodged by data subjects. The investigation following a complaint should be carried out, subject to judicial review, to

Amendment

(44) The European Data Protection Supervisor should hear and investigate complaints lodged by data subjects. The investigation following a complaint should be carried out, subject to judicial review, to

the extent that is *appropriate* in the specific case. The supervisory authority should inform the data subject of progress and the outcome of the complaint within a reasonable period.

the extent that is *necessary for full elucidation* in the specific case. The supervisory authority should *immediately* inform the data subject of progress and the outcome of the complaint within a reasonable period.

Or. de

Amendment 188
Timothy Kirkhope

Proposal for a regulation
Recital 56

Text proposed by the Commission

Amendment

(56) The necessary provisions regarding accommodation for Europol in the Member State in which it has its headquarters, in the Netherlands, and the specific rules applicable to all Europol's staff and members of their families should be laid down in a headquarters agreement. Furthermore, the host Member State should provide the best possible conditions to ensure the proper functioning of Europol, including schools for children and transport, so as to attract high-quality human resources from as wide a geographical area as possible.

deleted

Or. en

Amendment 189
Kinga Göncz, Josef Weidenholzer

Proposal for a regulation
Recital 57

Text proposed by the Commission

Amendment

(57) Europol, as set up by this Regulation replaces and succeeds Europol as

deleted

established by Decision 2009/371/JHA and CEPOL as established by Decision 2005/681/JHA. It should therefore be a legal successor of all their contracts, including employment contracts, liabilities and properties acquired. International agreements concluded by Europol as established on the basis of Decision 2009/371/JHA and CEPOL as established on the basis of Decision 2005/681/JHA should remain in force, with the exception of the headquarters agreement concluded by CEPOL.

Or. en

Amendment 190
Kinga Göncz, Josef Weidenholzer

Proposal for a regulation
Recital 58

Text proposed by the Commission

Amendment

(58) To enable Europol to continue to fulfil the tasks of Europol as established on the basis of Decision 2009/371/JHA and CEPOL as established by Decision 2005/681/JHA to the best of its abilities, transitional measures should be laid down, in particular with regard to the Management Board, the Executive Director and ring-fencing part of Europol's budget for training for three years following the entry into force of this Regulation.

deleted

Or. en

Amendment 191
Kinga Göncz, Josef Weidenholzer

Proposal for a regulation
Recital 59

Text proposed by the Commission

(59) Since the objective of this Regulation, namely the establishment of an entity responsible for law-enforcement cooperation **and training** at Union level, cannot be sufficiently achieved by the Member States and can, therefore, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve that objective.

Amendment

(59) Since the objective of this Regulation, namely the establishment of an entity responsible for law-enforcement cooperation at Union level, cannot be sufficiently achieved by the Member States and can, therefore, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve that objective.

Or. en

Amendment 192
Cornelia Ernst

Proposal for a regulation
Article 1 – title

Text proposed by the Commission

Establishment of the European Union
Agency for Law Enforcement Cooperation
and Training

Amendment

Establishment of the European Union
Agency for Law Enforcement Cooperation

Or. en

Amendment 193
Kinga Göncz, Josef Weidenholzer

Proposal for a regulation
Article 1 – title

Text proposed by the Commission

Establishment of the European Union Agency for Law Enforcement Cooperation **and Training**

Amendment

Establishment of the European Union Agency for Law Enforcement Cooperation

Or. en

Amendment 194
Cornelia Ernst

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

1. A European Union Agency for Law Enforcement Cooperation **and Training** (Europol) is hereby established to improve mutual cooperation among law enforcement authorities **in the European Union**, to strengthen and support their actions **as well as to deliver a coherent European training policy**.

Amendment

1. A European Union Agency for Law Enforcement Cooperation (Europol) is hereby established to improve mutual cooperation among **the competent** law enforcement authorities **of the Member states and** to strengthen and support their actions.

Or. en

Amendment 195
Kinga Göncz, Josef Weidenholzer

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

1. A European Union Agency for Law Enforcement Cooperation **and Training** (Europol) is hereby established to improve mutual cooperation among law enforcement authorities in the European Union, to strengthen and support their actions **as well as to deliver a coherent European training policy**.

Amendment

1. A European Union Agency for Law Enforcement Cooperation (Europol) is hereby established to improve mutual cooperation among law enforcement authorities in the European Union, to strengthen and support their actions.

Amendment 196
Cornelia Ernst

Proposal for a regulation
Article 1 – paragraph 2

Text proposed by the Commission

2. Europol, as established by this Regulation, shall replace and succeed Europol as established by Decision 2009/371/JHA, *and CEPOL as established by Decision 2005/681/JHA.*

Amendment

2. Europol, as established by this Regulation, shall replace and succeed Europol as established by Decision 2009/371/JHA.

Amendment 197
Kinga Göncz, Josef Weidenholzer

Proposal for a regulation
Article 1 – paragraph 2

Text proposed by the Commission

2. Europol, as established by this Regulation, shall replace and succeed Europol as established by Decision 2009/371/JHA, *and CEPOL as established by Decision 2005/681/JHA.*

Amendment

2. Europol, as established by this Regulation, shall replace and succeed Europol as established by Decision 2009/371/JHA.

Amendment 198
Cornelia Ernst

Proposal for a regulation
Article 2 – paragraph 1 – point a

Text proposed by the Commission

(a) ‘the competent authorities of the Member States’ means all ***police authorities and other law enforcement services*** existing in the Member States which are responsible under national law for preventing and combating criminal offences;

Amendment

(a) ‘the competent authorities of the Member States’ means all ***public bodies*** existing in the Member States which are responsible under national law for preventing and combating criminal offences;

Or. en

Amendment 199

Rui Tavares

Proposal for a regulation

Article 2 – paragraph 1 – point a

Text proposed by the Commission

(a) ‘***the*** competent authorities of the ***Member States***’ means all ***police authorities and other law enforcement services existing in*** the Member States ***which are responsible under*** national law ***for preventing and combating criminal offences***;

Amendment

(a) “competent authorities” ***means agencies or bodies established by legal acts adopted by the Council pursuant to Title VI of the Treaty on European Union, as well as police, customs, judicial and other authorities of the Member States that are authorised by national law to process personal data within the scope of this Regulation***;

Or. en

Amendment 200

Hubert Pirker, Monika Hohlmeier

Proposal for a regulation

Article 2 – paragraph 1 – point a

Text proposed by the Commission

(a) ‘the competent authorities of the Member States’ means all ***police authorities and other law enforcement***

Amendment

(a) ‘the competent authorities of the Member States’ means all authorities, existing in the Member States which are

services existing in the Member States which are responsible under national law for preventing and combating criminal offences;

responsible under national law for preventing and combating criminal offences *falling within Europol's remit*;

Or. de

Amendment 201
Sonia Alfano

Proposal for a regulation
Article 2 – paragraph 1 – point a

Text proposed by the Commission

(a) ‘the competent authorities of the Member States’ means all *police* authorities *and other law enforcement services* existing in the Member States which are responsible under national law for preventing and combating criminal offences;

Amendment

(a) ‘the competent authorities of the Member States’ means all authorities existing in the Member States which are responsible under national law for preventing and combating criminal offences *in respect of which Europol is competent*;

Or. en

Amendment 202
Cornelia Ernst

Proposal for a regulation
Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) ‘analysis’ means the *assembly, processing or use of data* with the aim of assisting criminal investigations;

Amendment

(b) ‘analysis’ means the *careful examination of gathered information* with the aim of assisting criminal investigations;

Or. en

Amendment 203
Rui Tavares

Proposal for a regulation
Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) ‘analysis’ means the **assembly, processing or use of data with the aim of assisting criminal investigations**;

Amendment

(b) ‘analysis’ means the **meticulous examination of information to discover its specific meaning and particular features**;

Or. en

Amendment 204
Carlos Coelho

Proposal for a regulation
Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) ‘analysis’ means the **assembly, processing or use of data** with the aim of assisting criminal investigations;

Amendment

(b) ‘analysis’ means the **careful examination of information to discover its meaning and essential features** with the aim of assisting criminal investigations **and carrying out any of the other tasks listed in Article 4.**

Or. en

Justification

The definition is too wide and should be aligned with what is generally accepted as crime analysis in the area of law enforcement.

Amendment 205
Cornelia Ernst

Proposal for a regulation
Article 2 – paragraph 1 – point c

Text proposed by the Commission

(c) ‘Union bodies’ means institutions, **entities, missions, offices** and agencies set up by, or on the basis of the Treaty on

Amendment

(c) ‘Union bodies’ means institutions and agencies set up by, or on the basis of the Treaty on European Union and the Treaty

European Union and the Treaty on the
Functioning of the European Union;

on the Functioning of the European Union;

Or. en

Justification

In line with the new proposal for a Eurojust Regulation

Amendment 206
Cornelia Ernst

Proposal for a regulation
Article 2 – paragraph 1 – point d

Text proposed by the Commission

(d) ‘law enforcement officers’ means officers of police, customs and of other ***relevant services, including Union bodies,*** responsible for preventing and combating serious crime affecting two or more Member States, ***terrorism and forms of crime that affect a common interest covered by a Union policy and for civilian crisis management and international policing of major events;***

Amendment

(d) ‘law enforcement officers’ means officers of police, customs and of other ***competent authorities responsible under national law for preventing and combating criminal offences,*** responsible for preventing and combating serious crime affecting two or more Member States ***and terrorism;***

Or. en

Amendment 207
Cornelia Ernst

Proposal for a regulation
Article 2 – paragraph 1 – point f

Text proposed by the Commission

(f) ‘international organisations’ means international organisations and their subordinate bodies governed by public law or other bodies which are set up by, or on the basis of, an agreement between two or more countries;

Amendment

(f) ‘international organisations’ means international organisations and their subordinate bodies governed by public law or other bodies ***governed by public law*** which are set up by, or on the basis of, an agreement between two or more countries;

Amendment 208
Cornelia Ernst

Proposal for a regulation
Article 2 – paragraph 1 – point i

Text proposed by the Commission

(i) ‘personal data’ means any information relating to an identified or identifiable natural person *hereinafter referred to as* ‘data subject’; an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to *his/her* physical, physiological, mental, economic, cultural or social identity;

Amendment

(i) ‘personal data’ means any information relating to an identified or identifiable natural person (*‘data subject’*); an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an *identifier such as a name, an* identification number, *location data, unique identifier* or to one or more factors specific to *the* physical, physiological, *genetic*, mental, economic, cultural or social *or gender* identity *of that person*;

Justification

Aligning the definition with the regulation on data protection

Amendment 209
Carlos Coelho

Proposal for a regulation
Article 2 – paragraph 1 – point k

Text proposed by the Commission

(k) ‘recipient’ means a natural or legal person, public authority, agency or any other body to whom data are disclosed, whether a third party or not; *however, authorities which may receive data in the framework of a particular inquiry shall not be regarded as recipients*;

Amendment

(k) ‘recipient’ means a natural or legal person, public authority, agency or any other body to whom data are disclosed, whether a third party or not;

Justification

Such an exemption is not justified and also not logic in view of the rights and obligations incumbent to recipients as defined in the regulation.

Amendment 210

Cornelia Ernst

Proposal for a regulation

Article 2 – paragraph 1 – point k

Text proposed by the Commission

(k) ‘recipient’ means a natural or legal person, public authority, agency or any other body to ***whom data are disclosed, whether a third party or not; however, authorities which may receive data in the framework of a particular inquiry shall not be regarded as recipients;***

Amendment

(k) ‘recipient’ means a natural or legal person, public authority, agency or any other body to ***which the personal data are disclosed***

Amendment 211

Rui Tavares

Proposal for a regulation

Article 2 – paragraph 1 – point k

Text proposed by the Commission

(k) ‘recipient’ means a natural or legal person, public authority, agency or any other body to whom data are disclosed, whether a third party or not; ***however, authorities which may receive data in the framework of a particular inquiry shall not be regarded as recipients;***

Amendment

(k) ‘recipient’ means a natural or legal person, public authority, agency or any other body to whom data are disclosed, whether a third party or not;

Amendment 212
Josef Weidenholzer

Proposal for a regulation
Article 2 – paragraph 1 – point k

Text proposed by the Commission

(k) ‘recipient’ means a natural or legal person, public authority, agency or any other body to whom data are disclosed, whether a third party or not; **however, authorities which may receive data in the framework of a particular inquiry shall not be regarded as recipients;**

Amendment

(k) ‘recipient’ means a natural or legal person, public authority, agency or any other body to whom data are disclosed, whether a third party or not;

Or. de

Amendment 213
Cornelia Ernst

Proposal for a regulation
Article 2 – paragraph 1 – point n

Text proposed by the Commission

(n) ‘the data subject's consent’ means any freely given specific **and** informed indication of his/her wishes by which the data subject signifies **his/her** agreement to personal data relating to **him/her** being processed;

Amendment

(n) ‘the data subject's consent’ means any freely given specific, informed **and explicit** indication of his **or** her wishes by which the data subject, **either by a statement or by a clear affirmative action**, signifies agreement to personal data relating to **them** being processed;

Or. en

Justification

Aligning with data protection regulation

Amendment 214
Josef Weidenholzer

Proposal for a regulation
Article 2 – paragraph 1 – point n

Text proposed by the Commission

(n) ‘the data subject’s consent’ means any freely given specific and informed indication of his/her wishes by which the data subject signifies his/her agreement to personal data relating to him/her being processed;

Amendment

(n) ‘the data subject’s consent’ means any freely given specific and informed indication of his/her wishes by which the data subject ***clearly and unambiguously*** signifies his/her agreement to personal data relating to him/her being processed;
agreement may be withdrawn;

Or. de

Amendment 215
Carlos Coelho

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. Europol shall support and strengthen action by the competent authorities of the Member States and their mutual cooperation in preventing and combating serious crime affecting two or more Member States, ***terrorism and forms of crime which affect a common interest covered by a Union policy, as specified in Annex 1.***

Amendment

1. Europol shall support and strengthen action by the competent authorities of the Member States and their mutual cooperation in preventing and combating ***organised crime, terrorism and other forms of serious crime, as specified in Annex I and*** affecting two or more Member States ***in such a way to require a common approach by the Member States taking in account the scale, significance and consequences of the offences.***

Or. en

Justification

It's essential to have a clear description of Europol's objectives. The proposed link between the need for a common approach with the common interest by a Union policy, might limit the competence of Europol in those cases where there is no or no explicit Union policy. On the other side, because there is no definition on what is to be considered as serious crime, Europol's competence may be enlarged as long as the crime affects two or more Member States.

Amendment 216
Cornelia Ernst

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. Europol shall support and strengthen action by the competent authorities of the Member States and their mutual cooperation in preventing and combating serious crime affecting two or more Member States, ***terrorism and forms of crime which affect a common interest covered by a Union policy***, as specified in Annex 1.

Amendment

1. Europol shall support and strengthen action by the competent authorities of the Member States and their mutual cooperation in preventing and combating serious crime affecting two or more Member States ***and terrorism***, as specified in Annex 1

Or. en

Amendment 217
Rui Tavares

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. Europol shall support and strengthen action by the competent authorities of the Member States and their mutual cooperation in preventing and combating serious crime affecting two or more Member States, ***terrorism and forms of crime which affect a common interest covered by a Union policy, as specified in Annex 1.***

Amendment

1. Europol shall support and strengthen action by the competent authorities of the Member States and their mutual cooperation in preventing and combating ***particularly*** serious crime affecting two or more Member States, ***in accordance with Article 88 TFEU;***

Or. en

Amendment 218
Josef Weidenholzer

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. Europol shall support and strengthen action by the competent authorities of the Member States and their mutual cooperation in preventing and combating serious crime affecting two or more Member States, terrorism **and forms of crime which affect a common interest covered by a Union policy**, as specified in Annex 1.

Amendment

1. Europol shall support and strengthen action by the competent authorities of the Member States and their mutual cooperation in preventing and combating serious crime affecting two or more Member States **and** terrorism, as specified in Annex 1.

Or. de

Amendment 219
Cornelia Ernst

Proposal for a regulation
Article 3 – paragraph 3

Text proposed by the Commission

3. Europol shall support, develop, deliver and coordinate training activities for law enforcement officers.

Amendment

deleted

Or. en

Amendment 220
Kinga Göncz, Josef Weidenholzer

Proposal for a regulation
Article 3 – paragraph 3

Text proposed by the Commission

3. Europol shall support, develop, deliver and coordinate training activities for law enforcement officers.

Amendment

deleted

Amendment 221
Cornelia Ernst

Proposal for a regulation
Article 4 – paragraph 1 – point b

Text proposed by the Commission

(b) to notify the Member States without delay of information concerning them and of any connections between criminal offences;

Amendment

(b) to notify the ***competent authorities of the*** Member States without delay ***via their national units, as referred to in Article 7,*** of information concerning them and of any connections between criminal offences;

Or. en

Amendment 222
Cornelia Ernst

Proposal for a regulation
Article 4 – paragraph 1 – point c – introductory part

Text proposed by the Commission

(c) to coordinate, ***organise and implement investigative and operational action***

Amendment

(c) to ***aid and*** coordinate, ***upon request of the Member States, investigations in the Member States, in particular by forwarding all relevant information to the national units, as referred to in Article 7;***

Or. en

Amendment 223
Josef Weidenholzer

Proposal for a regulation
Article 4 – paragraph 1 – point c – introductory part

Text proposed by the Commission

Amendment

(c) to coordinate, organise **and implement** **investigative and operational** action

(c) to coordinate **and** organise action

Or. de

Amendment 224
Cornelia Ernst

Proposal for a regulation
Article 4 – paragraph 1 – point c – point i

Text proposed by the Commission

Amendment

(i) carried out jointly with the Member States' competent authorities; or

deleted

Or. en

Amendment 225
Carlos Coelho

Proposal for a regulation
Article 4 – paragraph 1 – point c – point i

Text proposed by the Commission

Amendment

(i) carried out jointly with the Member States' competent authorities; or

(i) carried out jointly with the Member States' competent authorities, **either in investigations already started by Member States or as a result of a request from Europol to a Member State to initiate a criminal investigation**; or

Or. en

Justification

The legal framework in which Europol may perform this task should be made explicit, namely under whose responsibility these actions take place and the consequences for the data protection responsibilities for data processed

Amendment 226
Cornelia Ernst

Proposal for a regulation
Article 4 – paragraph 1 – point c – point ii

Text proposed by the Commission

Amendment

(ii) in the context of joint investigative teams, in accordance with Article 5, where appropriate in liaison with Eurojust;

deleted

Or. en

Amendment 227
Cornelia Ernst

Proposal for a regulation
Article 4 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) to participate in joint investigative teams as well as to propose that they are set up in accordance with Article 5;

(d) to participate in joint investigative teams, upon request by the Member States, as well as to propose to the competent authorities of the Member States that they are set up in specific cases in accordance with Article 5;

Or. en

Amendment 228
Cornelia Ernst

Proposal for a regulation
Article 4 – paragraph 1 – point h

Text proposed by the Commission

Amendment

(h) to provide technical and financial support to Member States' cross-border

(h) to provide technical and financial support to Member States' cross-border

operations and investigations, including joint investigative teams;

operations and investigations, including *through* joint investigative teams *where such has been agreed upon by the Member States in accordance with Article 5* ;

Or. en

Amendment 229
Cornelia Ernst

Proposal for a regulation
Article 4 – paragraph 1 – point i

Text proposed by the Commission

Amendment

(i) to support, develop, deliver, coordinate and implement training for law enforcement officers in cooperation with the network of training institutes in Member States as set out in Chapter III;

deleted

Or. en

Amendment 230
Kinga Göncz, Josef Weidenholzer

Proposal for a regulation
Article 4 – paragraph 1 – point i

Text proposed by the Commission

Amendment

(i) to support, develop, deliver, coordinate and implement training for law enforcement officers in cooperation with the network of training institutes in Member States as set out in Chapter III;

deleted

Or. en

Amendment 231
Cornelia Ernst, Rui Tavares

Proposal for a regulation
Article 4 – paragraph 1 – point j

Text proposed by the Commission

Amendment

(j) to provide the Union bodies established on the basis of Title V of the Treaty and the European Anti-Fraud Office (OLAF) with criminal intelligence and analytical support in the areas that fall under their competence;

deleted

Or. en

Amendment 232
Cornelia Ernst

Proposal for a regulation
Article 4 – paragraph 1 – point k

Text proposed by the Commission

Amendment

(k) to provide information and support to EU crisis management structures, and to EU crisis management missions established on the basis of the Treaty on European Union;

deleted

Or. en

Amendment 233
Cornelia Ernst

Proposal for a regulation
Article 4 – paragraph 1 – point l

Text proposed by the Commission

Amendment

(l) to *develop Union centres of* specialised expertise for combating certain types of crime falling under Europol's objectives, in particular the European Cybercrime Centre.

(l) to *assist the Member States in developing centralized and* specialised expertise for combating certain types of crime falling under Europol's objectives, in particular the European Cybercrime

Centre.

Or. en

Amendment 234

Véronique Mathieu Houillon

Proposal for a regulation

Article 4 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Europol shall not apply coercive measures.

Or. fr

Justification

This provision (taken from Article 88 TFEU) applies to all Europol activities and should therefore be covered under Article 4 rather than Article 5, which covers only joint investigation teams.

Amendment 235

Josef Weidenholzer

Proposal for a regulation

Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Europol shall keep a record of collaboration in the operations of joint investigation teams targeting criminal activities falling within its remit.

Or. de

Amendment 236

Timothy Kirkhope

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

1. In specific cases where Europol considers that a criminal investigation should be initiated into a crime that falls under its objectives, it **shall** inform Eurojust.

Amendment

1. In specific cases where Europol considers that a criminal investigation should be initiated into a crime that falls under its objectives, it **may** inform Eurojust.

Or. en

Amendment 237
Josef Weidenholzer

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

1. In **specific** cases where Europol considers that a criminal investigation should be initiated into a crime that falls under its objectives, it shall inform Eurojust.

Amendment

1. In cases where Europol considers that a criminal investigation should be initiated into a crime that falls under its objectives, it shall inform Eurojust.

Or. de

Amendment 238
Cornelia Ernst

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

2. At the same time, Europol **shall** request the National Units of the Member States concerned established on the basis of Article 7(2) to initiate, conduct or coordinate a criminal investigation.

Amendment

2. At the same time, Europol **may** request the National Units of the Member States concerned established on the basis of Article 7(2) to initiate, conduct or coordinate a criminal investigation.

Or. en

Amendment 239
Josef Weidenholzer

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

2. At the same time, Europol **shall** request the National Units of the Member States concerned established on the basis of Article 7(2) to initiate, conduct or coordinate a criminal investigation.

Amendment

2. At the same time, Europol **may** request the National Units of the Member States concerned established on the basis of Article 7(2) to initiate, conduct or coordinate a criminal investigation.

Or. de

Amendment 240
Sarah Ludford

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

2. *At the same time, Europol shall request the National Units of the Member States concerned established on the basis of Article 7(2) to initiate, conduct or coordinate a criminal investigation.*

Amendment

2. *Member States shall deal with any request by Europol to initiate, conduct or coordinate investigations in specific cases. They shall give such requests due consideration, but shall have absolute discretion over whether or not to comply with them.*

Or. en

Amendment 241
Timothy Kirkhope

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. At the same time, Europol shall request the National Units of the Member States concerned established on the basis of Article 7(2) to initiate, conduct or coordinate a criminal investigation.

2. Member States shall fully consider any request by Europol to initiate, conduct or coordinate investigations in specific cases; the acceptance of this initiative shall be based on the facts and justifications made available by Europol, the proportionality of the initiative, and existing EU and national legislation. Member States shall decide whether or not to initiate such a request.

Or. en

Amendment 242
Sophia in 't Veld

Proposal for a regulation
Article 6 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In the case of a suspicion of a malicious attack on the network and information system of two or more Member States or Union bodies, carried out by a state or non-state actor located in a third country, Europol shall initiate an investigation on its own initiative.

Or. en

Justification

This is to avoid situations where reports of malicious attacks are not taken up by Member States and are therefore left uninvestigated.

Amendment 243
Cornelia Ernst

Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission

3. **The National Units shall inform Europol without delay of the initiation of the investigation.**

Amendment

3. **Member States shall give such reasoned requests due consideration and shall, through their National Units, inform Europol whether an investigation will be initiated.**

Or. en

Amendment 244
Sarah Ludford

Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission

3. The National Units shall inform Europol **without delay of the initiation of the** investigation.

Amendment

3. The **Member States, via their** National Units shall **promptly** inform Europol **and Eurojust whether an** investigation **will be initiated.**

Or. en

Amendment 245
Cornelia Ernst

Proposal for a regulation
Article 6 – paragraph 4 – introductory part

Text proposed by the Commission

4. If the competent authorities of the Member States concerned decide not to comply with the request made by Europol, they shall provide Europol with the reasons for the decision, **within one month of the request.** The reasons may be withheld if giving them would:

Amendment

4. If the competent authorities of the Member States concerned decide not to comply with the request made by Europol, they shall provide Europol with the reasons for the decision. The reasons may be withheld if giving them would:

Or. en

Amendment 246
Cornelia Ernst

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall cooperate with Europol in the fulfilment of its tasks.

deleted

Or. en

Amendment 247
Sarah Ludford

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall cooperate with Europol in the fulfilment of its tasks.

deleted

Or. en

Amendment 248
Josef Weidenholzer

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall cooperate with Europol in the fulfilment of its tasks.

1. *Europol* shall cooperate with *the Member States* in the fulfilment of its tasks.

Or. de

Amendment 249
Kinga Göncz, Josef Weidenholzer

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

2. Each Member State shall establish or designate a National Unit which shall be the liaison body between Europol and the competent authorities in Member States *as well as with training institutes for law enforcement officers*. Each Member State shall appoint an official as the head of the National Unit.

Amendment

2. Each Member State shall establish or designate a National Unit which shall be the liaison body between Europol and the competent authorities in Member States. Each Member State shall appoint an official as the head of the National Unit.

Or. en

Amendment 250
Hubert Pirker, Monika Hohlmeier

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

2. Each Member State shall establish or designate a National Unit which shall be the liaison body between Europol and the competent authorities in Member States *as well as with training institutes for law enforcement officers*. Each Member State shall appoint an official as the head of the National Unit.

Amendment

2. Each Member State shall establish or designate a National Unit which shall be the liaison body between Europol and the competent authorities in Member States. Each Member State shall appoint an official as the head of the National Unit.

Or. de

Amendment 251
Cornelia Ernst

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that their National Units are able to fulfil their tasks as set out in this Regulation, in particular that they have access to ***national law enforcement*** databases.

Amendment

3. Member States shall ensure that their National Units are able to fulfil their tasks as set out in this Regulation, in particular that they have access to ***relevant national*** databases.

Or. en

Amendment 252
Josef Weidenholzer

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

4. Europol may directly cooperate with competent authorities of the Member States in respect of individual investigations. In that case, Europol shall inform the National Unit without delay and provide a copy of any information exchanged in the course of direct contacts between Europol and the respective competent authorities.

Amendment

deleted

Or. de

Amendment 253
Carlos Coelho

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

4. Europol may directly cooperate with competent authorities of the Member States in ***respect*** of individual investigations. ***In that case***, Europol shall inform the National Unit ***without delay and provide a***

Amendment

4. Europol may directly cooperate with competent authorities of the Member States in ***the framework*** of individual investigations ***being carried out by those authorities provided that this direct***

copy of any information exchanged in the course of direct contacts between Europol and the respective competent authorities.

contact represents added value with a view to the successful conclusion of the investigation. Europol shall inform the National Unit of the need for such contact in advance. The National Unit shall determine with which competent authorities and under which conditions Europol may have direct contacts and ensure that the lawfulness and quality of the personal data is ensured before it is transmitted to Europol. Europol shall provide, as soon as possible, a copy of the information exchanged through these direct contacts.

Or. en

Justification

It is important to establish in which way a national check on the permissibility of the data transfer to Europol takes place.

Amendment 254
Cornelia Ernst

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

4. Europol may directly cooperate with competent authorities of the Member States in respect of individual investigations. In that case, Europol shall inform the National Unit without delay and provide a copy of any information exchanged in the course of direct contacts between Europol and the respective competent authorities.

Amendment

4. The national unit shall be the only liaison body between Europol and the competent authorities of the Member States. Member States, however, may allow direct contacts between designated competent authorities and Europol subject to conditions determined by the Member State in question, including prior involvement of the national unit

Or. en

Amendment 255
Timothy Kirkhope

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

4. Europol may directly cooperate with competent authorities of the Member States in respect of individual investigations. ***In that case***, Europol shall ***inform the National Unit without delay and*** provide a copy of any information exchanged in the course of direct contacts between Europol and the respective competent authorities.

Amendment

4. Europol may, ***where considered appropriate, and in agreement with a Member State's National Unit and in accordance with national legislation***, directly cooperate with competent authorities of the Member States in respect of individual investigations. Europol shall provide a copy of any information exchanged in the course of direct contacts between Europol and the respective competent authorities;

Or. en

Amendment 256
Sarah Ludford

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

4. Europol may directly cooperate with competent authorities of the Member States in respect of individual investigations. ***In that case***, Europol shall ***inform the National Unit without delay and*** provide a copy of any information exchanged in the course of direct contacts between Europol and the respective competent authorities.

Amendment

4. Europol may, ***where considered appropriate and in agreement with a Member State's National Unit***, directly cooperate with competent authorities of the Member States in respect of individual investigations. Europol shall provide a copy of any information exchanged in the course of ***such*** direct contacts between Europol and the respective competent authorities.

Or. en

Amendment 257
Cornelia Ernst, Rui Tavares

Proposal for a regulation
Article 7 – paragraph 5 – introductory part

Text proposed by the Commission

5. Member States shall, via their National Unit or *a* competent authority of *a* Member State, in particular:

Amendment

5. Member States shall, via their National Unit or *where direct contact has been allowed, via the designated* competent authority of *the* Member State, in particular:

Or. en

Amendment 258
Sarah Ludford

Proposal for a regulation
Article 7 – paragraph 5 – introductory part

Text proposed by the Commission

5. Member States shall, via their National Unit *or a competent authority of a Member State*, in particular:

Amendment

5. Member States shall, via their National Unit, in particular:

Or. en

Amendment 259
Cornelia Ernst

Proposal for a regulation
Article 7 – paragraph 5 – point a

Text proposed by the Commission

(a) supply Europol with the information necessary for it to fulfil its objectives. *This includes providing Europol without delay with information relating to crime areas that are considered a priority by the Union. It also* includes providing a copy of bilateral or multilateral exchanges with another Member State or Member States in so far as the exchange *refers to crime that*

Amendment

(a) supply Europol with the information necessary for it to fulfil its objectives. *It* includes providing a copy of bilateral or multilateral exchanges with another Member State or Member States in so far as the exchange *is necessary for it to carry out its tasks. In every exchange of information between themselves and Europol, the national units shall ensure*

falls under Europol's objectives;

compliance with Union and national law;

Or. en

Amendment 260
Sarah Ludford

Proposal for a regulation
Article 7 – paragraph 5 – point a

Text proposed by the Commission

(a) supply Europol with the information necessary for it to fulfil its objectives. ***This includes providing Europol without delay with information relating to crime areas that are considered a priority by the Union. It also includes providing a copy of bilateral or multilateral exchanges with another Member State or Member States in so far as the exchange refers to crime that falls under Europol's objectives;***

Amendment

(a) supply Europol, ***on their own initiative*** with the information necessary for it to fulfil its objectives.

Without prejudice to the Member States discharging the responsibilities incumbent upon them with regard to the maintenance of law and order and the safeguarding of internal security, a national unit shall not in any particular case be obliged to supply information or intelligence if that would entail:

(a) harming national security interests;

(b) jeopardising the success of a current investigation or the safety of individuals;
or

(c) disclosing information relating to organisations or specific intelligence activities in the field of State security.

Or. en

Amendment 261
Kinga Göncz, Josef Weidenholzer

Proposal for a regulation
Article 7 – paragraph 5 – point b

Text proposed by the Commission

(b) ensure effective communication and cooperation of all relevant competent authorities of the Member States **and training institutes for law enforcement officers within the Member States**, with Europol;

Amendment

(b) ensure effective communication and cooperation of all relevant competent authorities of the Member States with Europol;

Or. en

Amendment 262
Cornelia Ernst

Proposal for a regulation
Article 7 – paragraph 5 – point c

Text proposed by the Commission

(c) raise awareness of Europol's activities.

Amendment

deleted

Or. en

Amendment 263
Timothy Kirkhope

Proposal for a regulation
Article 7 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

(5a) Member States and national units shall not be obliged to supply information which would:

(a) harm national security;

(b) compromise or interfere with an ongoing investigation;

(c) compromise the safety of individuals.

Amendment 264
Nils Torvalds

Proposal for a regulation
Article 7 – paragraph 9

Text proposed by the Commission

9. Member States shall ensure ***a minimum*** level of security of all systems used to connect to Europol.

Amendment

9. Member States shall ensure ***the highest possible*** level of security of all systems used to connect to Europol.

Or. en

Amendment 265
Josef Weidenholzer

Proposal for a regulation
Article 7 – paragraph 9

Text proposed by the Commission

9. Member States shall ensure ***a minimum level of*** security of all systems used to connect to Europol.

Amendment

9. Member States shall ensure ***the*** security of all systems used to connect to Europol.

Or. de

Amendment 266
Véronique Mathieu Houillon

Proposal for a regulation
Article 7 – paragraph 10

Text proposed by the Commission

10. Each year Europol shall draw up a report on the ***quantity and quality of information provided by each Member***

Amendment

10. Each year Europol shall draw up a report on the ***exchanges of information falling within its field of competence in an***

State pursuant to paragraph 5(a) and on the performance of its National Unit. The annual report shall be sent to the European Parliament, the Council, the Commission and national parliaments.

effort to strengthen police cooperation. The annual report shall be sent to the European Parliament, the Council, the Commission and national parliaments. ***Where necessary, Europol and the Europol National Units concerned shall work together to carry out the requisite evaluations.***

Or. fr

Justification

The purpose of the evaluations should be to improve the exchanges of information. The evaluations should include a dialogue stage with the Europol National Units.

Amendment 267
Timothy Kirkhope

Proposal for a regulation
Article 7 – paragraph 10

Text proposed by the Commission

10. Each year Europol shall draw up a report ***on the quantity and quality of information provided*** by each Member State pursuant to paragraph 5(a) and on the performance of its National Unit. The ***annual*** report shall be sent to the European Parliament, the Council, the Commission and national parliaments.

Amendment

10. Each year Europol shall draw up a report ***regarding information sharing*** by each Member State pursuant to paragraph 5 (a) and on the performance of its National Unit. The ***report shall be analysed by the Management Board with the objective of improving the mutual cooperation between Europol and the Member States.*** ***A summary of the*** report shall be sent to the European Parliament, the Council, the Commission and national parliaments.

Or. en

Amendment 268
Sarah Ludford

Proposal for a regulation
Article 7 – paragraph 10

Text proposed by the Commission

10. Each year Europol shall draw up a report ***on the quantity and quality of information provided*** by each Member State pursuant to paragraph 5(a) and on the performance of its National Unit. The annual report shall be sent to the European Parliament, the Council, the Commission and national parliaments.

Amendment

10. Each year Europol shall draw up a report ***regarding information sharing*** by each Member State pursuant to paragraph 5(a) and on the performance of its National Unit. ***The report shall be analysed by the Management Board with the objective of continuously improving the mutual cooperation between Europol and the Member States. A summary of the annual report shall be sent to the European Parliament, the Council, the Commission and national parliaments.***

Or. en

Amendment 269

Sarah Ludford

Proposal for a regulation

Article 7 – paragraph 10 – point a (new)

Text proposed by the Commission

Amendment

(a) In addition to the annual report as in the paragraph above, the Europol Director may regularly report on Member States performance in data provision to Europol as part of his evaluation of the effectiveness of Europol. Following this assessment he may raise any concerns directly with the relevant Member State.

Or. en

Amendment 270

Timothy Kirkhope

Proposal for a regulation

Article 7 – paragraph 10 a (new)

Text proposed by the Commission

Amendment

10a. The Director of Europol may also more frequently evaluate the performance of Member States and the data provided to Europol, as well as communicate this to the Member State concerned;

Or. en

Amendment 271

Cornelia Ernst

Proposal for a regulation

Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7a

Whenever a cooperation between Europol and Member States has been established regarding a specific investigation, clear provisions shall be drawn up between Europol and those Member States involved, outlining the specific tasks to be carried out, the degree of participation with the investigative or judicial proceedings of the Member states, and the division of responsibilities and the applicable law for the purposes of judicial oversight.

Or. en

Amendment 272

Cornelia Ernst, Rui Tavares

Proposal for a regulation

Article 8 – paragraph 4

Text proposed by the Commission

Amendment

4. Liaison officers shall assist in the

4. Liaison officers shall assist in the

exchange of information between their Member States and the liaison officers of other Member States in accordance with national law. Europol's infrastructure may be used, in line with national law, for such bilateral exchanges also to cover crimes outside the objectives of Europol. The Management Board shall determine the rights and obligations of liaison officers in relation to Europol.

exchange of information between their Member States and the liaison officers of other Member States in accordance with national law. Europol's infrastructure may be used, in line with national law, for such bilateral exchanges also to cover crimes outside the objectives of Europol. The Management Board shall determine the rights and obligations of liaison officers in relation to Europol. ***All such exchanges of information shall be in accordance with Union and national law, in particular the Council Framework Decision 2008/977/JHA or Directive 95/46/EC, as applicable. Europol shall process data received under this provision only when it can be considered a lawful recipient under national or Union law.***

Or. en

Amendment 273
Josef Weidenholzer

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission

4. Liaison officers shall assist in the exchange of information between their Member States and the liaison officers of other Member States in accordance with national law. ***Europol's infrastructure may be used, in line with national law, for such bilateral exchanges also to cover crimes outside the objectives of Europol.*** The Management Board shall determine the rights and obligations of liaison officers in relation to Europol.

Amendment

4. Liaison officers shall assist in the exchange of information between their Member States and the liaison officers of other Member States in accordance with national law. The Management Board shall determine the rights and obligations of liaison officers in relation to Europol.

Or. de

Amendment 274
Cornelia Ernst

Proposal for a regulation
Article 9

Text proposed by the Commission

Amendment

Article 9

deleted

Europol Academy

1. A department within Europol, called the Europol Academy, as set up by this Regulation, shall support, develop, deliver and coordinate training for law enforcement officers in particular in the areas of the fight against serious crime affecting two or more Member States and terrorism, management of high-risk public order and sports events, strategic planning and command of non-military Union missions, as well as law enforcement leadership and language skills and in particular to:

(a) raise awareness and knowledge of:

(i) international and Union instruments on law enforcement cooperation;

(ii) Union bodies, in particular Europol, Eurojust and Frontex, their functioning and role;

(iii) judicial aspects of law enforcement cooperation and practical knowledge about access to information channels;

(b) encourage the development of regional and bilateral cooperation among Member States and between Member States and third countries;

(c) address specific criminal or policing thematic areas where training at Union level can add value;

(d) devise specific common curricula for law enforcement officers to train them for participation in Union civilian missions;

(e) support Member States in bilateral law enforcement capacity-building activities

in third countries;

(f) train trainers and assist in improving and exchanging good learning practices.

2. The Europol Academy shall develop and regularly update learning tools and methodologies and apply these in a lifelong learning perspective to strengthen the skills of law enforcement officers. The Europol Academy shall evaluate the results of these actions with a view to enhancing the quality, coherence and efficacy of future actions.

Or. en

Amendment 275

Kinga Göncz, Josef Weidenholzer

Proposal for a regulation

Article 9

Text proposed by the Commission

Amendment

Article 9

deleted

Europol Academy

1. A department within Europol, called the Europol Academy, as set up by this Regulation, shall support, develop, deliver and coordinate training for law enforcement officers in particular in the areas of the fight against serious crime affecting two or more Member States and terrorism, management of high-risk public order and sports events, strategic planning and command of non-military Union missions, as well as law enforcement leadership and language skills and in particular to:

(a) raise awareness and knowledge of:

(i) international and Union instruments on law enforcement cooperation;

(ii) Union bodies, in particular Europol, Eurojust and Frontex, their functioning

and role;

(iii) judicial aspects of law enforcement cooperation and practical knowledge about access to information channels;

(b) encourage the development of regional and bilateral cooperation among Member States and between Member States and third countries;

(c) address specific criminal or policing thematic areas where training at Union level can add value;

(d) devise specific common curricula for law enforcement officers to train them for participation in Union civilian missions;

(e) support Member States in bilateral law enforcement capacity-building activities in third countries;

(f) train trainers and assist in improving and exchanging good learning practices.

2. The Europol Academy shall develop and regularly update learning tools and methodologies and apply these in a lifelong learning perspective to strengthen the skills of law enforcement officers. The Europol Academy shall evaluate the results of these actions with a view to enhancing the quality, coherence and efficacy of future actions.

Or. en

Amendment 276

Sophia in 't Veld

Proposal for a regulation

Article 9 – paragraph 1 – introductory part

Text proposed by the Commission

1. A department within Europol, called the Europol Academy, as set up by this Regulation, shall support, develop, deliver and coordinate training for law

Amendment

1. A department within Europol, called the Europol Academy, as set up by this Regulation, shall support, develop, deliver and coordinate training for law

enforcement officers in particular in the areas of the fight against serious crime affecting two or more Member States and terrorism, management of high-risk public order and sports events, strategic planning and command of non-military Union missions, as well as law enforcement leadership and language skills and in particular to:

enforcement officers in particular in the areas of the fight against serious crime affecting two or more Member States and terrorism, management of high-risk public order and sports events, strategic planning and command of non-military Union missions, as well as law enforcement leadership, **data protection** and language skills and in particular to:

Or. en

Amendment 277
Cornelia Ernst

Proposal for a regulation
Article 10

Text proposed by the Commission

Amendment

Article 10

deleted

Tasks of the Europol Academy

- 1. The Europol Academy shall prepare multi-annual strategic training needs analyses and multi-annual learning programmes.**
- 2. The Europol Academy shall develop and implement training activities and learning products, which may include:**
 - (a) courses, seminars, conferences, web-based and e-learning activities;**
 - (b) common curricula to raise awareness, address gaps and/or facilitate a common approach in relation to cross-border criminal phenomena;**
 - (c) training modules graduated according to progressive stages or levels of complexity of skills needed by the relevant target group, and focused either on a defined geographical region, a specific thematic area of criminal activity or on a specific set of professional skills;**

(d) exchange and secondment programmes of law enforcement officers in the context of an operational based training approach.

3. To ensure a coherent European training policy to support civilian missions and capacity-building in third countries the Europol Academy shall:

(a) assess the impact of existing Union-related law enforcement training policies and initiatives;

(b) develop and provide training to prepare Member States' law enforcement officers for participation in civilian missions, including to enable them to acquire relevant language skills;

(c) develop and provide training for law enforcement officers from third countries, in particular from the countries that are candidates for accession to the Union;

(d) manage dedicated Union External Assistance funds to assist third countries in building their capacity in relevant policy areas, in line with the established priorities of the Union.

4. The Europol Academy shall promote the mutual recognition of law enforcement training in Member States and related existing European quality standards.

Or. en

Amendment 278
Kinga Göncz, Josef Weidenholzer

Proposal for a regulation
Article 10

Text proposed by the Commission

Amendment

Article 10

deleted

Tasks of the Europol Academy

1. The Europol Academy shall prepare multi-annual strategic training needs analyses and multi-annual learning programmes.

2. The Europol Academy shall develop and implement training activities and learning products, which may include:

(a) courses, seminars, conferences, web-based and e-learning activities;

(b) common curricula to raise awareness, address gaps and/or facilitate a common approach in relation to cross-border criminal phenomena;

(c) training modules graduated according to progressive stages or levels of complexity of skills needed by the relevant target group, and focused either on a defined geographical region, a specific thematic area of criminal activity or on a specific set of professional skills;

(d) exchange and secondment programmes of law enforcement officers in the context of an operational based training approach.

3. To ensure a coherent European training policy to support civilian missions and capacity-building in third countries the Europol Academy shall:

(a) assess the impact of existing Union-related law enforcement training policies and initiatives;

(b) develop and provide training to prepare Member States' law enforcement officers for participation in civilian missions, including to enable them to acquire relevant language skills;

(c) develop and provide training for law enforcement officers from third countries, in particular from the countries that are candidates for accession to the Union;

(d) manage dedicated Union External Assistance funds to assist third countries

in building their capacity in relevant policy areas, in line with the established priorities of the Union.

4. The Europol Academy shall promote the mutual recognition of law enforcement training in Member States and related existing European quality standards.

Or. en

Amendment 279
Cornelia Ernst

Proposal for a regulation
Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

Research relevant for training

1. The Europol Academy shall contribute to development of research relevant for training activities covered by this Chapter.

2. The Europol Academy shall promote and establish a partnership with Union bodies as well as with public and private academic institutions and shall encourage the creation of stronger partnerships between universities and law enforcement training institutes in Member States.

Or. en

Amendment 280
Kinga Göncz, Josef Weidenholzer

Proposal for a regulation
Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

Research relevant for training

1. The Europol Academy shall contribute to development of research relevant for training activities covered by this Chapter.

2. The Europol Academy shall promote and establish a partnership with Union bodies as well as with public and private academic institutions and shall encourage the creation of stronger partnerships between universities and law enforcement training institutes in Member States.

Or. en

Amendment 281

Kinga Göncz, Josef Weidenholzer

Proposal for a regulation

Article 12 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) a Scientific Committee for Training in accordance with Article 20;

deleted

Or. en

Amendment 282

Josef Weidenholzer

Proposal for a regulation

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. A representative of the parliamentary monitoring committee shall be authorised to attend meetings of the administrative

board with observer status. The representative of the parliamentary monitoring committee shall not be entitled to vote.

Or. de

Amendment 283
Kinga Göncz, Josef Weidenholzer

Proposal for a regulation
Article 13 – paragraph 3

Text proposed by the Commission

Amendment

3. Each member of the Management Board shall be represented by an alternate member who shall be appointed on the basis of his/her experience in the management of public and private sector organisations and knowledge of national policy on training for law enforcement officers. The alternate member shall act as a member on any issues related to training of law enforcement officers. The alternate member shall represent the member in his/her absence. The member shall represent the alternate on any issues related to training of law enforcement officers in his/her absence.

deleted

Or. en

Amendment 284
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Article 14 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) adopt a consolidated annual activity report on Europol's activities and send it, by 1 July of the following year, to the

(d) adopt a consolidated annual activity report on Europol's activities and send it, by 1 July of the following year, to the

European Parliament, the Council, the Commission, the Court of Auditors and national Parliaments. The consolidated annual activity report shall be made public;

European Parliament, the Council, the Commission, the ***European Data Protection Supervisor***, the Court of Auditors and national Parliaments. The consolidated annual activity report shall be made public;

Or. en

Amendment 285
Josef Weidenholzer

Proposal for a regulation
Article 14 – paragraph 1 – point d

Text proposed by the Commission

(d) adopt a consolidated annual activity report on Europol’s activities and send it, by 1 July of the following year, to the European Parliament, the Council, the Commission, the Court of Auditors ***and*** national Parliaments. The consolidated annual activity report shall be made public;

Amendment

(d) adopt a consolidated annual activity report on Europol’s activities and send it, by 1 July of the following year, to the European Parliament, the Council, the Commission, the Court of Auditors, national Parliaments ***and the European Data-Protection Supervisor***. The consolidated annual activity report shall be made public;

Or. de

Amendment 286
Kinga Göncz, Josef Weidenholzer

Proposal for a regulation
Article 14 – paragraph 1 – point h

Text proposed by the Commission

(h) adopt rules for the prevention and management of conflicts of interest in respect of its members, ***as well as members of the Scientific Committee for Training***;

Amendment

(h) adopt rules for the prevention and management of conflicts of interest in respect of its members;

Or. en

Amendment 287
Sonia Alfano

Proposal for a regulation
Article 14 – paragraph 1 – point i

Text proposed by the Commission

Amendment

(i) in accordance with paragraph 2, exercise, with respect to the staff of Europol, the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants on the Authority Empowered to Conclude a Contract of Employment ('the appointing authority powers');

deleted

Or. en

Amendment 288
Hubert Pirker, Monika Hohlmeier

Proposal for a regulation
Article 14 – paragraph 1 – point i

Text proposed by the Commission

Amendment

(i) in accordance with paragraph 2, exercise, with respect to the staff of Europol, the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants on the Authority Empowered to Conclude a Contract of Employment ('the appointing authority powers');

deleted

Or. de

Justification

These powers should be exercised by the Executive Director alone in accordance with the current legal framework provisions and in line with the provisions of Article 19(5)(ka) (new).

Amendment 289
Sonia Alfano

Proposal for a regulation
Article 14 – paragraph 1 – point j

Text proposed by the Commission

(j) adopt appropriate implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations;

Amendment

(j) ***on a proposal from the Director***, adopt appropriate implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations;

Or. en

Amendment 290
Hubert Pirker, Monika Hohlmeier

Proposal for a regulation
Article 14 – paragraph 1 – point j

Text proposed by the Commission

(j) adopt appropriate implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations;

Amendment

(j) adopt, ***on the recommendation of the Executive Director***, appropriate implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations

Or. de

Amendment 291
Cornelia Ernst, Rui Tavares

Proposal for a regulation
Article 14 – paragraph 1 – point k

Text proposed by the Commission

(k) appoint the Executive Director and Deputy Executive Directors and where relevant extend their term of office or remove them from the office in accordance with Articles 56 and 57;

Amendment

(k) ***in agreement with the parliamentary scrutiny unit***, appoint the Executive Director and Deputy Executive Directors and where relevant extend their term of office or remove them from the office in accordance with Articles 56 and 57;

Or. en

Amendment 292

Kinga Göncz, Josef Weidenholzer

Proposal for a regulation

Article 14 – paragraph 1 – point n

Text proposed by the Commission

(n) appoint the members of the Scientific Committee for Training;

Amendment

deleted

Or. en

Amendment 293

Carlos Coelho

Proposal for a regulation

Article 14 – paragraph 1 – point n a (new)

Text proposed by the Commission

Amendment

(na) Appoint a Data Protection Officer;

Or. en

Amendment 294

Rui Tavares, Cornelia Ernst

Proposal for a regulation

Article 14 – paragraph 1 – point o

Text proposed by the Commission

(o) ensure adequate follow-up to findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of the European Anti-fraud Office (OLAF);

Amendment

(o) ensure adequate follow-up to findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of the European Anti-fraud Office (OLAF) **and the European Data Protection Supervisor;**

Or. en

Amendment 295
Josef Weidenholzer

Proposal for a regulation
Article 14 – paragraph 1 – point o

Text proposed by the Commission

(o) ensure adequate follow-up to findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of the European Anti-fraud Office (OLAF);

Amendment

(o) ensure adequate follow-up to findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of the European Anti-fraud Office (OLAF) **and the European Data Protection Supervisor;**

Or. de

Amendment 296
Sonia Alfano

Proposal for a regulation
Article 14 – paragraph 1 – point p

Text proposed by the Commission

(p) take all decisions on the establishment of Europol's internal structures and, where necessary, their modification;

Amendment

deleted

Or. en

Amendment 297
Hubert Pirker, Monika Hohlmeier

Proposal for a regulation
Article 14 – paragraph 1 – point p

Text proposed by the Commission

Amendment

(p) take all decisions on the establishment of Europol's internal structures and, where necessary, their modification; ***deleted***

Or. de

Justification

In line with the provisions of Article 19(5)(kb) (new).

Amendment 298
Cornelia Ernst, Rui Tavares

Proposal for a regulation
Article 14 – paragraph 1 – point q a (new)

Text proposed by the Commission

Amendment

(qa) appoint a Data Protection Officer, who shall be independent in its functions from the Management Board and shall be responsible for the setting up and managing of the data processing systems;

Or. en

Amendment 299
Hubert Pirker, Monika Hohlmeier

Proposal for a regulation
Article 14 – paragraph 1 – point q a (new)

Text proposed by the Commission

Amendment

(qa) may, on a recommendation from the European Data Protection Supervisor under Article 46(3)(f) and with the support a two-thirds majority of its members, impose a temporary or definitive ban on processing;

Or. de

Justification

In line with the amended provisions of Article 46(3)(f) entitling the European Data Protection Supervisor to recommend a temporary or definitive ban on processing.

Amendment 300

Rui Tavares

Proposal for a regulation

Article 14 – paragraph 1 – point r a (new)

Text proposed by the Commission

Amendment

(ra) appoint the Europol Data Protection Officer in accordance with Article 44;

Or. en

Amendment 301

Sonia Alfano

Proposal for a regulation

Article 14 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

The Management Board shall adopt, in accordance with Article 110 of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the Conditions of Employment of Other Servants delegating the relevant

deleted

appointing authority powers to the Executive Director and defining the conditions under which this delegations of powers can be suspended. The Executive Director shall be authorised to sub-delegate those powers.

Or. en

Amendment 302
Hubert Pirker, Monika Hohlmeier

Proposal for a regulation
Article 14 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

The Management Board shall adopt, in accordance with Article 110 of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the Conditions of Employment of Other Servants delegating the relevant appointing authority powers to the Executive Director and defining the conditions under which this delegations of powers can be suspended. The Executive Director shall be authorised to sub-delegate those powers.

deleted

Or. de

Justification

These powers should be exercised by the Executive Director alone in line with the amended provisions contained in Article 19(5) (ka) (new) and Article 22(3).

Amendment 303
Sonia Alfano

Proposal for a regulation
Article 14 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Where exceptional circumstances so require, the Management Board may, by way of a decision, temporarily suspend the delegation of the appointing authority powers to the Executive Director and those sub-delegated by the latter and exercise them itself or delegate those powers to one of its members or to a staff member other than the Executive Director.

deleted

Or. en

Amendment 304

Hubert Pirker, Monika Hohlmeier

Proposal for a regulation

Article 14 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Where exceptional circumstances so require, the Management Board may, by way of a decision, temporarily suspend the delegation of the appointing authority powers to the Executive Director and those sub-delegated by the latter and exercise them itself or delegate those powers to one of its members or to a staff member other than the Executive Director.

deleted

Or. de

Justification

These powers should be exercised by the Executive Director alone in line with the amended provisions contained in Article 19 (ka) (new) and Article 22(3).

Amendment 305

Rui Tavares

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

1. The Management Board shall adopt the annual work programme the latest by 30 November each year, based on a draft put forward by the Executive Director, taking into account the opinion of the Commission. It shall forward it to the European Parliament, the Council, the Commission and national parliaments.

Amendment

1. The Management Board shall adopt the annual work programme the latest by 30 November each year, based on a draft put forward by the Executive Director, taking into account the opinion of the Commission. It shall forward it to the European Parliament, the Council, the Commission, **the European Data Protection Supervisor**, and national parliaments.

Or. en

Amendment 306
Cornelia Ernst, Rui Tavares

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

1. The Management Board shall adopt the annual work programme the latest by 30 November each year, based on a draft put forward by the Executive Director, taking into account the opinion of the Commission. It shall forward **it** to the European Parliament, the Council, the Commission and national parliaments.

Amendment

1. The Management Board shall adopt, **in agreement with the parliamentary scrutiny unit**, the annual work programme the latest by 30 November each year, based on a draft put forward by the Executive Director, taking into account the opinion of the Commission. It shall forward **the draft work programme** to the European Parliament, the Council, the Commission and national parliaments **at least three months prior to adoption**.

Or. en

Amendment 307
Josef Weidenholzer

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

1. The Management Board shall adopt the annual work programme the latest by 30 November each year, based on a draft put forward by the Executive Director, taking into account the opinion of the Commission. It shall forward it to the European Parliament, the Council, the Commission **and** national parliaments.

Amendment

1. The Management Board shall adopt the annual work programme the latest by 30 November each year, based on a draft put forward by the Executive Director, taking into account the opinion of the Commission **and European Parliament**. It shall forward it to the European Parliament, the Council, the Commission, national parliaments **and the European Data Protection Supervisor**.

Or. de

Amendment 308
Josef Weidenholzer

Proposal for a regulation
Article 15 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Any substantial amendment to the annual work programme shall be adopted by the same procedure as the initial annual work programme. The Management Board may delegate the power to make non-substantial amendments to the annual work programme to the Executive Director.

Amendment

Amendments to the annual work programme shall be adopted by the same procedure as the initial annual work programme. The Management Board may delegate the power to make non-substantial amendments to the annual work programme to the Executive Director.

Or. de

Amendment 309
Josef Weidenholzer

Proposal for a regulation
Article 15 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The Management Board shall also adopt the multi-annual work programme and update it by 30 November each year, taking into account the opinion of the Commission and after consulting the European Parliament and national parliaments.

Amendment

The Management Board shall also adopt the multi-annual work programme and update it by 30 November each year, taking into account the opinion of the Commission and after consulting the European Parliament and national parliaments, **as well as the European Data Protection Supervisor.**

Or. de

Amendment 310
Rui Tavares

Proposal for a regulation
Article 15 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The adopted multi-annual work programme shall be forwarded to the European Parliament, the Council, the Commission and national Parliaments.

Amendment

The adopted multi-annual work programme shall be forwarded to the European Parliament, the Council, the Commission, **the European Data Protection Supervisor**, and national Parliaments.

Or. en

Amendment 311
Josef Weidenholzer

Proposal for a regulation
Article 15 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The adopted multi-annual work programme shall be forwarded to the European Parliament, the Council, the Commission **and** national Parliaments.

Amendment

The adopted multi-annual work programme shall be forwarded to the European Parliament, the Council, the Commission, **the national Parliaments and the European Data Protection Supervisor.**

Amendment 312
Josef Weidenholzer

Proposal for a regulation
Article 17 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. A representative of the parliamentary monitoring committee shall be authorised to attend meetings of the administrative board with observer status.

Or. de

Amendment 313
Hubert Pirker, Monika Hohlmeier

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission

Amendment

1. Without prejudice to Articles 14(1)(a), (b) **and** (c), Article 16(1) and Article 56(8), the Management Board shall take decisions by a majority of members.

1. Without prejudice to Articles 14(1)(a), (b), (c) **and (qa)**, Article 16(1) and Article 56(8), the Management Board shall take decisions by a majority of members.

Or. de

Amendment 314
Josef Weidenholzer

Proposal for a regulation
Article 18 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The representative of the parliamentary monitoring committee shall

not vote.

Or. de

Amendment 315
Josef Weidenholzer

Proposal for a regulation
Article 19 – paragraph 3

Text proposed by the Commission

3. The Executive Director shall report to the European Parliament on the performance of his/her duties *when invited to do so*. The Council may invite the Executive Director to report on the performance of his/her duties.

Amendment

3. The Executive Director shall report **regularly** to the European Parliament on the performance of his/her duties. The Council may invite the Executive Director to report on the performance of his/her duties. **The European Parliament and the Council** may invite the Executive Director to report on the performance of his/her duties.

Or. de

Amendment 316
Hubert Pirker, Monika Hohlmeier

Proposal for a regulation
Article 19 – paragraph 5 – point k a (new)

Text proposed by the Commission

Amendment

(ka) exercising those powers conferred by the Staff Regulations of Officials of the European Communities on the appointing authority and by the Conditions of Employment of Other Servants of the Communities on the authority authorised to conclude contracts of employment. ('powers of the Appointing Authority'), without prejudice to Article 14(1)(j) regarding Europol staff;

Or. de

Justification

The powers of the Appointing Authority should - as provided for under the current framework provisions - remain with the Executive Director in line with the amended provisions of Article 14(1)(i) and Article 14(2).

Amendment 317

Hubert Pirker, Monika Hohlmeier

Proposal for a regulation

Article 19 – paragraph 5 – point k b (new)

Text proposed by the Commission

Amendment

(kb) taking all decisions on the establishment of Europol's internal structures and, where necessary, their modification;

Or. de

Justification

In line with the amended provisions of Article 14(1)(p).

Amendment 318

Sonia Alfano

Proposal for a regulation

Article 19 – paragraph 5 – point m a (new)

Text proposed by the Commission

Amendment

(ma) without prejudice to Art. 14(1)(j), exercise, with respect to the staff of Europol, the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants on the Authority Empowered to Conclude a Contract of Employment ('the appointing authority powers').

Or. en

Amendment 319
Kinga Göncz, Josef Weidenholzer

Proposal for a regulation
Article 20

Text proposed by the Commission

Amendment

Article 20

deleted

The Scientific Committee for Training

- 1. The Scientific Committee for Training shall be an independent advisory body guaranteeing and guiding the scientific quality of Europol's work on training. For that purpose, the Executive Director shall involve the Scientific Committee for Training early on in the preparation of all documents referred to in Article 14 as far as they concern training.***
- 2. The Scientific Committee for Training shall be composed of 11 persons of the highest academic or professional standing in the subjects covered by Chapter III of this Regulation. The Management Board shall appoint the members following a transparent call for applications and selection procedure to be published in the Official Journal of the European Union. The members of the Management Board shall not be members of the Scientific Committee for Training. The members of the Scientific Committee for Training shall be independent. They shall neither seek nor take instructions from any government, nor from any other body.***
- 3. The list of members of the Scientific Committee for Training shall be made public and shall be updated by Europol on its website.***
- 4. The term of office of the members of the Scientific Committee for Training shall be five years. It shall not be renewable and its members can be removed from office if they do not meet***

the criteria of independence.

5. The Scientific Committee for Training shall elect its Chairperson and Deputy Chairperson for a term of office of five years. It shall adopt positions by simple majority. It shall be convened by its Chairperson up to four times per year. If necessary, the Chairperson shall convene extraordinary meetings on his/her own initiative or at the request of at least four members of the Committee.

6. The Executive Director, Deputy Executive Director for Training or their respective representative shall be invited to the meetings as a non-voting observer.

7. The Scientific Committee for Training shall be assisted by a secretary who shall be a Europol staff member designated by the Committee and appointed by the Executive Director.

8. The Scientific Committee for Training shall, in particular:

(a) advise the Executive Director and the Deputy Executive Director for Training in drafting the annual work programme and other strategic documents, to ensure their scientific quality and their coherence with relevant Union sector policies and priorities;

(b) provide independent opinion and advice to the Management Board on matters pertaining to its remit;

(c) provide independent opinion and advice on the quality of curricula, applied learning methods, learning options and scientific developments;

(d) perform any other advisory task pertaining to the scientific aspects of Europol's work relating to training at the request of the Management Board or by the Executive Director or the Deputy Executive Director for Training.

9. The annual budget of the Scientific Committee for Training shall be allocated

to an individual budget line of Europol.

Or. en

Amendment 320
Cornelia Ernst

Proposal for a regulation
Article 20

Text proposed by the Commission

Amendment

Article 20

deleted

The Scientific Committee for Training

- 1. The Scientific Committee for Training shall be an independent advisory body guaranteeing and guiding the scientific quality of Europol's work on training. For that purpose, the Executive Director shall involve the Scientific Committee for Training early on in the preparation of all documents referred to in Article 14 as far as they concern training.***
- 2. The Scientific Committee for Training shall be composed of 11 persons of the highest academic or professional standing in the subjects covered by Chapter III of this Regulation. The Management Board shall appoint the members following a transparent call for applications and selection procedure to be published in the Official Journal of the European Union. The members of the Management Board shall not be members of the Scientific Committee for Training. The members of the Scientific Committee for Training shall be independent. They shall neither seek nor take instructions from any government, nor from any other body.***
- 3. The list of members of the Scientific Committee for Training shall be made public and shall be updated by Europol on its website.***

4. The term of office of the members of the Scientific Committee for Training shall be five years. It shall not be renewable and its members can be removed from office if they do not meet the criteria of independence.

5. The Scientific Committee for Training shall elect its Chairperson and Deputy Chairperson for a term of office of five years. It shall adopt positions by simple majority. It shall be convened by its Chairperson up to four times per year. If necessary, the Chairperson shall convene extraordinary meetings on his/her own initiative or at the request of at least four members of the Committee.

6. The Executive Director, Deputy Executive Director for Training or their respective representative shall be invited to the meetings as a non-voting observer.

7. The Scientific Committee for Training shall be assisted by a secretary who shall be a Europol staff member designated by the Committee and appointed by the Executive Director.

8. The Scientific Committee for Training shall, in particular:

(a) advise the Executive Director and the Deputy Executive Director for Training in drafting the annual work programme and other strategic documents, to ensure their scientific quality and their coherence with relevant Union sector policies and priorities;

(b) provide independent opinion and advice to the Management Board on matters pertaining to its remit;

(c) provide independent opinion and advice on the quality of curricula, applied learning methods, learning options and scientific developments;

(d) perform any other advisory task pertaining to the scientific aspects of Europol's work relating to training at the

request of the Management Board or by the Executive Director or the Deputy Executive Director for Training.

9. The annual budget of the Scientific Committee for Training shall be allocated to an individual budget line of Europol.

Or. en

Amendment 322
Cornelia Ernst

Proposal for a regulation
Article 21

Text proposed by the Commission

Amendment

Article 21

deleted

Establishment

The Management Board may establish an Executive Board.

Or. en

Amendment 323
Josef Weidenholzer

Proposal for a regulation
Article 21

Text proposed by the Commission

Amendment

Article 21

deleted

Establishment

The Management Board may establish an Executive Board.

Or. de

Amendment 324
Cornelia Ernst

Proposal for a regulation
Article 22

Text proposed by the Commission

Amendment

Article 22

deleted

Functions and organisation

1. The Executive Board shall assist the Management Board.

2. The Executive Board shall have the following functions:

(a) preparing decisions to be adopted by the Management Board;

(b) ensuring, together with the Management Board, adequate follow-up to the findings and recommendations stemming from the internal or external audit reports and evaluations, as well as on the investigation reports and recommendations from investigations of the European Anti-Fraud Office (OLAF);

(c) without prejudice to the functions of the Executive Director, as set out in Article 19, assisting and advising the Executive Director in the implementation of the decisions of the Management Board, with a view to reinforcing supervision of administrative management.

3. When necessary, because of urgency, the Executive Board may take certain provisional decisions on behalf of the Management Board, in particular on administrative management matters, including the suspension of the delegation of the appointing authority powers.

4. The Executive Board shall be composed of the Chairperson of the Management Board, one representative of the Commission to the Management Board and three other members appointed by the

Management Board from among its members. The Chairperson of the Management Board shall also be the Chairperson of the Executive Board. The Executive Director shall take part in the meetings of the Executive Board, but shall not have the right to vote.

5. The term of office of members of the Executive Board shall be four years. The term of office of members of the Executive Board shall end when their membership of the Management Board ends.

6. The Executive Board shall hold at least one ordinary meeting every three months. In addition, it shall meet on the initiative of its Chairperson or at the request of its members.

7. The Executive Board shall comply with the rules of procedure laid down by the Management Board.

Or. en

**Amendment 325
Josef Weidenholzer**

**Proposal for a regulation
Article 22**

Text proposed by the Commission

Amendment

Article 22

deleted

Functions and organisation

1. The Executive Board shall assist the Management Board.

2. The Executive Board shall have the following functions:

(a) preparing decisions to be adopted by the Management Board;

(b) ensuring, together with the Management Board, adequate follow-up

to the findings and recommendations stemming from the internal or external audit reports and evaluations, as well as on the investigation reports and recommendations from investigations of the European Anti-Fraud Office (OLAF);

(c) without prejudice to the functions of the Executive Director, as set out in Article 19, assisting and advising the Executive Director in the implementation of the decisions of the Management Board, with a view to reinforcing supervision of administrative management.

3. When necessary, because of urgency, the Executive Board may take certain provisional decisions on behalf of the Management Board, in particular on administrative management matters, including the suspension of the delegation of the appointing authority powers.

4. The Executive Board shall be composed of the Chairperson of the Management Board, one representative of the Commission to the Management Board and three other members appointed by the Management Board from among its members. The Chairperson of the Management Board shall also be the Chairperson of the Executive Board. The Executive Director shall take part in the meetings of the Executive Board, but shall not have the right to vote.

5. The term of office of members of the Executive Board shall be four years. The term of office of members of the Executive Board shall end when their membership of the Management Board ends.

6. The Executive Board shall hold at least one ordinary meeting every three months. In addition, it shall meet on the initiative of its Chairperson or at the request of its members.

7. The Executive Board shall comply with

the rules of procedure laid down by the Management Board.

Or. de

Amendment 326

Sonia Alfano

Proposal for a regulation

Article 22 – paragraph 3

Text proposed by the Commission

3. When necessary, because of urgency, the Executive Board may take certain provisional decisions on behalf of the Management Board, in particular on administrative management matters, ***including the suspension of the delegation of the appointing authority powers.***

Amendment

3. When necessary, because of urgency, the Executive Board may take certain provisional decisions on behalf of the Management Board, in particular on administrative management matters.

Or. en

Amendment 327

Hubert Pirker, Monika Hohlmeier

Proposal for a regulation

Article 22 – paragraph 3

Text proposed by the Commission

3. When necessary, because of urgency, the Executive Board may take certain provisional decisions on behalf of the Management Board, in particular on administrative management matters, ***including the suspension of the delegation of the appointing authority powers.***

Amendment

3. When necessary, because of urgency, the Executive Board may take certain provisional decisions on behalf of the Management Board, in particular on administrative management matters.

Or. de

Justification

In line with amendment to Article 14(2).

Amendment 328
Carlos Coelho

Proposal for a regulation
Article 23 – paragraph 1 – point c

Text proposed by the Commission

(c) by private parties in accordance with Article 29(2).

Amendment

(c) by private parties in accordance with Article 32 **and private persons in accordance with Article 33.**

Or. en

Justification

According to Article 33 Europol may under certain conditions retrieve information from private persons. The scope of Article 23 is sources of information, thus it is not very logic to make reference to Article 29(2) which only refers to non-personal data.

Amendment 329
Cornelia Ernst, Rui Tavares

Proposal for a regulation
Article 23 – paragraph 1 – point c

Text proposed by the Commission

(c) by private parties in accordance with Article 29(2).

Amendment

(c) by private parties in accordance with Article 29(2) **and Article 32 and private persons in accordance with Article 33.**

Or. en

Amendment 330
Rui Tavares

Proposal for a regulation
Article 23 – paragraph 1 – point c

Text proposed by the Commission

(c) by private parties in accordance with

Amendment

(c) by private parties in accordance with

Article 29(2).

Article 32 *and private persons in accordance with Article 33.*

Or. en

Amendment 331
Carlos Coelho

Proposal for a regulation
Article 23 – paragraph 2

Text proposed by the Commission

2. Europol may directly retrieve and process information, including personal data, from publicly available sources, such as the media, including the internet and public data.

Amendment

2. Europol may directly retrieve and process information, including personal data, from publicly available sources, such as the media, including the internet and public data, *if it is ensured that such processing is restricted to what is necessary for achieving Europol's objectives and compliant in particular with the general data protection principles as purpose limitation, data minimisation and effective data retention provisions, in accordance with the data protection provisions of this Regulation.*

Or. en

Justification

In the practice of Europol's activities is important to have these provisions explicitly applicable.

Amendment 332
Cornelia Ernst

Proposal for a regulation
Article 23 – paragraph 2

Text proposed by the Commission

2. Europol may directly retrieve and process information, including personal

Amendment

2. Europol may directly retrieve and process information, including personal

data, from publicly available sources, such as the media, including the internet and public data.

data, from publicly available sources, such as the media, including the internet and public data, *in accordance with Article 34.*

Or. en

Amendment 333
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Article 23 – paragraph 2

Text proposed by the Commission

2. Europol may directly retrieve and process information, including personal data, from publicly available sources, such as the media, including the internet and public data.

Amendment

2. Europol may directly retrieve and process information, including personal data, from publicly available sources, such as the media, including the internet and public data, *where it is strictly necessary and proportionate for the purpose of performing its task, in accordance with the data protection provisions of this Regulation and especially with Article 34.*

Or. en

Amendment 334
Josef Weidenholzer

Proposal for a regulation
Article 23 – paragraph 2

Text proposed by the Commission

2. Europol may directly retrieve and process information, including personal data, from publicly available sources, such as the media, including the internet and public data.

Amendment

2. Europol may directly retrieve and process information, including personal data, from publicly available sources, such as the media, including the internet and public data, *where it is strictly necessary and proportionate for the purpose of performing its task.*

Or. en

Amendment 335
Sophia in 't Veld

Proposal for a regulation
Article 23 – paragraph 3

Text proposed by the Commission

3. Europol may retrieve and process information, including personal data, from information systems, of a national, Union or international nature, ***including by means of computerised direct access***, in so far as authorised by Union, international or national legal instruments. The applicable provisions of such Union, international or national legal instruments shall govern the access to and use of that information by Europol insofar as they provide for stricter rules on access and use than those of this Regulation. The access to such information systems shall be granted only to duly authorised staff of Europol as far as this is necessary for the performance of their tasks.

Amendment

3. Europol may retrieve and process information, including personal data, from information systems, of a national, Union or international nature, in so far as authorised by Union, international or national legal instruments. The applicable provisions of such Union, international or national legal instruments shall govern the access to and use of that information by Europol insofar as they provide for stricter rules on access and use than those of this Regulation. The access to such information systems shall be granted only to duly authorised staff of Europol as far as this is necessary for the performance of their tasks. ***Access shall only be granted on a hit/no hit basis. Any information related to the hit shall be communicated to Europol only after the explicit approval and authorisation of transfer by the relevant Member State, Union body or international organisation and be subject to the assessment referred to in Article 35 of this Regulation.***

Or. en

Amendment 336
Cornelia Ernst

Proposal for a regulation
Article 23 – paragraph 3

Text proposed by the Commission

3. Europol may retrieve and process

Amendment

3. Europol may retrieve and process

information, including personal data, from information systems, of a national, Union or international nature, including by means of computerised direct access, in so far as authorised by Union, international or national legal instruments. The applicable provisions of such Union, international or national legal instruments shall govern the access to and use of that information by Europol insofar as they provide for stricter rules on access and use than those of this Regulation. The access to such information systems shall be granted only to duly authorised staff of Europol as far as this is necessary for the performance of their tasks.

information, including personal data, from information systems, of a national, Union or international nature, including by means of computerised direct access, in so far as authorised by Union, international or national legal instruments, **and respecting the data protection principles as laid down in the Directive 95/46/EC and Council Framework Decision 2008/977/JHA**. The applicable provisions of such Union, international or national legal instruments shall govern the access to and use of that information by Europol insofar as they provide for stricter rules on access and use than those of this Regulation. The access to such information systems shall be granted only to duly authorised staff of Europol as far as this is necessary for the performance of their tasks.

Or. en

Amendment 337

Rui Tavares, Cornelia Ernst

Proposal for a regulation

Article 23 – paragraph 3

Text proposed by the Commission

3. Europol may retrieve and process information, including personal data, from information systems, of a **national**, Union or international nature, including by means of computerised direct access, in so far as authorised by Union, international or national legal instruments. The applicable provisions of such Union, international or national legal instruments shall govern the access to and use of that information by Europol insofar as they provide for stricter rules on access and use than those of this Regulation. The access to such information systems shall be granted only to duly authorised staff of Europol as far as this is necessary for the performance of **their**

Amendment

3. Europol may retrieve and process information, including personal data, from information systems, of a Union or international nature, including by means of computerised direct access, in so far as authorised by Union, international or national legal instruments **and where the necessity and proportionality of such access for the performance of a task falling under Europol's mandate can be demonstrated**. The applicable provisions of such Union, international or national legal instruments shall govern the access to and use of that information by Europol insofar as they provide for stricter rules on access and use than those of this Regulation. **They**

tasks.

shall lay down the objectives of that specific processing, the categories of personal data to be processed, the purposes and means of the processing and the procedure to be followed for the retrieval and further processing of the personal data. The access to such information systems shall be granted only to duly authorised staff of Europol as far as this is *strictly necessary and proportionate* for the performance of *its task*.

Or. en

Amendment 338
Josef Weidenholzer

Proposal for a regulation
Article 23 – paragraph 3

Text proposed by the Commission

3. Europol may retrieve and process information, including personal data, from information systems, of a national, Union or international nature, ***including by means of computerised direct access***, in so far as authorised by Union, international or national legal instruments. The applicable provisions of such Union, international or national legal instruments shall govern the access to and use of that information by Europol insofar as they provide for stricter rules on access and use than those of this Regulation. The access to such information systems shall be granted only to duly authorised staff of Europol as far as this is necessary for the performance of their tasks.

Amendment

3. Europol may retrieve and process information, including personal data, from information systems, of a national, Union or international nature in so far as authorised by Union, international or national legal instruments. The applicable provisions of such Union, international or national legal instruments shall govern the access to and use of that information by Europol insofar as they provide for stricter rules on access and use than those of this Regulation. The access to such information systems shall be granted only to duly authorised staff of Europol as far as this is necessary for the performance of their tasks.

Or. de

Amendment 339
Josef Weidenholzer

Proposal for a regulation
Article 23 – paragraph 3

Text proposed by the Commission

3. Europol may retrieve and process information, including personal data, from information systems, of a ***national***, Union or international nature, including by means of computerised direct access, in so far as authorised by Union, international ***or national*** legal instruments. The applicable provisions of such Union, international ***or national*** legal instruments shall govern the access to and use of that information by Europol insofar as they provide for stricter rules on access and use than those of this Regulation. The access to such information systems shall be granted only to duly authorised staff of Europol as far as this is necessary for the performance of ***their tasks***.

Amendment

3. Europol may retrieve and process information, including personal data, from information systems, of a Union or international nature, including by means of computerised direct access, in so far as authorised by Union ***or*** international legal instruments ***and where the necessity and proportionality of such access for the performance of a task falling under Europol's mandate can be demonstrated***. The applicable provisions of such Union ***or*** international legal instruments shall govern the access to and use of that information by Europol insofar as they provide for stricter rules on access and use than those of this Regulation. ***They shall lay down the objectives of that specific processing, the categories of personal data to be processed, the purposes and means of the processing and the procedure to be followed for the retrieval and further processing of the personal data***. The access to such information systems shall be granted only to duly authorised staff of Europol as far as this is ***strictly*** necessary ***and proportionate*** for the performance of ***its task***.

Or. en

Amendment 340
Sophia in 't Veld

Proposal for a regulation
Article 23 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Where the access concerns Union information systems, the necessity and

proportionality of such access shall be demonstrated. If sufficiently demonstrated, the access shall contain explicit and detailed provisions specifying at least:

(i) the objectives of the processing;

(ii) the personal data to be processed;

(iii) the purposes and means of the processing;

(iv) the appointment of the controller;

(v) the procedure to be followed for the processing data.

Or. en

Amendment 341

Sonia Alfano

Proposal for a regulation

Article 24 – paragraph 1 – introductory part

Text proposed by the Commission

1. In so far as necessary for the achievement of its objectives as laid down in Article 3(1) and (2), Europol **shall** process information, including personal data **only** for the purposes of:

Amendment

1. In so far as necessary for the achievement of its objectives as laid down in Article 3(1) and (2), Europol **may** process information, including personal data, for the purposes of:

Or. en

Amendment 342

Hubert Pirker, Monika Hohlmeier

Proposal for a regulation

Article 24 – paragraph 1 – introductory part

Text proposed by the Commission

1. In so far as necessary for the

Amendment

1. In so far as necessary for the

achievement of its objectives as laid down in Article 3(1) **and** (2), Europol shall process information , including personal data only for the purposes of:

achievement of its objectives as laid down in Article 3, Europol shall process information, including personal data.

Personal data may be processed only for the purposes of:

Or. de

Amendment 343
Cornelia Ernst

Proposal for a regulation
Article 24 – paragraph 1 – point a

Text proposed by the Commission

(a) cross-checking aimed at identifying connections between ***information***;

Amendment

(a) cross-checking ***solely*** aimed at identifying ***possible*** connections between ***data provided by a Member State and data already processed by Europol***;

Or. en

Amendment 344
Sophia in 't Veld

Proposal for a regulation
Article 24 – paragraph 1 – point a

Text proposed by the Commission

(a) cross-checking aimed at identifying connections between information;

Amendment

(a) cross-checking aimed at identifying connections between information, ***limited to***

(i) persons who are suspected of having committed or having taken part in a criminal offence in respect of which Europol is competent, or who have been convicted for such an offence,

(ii) persons regarding whom there are factual indications or reasonable grounds

that they will commit criminal offences

Or. en

Amendment 345

Hubert Pirker, Monika Hohlmeier

Proposal for a regulation

Article 24 – paragraph 1 – point a

Text proposed by the Commission

(a) cross-checking aimed at identifying connections between information;

Amendment

(a) cross-checking aimed at identifying connections ***or other relevant links*** between information;

Or. de

Amendment 346

Sophia in 't Veld

Proposal for a regulation

Article 24 – paragraph 1 – point c

Text proposed by the Commission

(c) operational analyses in specific cases.

Amendment

(c) operational analyses in specific cases, ***clearly defining a specific purpose for each operational analysis case where only relevant personal data shall be processed solely in a way compatible with the purpose for which it have been collected.***

Or. en

Amendment 347

Sonia Alfano

Proposal for a regulation

Article 24 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) executing other tasks outlined in Article 4.

Or. en

Amendment 348
Sophia in 't Veld

Proposal for a regulation
Article 24 – paragraph 1 – subparagraph 4 a (new)

Text proposed by the Commission

Amendment

Cross-matching data collected for different purposes shall require the following specific safeguards:

(i) all cross-matching operations by Europol shall be specifically motivated;

(ii) retrieval of data following a consultation shall be limited to the strict minimum required and specifically motivated;

(iii) the traceability of all operations related to cross-matches shall be ensured;

(iv) only authorised staff in charge of the purpose for which the data were initially collected may modify that data.

Or. en

Amendment 349
Josef Weidenholzer

Proposal for a regulation
Article 24 – paragraph 1 – subparagraph 4 a (new)

Text proposed by the Commission

Amendment

Personal data may only be processed for

the purposes of point (b) when their use is strictly necessary and duly justified.

Or. en

Amendment 350
Josef Weidenholzer

Proposal for a regulation
Article 24 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. For each operational analysis case referred to in paragraph 1(c) the following shall apply:

(a) a specified purpose shall be defined. Personal data may only be processed where they are relevant for this specific purpose;

(b) All cross-matching operations by Europol staff shall be specifically motivated; retrieval of data following a consultation shall be limited to the strict minimum required and specifically motivated;

(c) only authorized staff in charge of the purpose for which the data were initially collected may modify that data.

Europol shall duly document these operations. The documentation shall be made available to the data protection officer and to the European Data Protection Supervisor for the purposes of verifying lawfulness of the processing operation.

Or. en

Amendment 351
Cornelia Ernst

Proposal for a regulation
Article 24 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Personal data may only be processed for the purposes set out in Art 24 (b) upon a special justification provided by Europol analysts. Such motivation shall be forwarded to the Data Protection Officer and the National Units of the Member States who have provided data for the purpose of strategic or thematic analysis.

Or. en

Amendment 352
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Article 24 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Personal data may only be processed for the purposes of point (b) of paragraph 1 when their use is strictly necessary and duly justified.

Or. en

Amendment 353
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Article 24 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. For each operational analysis case referred to in paragraph 1(c) the following shall apply:
(a) a specified purpose shall be defined. Personal data may only be processed

where they are relevant for this specific purpose;

(b) All cross-matching operations by Europol staff shall be specifically motivated; retrieval of data following a consultation shall be limited to the strict minimum required and specifically motivated;

(c) only authorized staff in charge of the purpose for which the data were initially collected may modify that data.

Europol shall duly document these operations. The documentation shall be made available to the data protection officer and to the European Data Protection Supervisor for the purposes of verifying lawfulness of the processing operation.

Or. en

Amendment 354
Cornelia Ernst, Rui Tavares

Proposal for a regulation
Article 24 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where data are processed under Article 24 (1)(c), a case-by-case assessment of the safeguards provided by Article 34 shall be carried out and documented by Europol, taking into account all relevant circumstances.

Or. en

Amendment 355
Sophia in 't Veld

Proposal for a regulation
Article 24 – paragraph 2 a (new)

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Text proposed by the Commission

Amendment

2a. The European Data Protection Supervisor will draft guidelines specifying the purposes listed in paragraphs 1 (a), (b) and (c).

Or. en

Amendment 356

Agustín Díaz de Mera García Consuegra, Josef Weidenholzer

Proposal for a regulation

Article 24 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Europol may temporarily process data for the purpose of determining whether such data are relevant to its tasks and for what purpose referred to under paragraph 1. The Management Board, acting on a proposal from the Director and after consulting the European Data Protection Supervisor, shall determine the conditions relating to the processing of such data, in particular with respect to access to and the use of the data, as well as time limits for the storage and deletion of the data that may not exceed six months, having due regard to the principles referred to in Article 34.

Or. en

Justification

Article 24(1) does not cover the processing of data transmitted to Europol or retrieved by it from the sources referred to in Article 23(2) and of which it is not yet possible for Europol to assess whether all of these data fall under Europol's objectives. Therefore, the current provision in the Europol Council Decision to allow for temporarily processing data allowing Europol a certain period for assessing these data should be maintained.

Amendment 357
Rui Tavares

Proposal for a regulation
Article 25 – paragraph 1

Text proposed by the Commission

1. A Member State, a Union body, a third country or an international organisation providing information to Europol determines the purpose for which it shall be processed as referred to in Article 24. ***If it has not done so, Europol shall determine relevance of such information as well as the purpose for which it shall be processed.*** Europol may process information for a different purpose than the one for which information has been provided only if authorised by the data provider.

Amendment

1. A Member State, a Union body, a third country or an international organisation providing information to Europol determines the ***specific and well defined*** purpose for which it shall be processed as referred to in Article 24. Europol may process information for a different ***specific and explicit*** purpose than the one for which information has been provided only if ***expressly*** authorised by the data provider, ***in accordance with its applicable law.***

Or. en

Amendment 358
Sophia in 't Veld

Proposal for a regulation
Article 25 – paragraph 1

Text proposed by the Commission

1. A Member State, a Union body, a third country or an international organisation providing information to Europol determines the purpose for which it shall be processed as referred to in Article 24. If it has not done so, Europol shall determine relevance of such information ***as well as the purpose for which it shall be processed.*** Europol may process information for a different purpose than the one for which information has been provided only if authorised by the data provider.

Amendment

1. A Member State, a Union body, a third country or an international organisation providing information to Europol determines the purpose for which it shall be processed as referred to in Article 24. If it has not done so, Europol shall determine relevance of such information. Europol may process information for a different purpose than the one for which information has been provided only if authorised by the data provider.

Amendment 359
Cornelia Ernst, Rui Tavares

Proposal for a regulation
Article 25 – paragraph 1

Text proposed by the Commission

1. A Member State, a Union body, a third country or an international organisation providing information to Europol determines the purpose for which it shall be processed as referred to in Article 24. ***If it has not done so, Europol shall determine relevance of such information as well as the purpose for which it shall be processed.*** Europol may process information for a different purpose than the one for which information has been provided only if authorised by the data provider.

Amendment

1. A Member State, a Union body, a third country or an international organisation providing information to Europol determines the purpose for which it shall be processed as referred to in Article 24. Europol may process information for a different purpose than the one for which information has been provided only if authorised by the data provider. ***Such purposes shall be explicit and tailored as narrowly as possible, in accordance with the data protection principles as laid down in Directive 95/46/EC and Council Framework Decision 2008/977/JHA.***

Amendment 360
Josef Weidenholzer

Proposal for a regulation
Article 25 – paragraph 1

Text proposed by the Commission

1. A Member State, a Union body, a third country or an international organisation providing information to Europol determines the purpose for which it shall be processed as referred to in Article 24. ***If it has not done so, Europol shall determine relevance of such information as well as the purpose for which it shall be***

Amendment

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explicitly authorised by the data provider.

Or. de

Amendment 361
Josef Weidenholzer

Proposal for a regulation
Article 25 – paragraph 1

Text proposed by the Commission

1. A Member State, a Union body, a third country or an international organisation providing information to Europol determines the purpose for which it shall be processed as referred to in Article 24. ***If it has not done so, Europol shall determine relevance of such information as well as the purpose for which it shall be processed.*** Europol may process information for a different purpose than the one for which information has been provided only if authorised by the data provider.

Amendment

1. A Member State, a Union body, a third country or an international organisation providing information to Europol determines the ***specific and well defined*** purpose for which it shall be processed as referred to in Article 24. Europol may process information for a different ***specific and explicit*** purpose than the one for which information has been provided only if ***expressly*** authorised by the data provider, ***in accordance with its applicable law.***

Or. en

Amendment 362
Rui Tavares

Proposal for a regulation
Article 25 – paragraph 2

Text proposed by the Commission

2. Member States, Union bodies, third countries and international organisations may indicate, at the moment of transferring information, any restriction on access or

Amendment

2. Member States, Union bodies, third countries and international organisations may indicate, at the moment of transferring information, any restriction on access or

use, in general or specific terms, including as regards erasure or destruction. Where the need for such restrictions becomes apparent after the transfer, they shall inform Europol accordingly. Europol shall comply with such restrictions.

use, in general or specific terms, including as regards erasure or destruction. ***In setting such restrictions, they shall as much as possible refrain from preventing information being made available to the European Parliament and national parliaments when exercising parliamentary scrutiny in accordance with the provisions laid down in Chapter IX of this Regulation.*** Where the need for such restrictions becomes apparent after the transfer, they shall inform Europol accordingly. Europol shall comply with such restrictions.

Or. en

Amendment 363
Josef Weidenholzer

Proposal for a regulation
Article 25 – paragraph 3

Text proposed by the Commission

3. Europol may assign any restriction to access or use by Member States, Union bodies, third countries and international organisations of information retrieved from publicly-available sources.

Amendment

deleted

Or. de

Amendment 364
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Article 25 a (new)

Text proposed by the Commission

Amendment

Article 25a

Data Protection impact assessment

1. Prior to any set of processing of personal data, Europol shall carry out an

assessment of the impact of the envisaged processing systems and procedures on the protection of personal data and notify it to the European Data Protection Supervisor.

2. The assessment shall contain at least a general description of the envisaged processing operations, an assessment of the risks to the rights and freedoms of data subjects, the measures envisaged to address those risks, safeguards, security measures and mechanisms to ensure the protection of personal data and to demonstrate the compliance with the provisions in this Regulation, taking into account the rights and legitimate interests of the data subjects and other persons concerned.

Or. en

Amendment 365
Josef Weidenholzer

Proposal for a regulation
Article 25 a (new)

Text proposed by the Commission

Amendment

Article 25a

Data Protection impact assessment

Prior to any set of processing of personal data, Europol shall carry out an assessment of the impact of the envisaged processing systems and procedures on the protection of personal data and notify it to the European Data Protection Supervisor. The assessment shall contain at least a general description of the envisaged processing operations, an assessment of the risks to the rights and freedoms of data subjects, the measures envisaged to address those risks, safeguards, security measures and mechanisms to ensure the protection of personal data and to demonstrate the compliance with the

provisions in this Regulation, taking into account the rights and legitimate interests of the data subjects and other persons concerned.

Or. en

Amendment 366
Rui Tavares

Proposal for a regulation
Article 26 – paragraph 1

Text proposed by the Commission

1. Member States shall have access to and be able to search all information which has been provided for the purposes of Article 24(1)(a) and (b), without prejudice to the right for Member States, Union bodies and third countries and international organisations to indicate restrictions on access and use of such data. Member States shall designate these competent authorities allowed to perform such a search.

Amendment

1. Member States shall have access to and be able to search all information which has been provided for the purposes of Article 24(1)(a) and (b) *to the extent necessary for the legitimate performance of their tasks*, without prejudice to the right for Member States, Union bodies and third countries and international organisations to indicate restrictions on access and use of such data. Member States shall designate these competent authorities allowed to perform such a search.

Or. en

Amendment 367
Sophia in 't Veld

Proposal for a regulation
Article 26 – paragraph 1

Text proposed by the Commission

1. Member States shall have access to and be able to search all information which has been provided for the purposes of Article 24(1)(a) and (b), without prejudice to the right for Member States, Union bodies and third countries and international

Amendment

1. Member States shall have access to and be able to search all information which has been provided for the purposes of Article 24(1)(a) and (b), without prejudice to the right for Member States, Union bodies and third countries and international

organisations to indicate restrictions on access and use of such data. Member States shall designate these competent authorities allowed to perform such a search.

organisations to indicate restrictions on access and use of such data. Member States shall designate these competent authorities allowed to perform such a search **and they may access and search information on a need-to-know basis and to the extent necessary for the legitimate performance of their tasks.**

Or. en

Amendment 368

Véronique Mathieu Houillon

Proposal for a regulation

Article 26 – paragraph 2

Text proposed by the Commission

2. Member States shall have indirect access on the basis of a hit/no hit system to information provided for the purposes of Article 24(1)(c), without prejudice to any restrictions indicated by the Member States, Union bodies and third countries or international organisations providing the information, in accordance with Article 25(2). In the case of a hit, Europol shall initiate the procedure by which the information that generated the hit may be shared, in accordance with the decision of the Member State **that provided the information to Europol.**

Amendment

2. Member States shall have indirect access on the basis of a hit/no hit system to information provided for the purposes of Article 24(1)(c), without prejudice to any restrictions indicated by the Member States, Union bodies and third countries or international organisations providing the information, in accordance with Article 25(2). In the case of a hit, Europol shall **inform the Member State which provided the information and** initiate the procedure by which the information that generated the hit may be shared, in accordance with the decision of the Member State **in question.**

Or. fr

Justification

The Member State which provided the information should be informed about who it is passed on to even if the Member State in question has not specified any restrictions.

Amendment 369

Carlos Coelho

Proposal for a regulation
Article 26 – paragraph 2

Text proposed by the Commission

2. Member States shall have **indirect** access on the basis of a hit/no hit system to information provided for the purposes of Article 24(1)(c), without prejudice to any restrictions indicated by the Member States, Union bodies and third countries or international organisations providing the information, in accordance with Article 25(2). In the case of a hit, Europol shall initiate the procedure by which the information that generated the hit may be shared, in accordance with the decision of the Member State that provided the information to Europol.

Amendment

2. Member States shall have access on the basis of a hit/no hit system to information provided for the purposes of Article 24(1)(c), without prejudice to any restrictions indicated by the Member States, Union bodies and third countries or international organisations providing the information, in accordance with Article 25(2). In the case of a hit, Europol shall initiate the procedure by which the information that generated the hit may be shared, in accordance with the decision of the Member State that provided the information to Europol.

Or. en

Amendment 370
Cornelia Ernst

Proposal for a regulation
Article 26 – paragraph 2

Text proposed by the Commission

2. Member States shall have **indirect** access on the basis of a hit/no hit system to information provided for the purposes of Article 24(1)(c), without prejudice to any restrictions indicated by the Member States, Union bodies and third countries or international organisations providing the information, in accordance with Article 25(2). In the case of a hit, Europol shall initiate the procedure by which the information that generated the hit may be shared, in accordance with the decision of the Member State that provided the information to Europol.

Amendment

2. Member States shall have access on the basis of a hit/no hit system to information provided for the purposes of Article 24(1)(c), without prejudice to any restrictions indicated by the Member States, Union bodies and third countries or international organisations providing the information, in accordance with Article 25(2). In the case of a hit, Europol shall initiate the procedure by which the information that generated the hit may be shared, in accordance with the decision of the Member State that provided the information to Europol.

Or. en

Amendment 371

Rui Tavares, Cornelia Ernst

Proposal for a regulation

Article 26 – paragraph 2

Text proposed by the Commission

2. Member States shall have indirect access on the basis of a hit/no hit system to information provided for the ***purposes of*** Article 24(1)(c), without prejudice to any restrictions indicated by the Member States, Union bodies and third countries or international organisations providing the information, in accordance with Article 25(2). In the case of a hit, Europol shall initiate the procedure by which the information that generated the hit may be shared, in accordance with the decision of the Member State that provided the information to Europol.

Amendment

2. Member States shall have indirect access on the basis of a hit/no hit system to information provided for the ***a specific purpose under*** Article 24(1)(c), without prejudice to any restrictions indicated by the Member States, Union bodies and third countries or international organisations providing the information, in accordance with Article 25(2). In the case of a hit, Europol shall initiate the procedure by which the information that generated the hit may be shared, in accordance with the decision of the Member State, ***Union body, third country or international organisation*** that provided the information to Europol ***and to the extent that the data that generated the hit are necessary for the legitimate performance of their tasks.***

Or. en

Amendment 372

Sophia in 't Veld

Proposal for a regulation

Article 26 – paragraph 2

Text proposed by the Commission

2. Member States shall have indirect access on the basis of a hit/no hit system to information provided for the purposes of Article 24(1)(c), without prejudice to any restrictions indicated by the Member States, Union bodies and third countries or international organisations providing the

Amendment

2. Member States shall have indirect access on the basis of a hit/no hit system to information provided for the purposes of Article 24(1)(c), without prejudice to any restrictions indicated by the Member States, Union bodies and third countries or international organisations providing the

information, in accordance with Article 25(2). In the case of a hit, Europol shall initiate the procedure by which the information that generated the hit may be shared, in accordance with the decision of the Member State that provided the information to Europol.

information, in accordance with Article 25(2). In the case of a hit, Europol shall initiate the procedure by which the information that generated the hit may be shared, in accordance with the decision of the Member State, ***Union body, third country or international organisation*** that provided the information to Europol. ***In such a case, the competent authorities of the Member State shall specify which data they need and Europol may share the data with the competent authorities only to the extent that the data generating the hit are necessary for the legitimate performance of their tasks. Europol shall log which information has been accessed.***

Or. en

Amendment 373
Josef Weidenholzer

Proposal for a regulation
Article 26 – paragraph 2

Text proposed by the Commission

2. Member States shall have indirect access on the basis of a hit/no hit system to information provided for the ***purposes of*** Article 24(1)(c), without prejudice to any restrictions indicated by the Member States, Union bodies and third countries or international organisations providing the information, in accordance with Article 25(2). In the case of a hit, Europol shall initiate the procedure by which the information that generated the hit may be shared, in accordance with the decision of the Member State that provided the information to Europol.

Amendment

2. Member States shall have indirect access on the basis of a hit/no hit system to information provided for the ***a specific purpose under*** Article 24(1)(c), without prejudice to any restrictions indicated by the Member States, Union bodies and third countries or international organisations providing the information, in accordance with Article 25(2). In the case of a hit, Europol shall initiate the procedure by which the information that generated the hit may be shared, in accordance with the decision of the Member State, ***Union body, third country or international organisation*** that provided the information to Europol ***and to the extent that the data that generated the hit are necessary for the legitimate performance of their tasks.***

Amendment 374
Rui Tavares

Proposal for a regulation
Article 26 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Europol shall keep detailed records of all hits in accordance with Article 43.

Or. en

Amendment 375
Josef Weidenholzer

Proposal for a regulation
Article 26 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Europol shall keep detailed records of all hits in accordance with Article 43.

Or. en

Amendment 376
Sophia in 't Veld

Proposal for a regulation
Article 27 – paragraph 1

Text proposed by the Commission

Amendment

1. Europol shall take all appropriate measures to enable Eurojust and the European Anti-Fraud Office (OLAF) within their respective mandates, to have access to and be able to search all information that has been provided for the

1. Europol shall take all appropriate measures to enable Eurojust and the European Anti-Fraud Office (OLAF) within their respective mandates, to have access to and be able to search all information that has been provided for the

purposes of Article 24(1)(a) and (b), without prejudice to the right for Member States, Union bodies and third countries and international organisations to indicate restrictions to the access and use of such data. Europol shall be informed where a search by Eurojust or OLAF reveals the existence of a match with information processed by Europol.

purposes of Article 24(1)(a) and (b), without prejudice to the right for Member States, Union bodies and third countries and international organisations to indicate restrictions to the access and use of such data. Europol shall be informed where a search by Eurojust or OLAF reveals the existence of a match with information processed by Europol. ***Eurojust and OLAF may access and search information on a need-to-know basis and to the extent necessary for the legitimate performance of their tasks.***

Or. en

Amendment 377

Rui Tavares, Cornelia Ernst

Proposal for a regulation

Article 27 – paragraph 2

Text proposed by the Commission

2. Europol shall take all appropriate measures to enable Eurojust and OLAF, within their respective mandates, to have indirect access on the basis of a hit/no hit system to information provided for ***the purposes*** under Article 24(1)(c), without prejudice to any restrictions indicated by the providing Member States, Union bodies and third countries or international organisations, in accordance with Article 25(2). In case of a hit, Europol shall initiate the procedure by which the information that generated the hit may be shared, in accordance with the decision of the Member State, Union body, third country or international organisation that provided the information to Europol.

Amendment

2. Europol shall take all appropriate measures to enable Eurojust and OLAF, within their respective mandates, to have indirect access on the basis of a hit/no hit system to information provided for ***a specific purpose*** under Article 24(1)(c), without prejudice to any restrictions indicated by the providing Member States, Union bodies and third countries or international organisations, in accordance with Article 25(2). In case of a hit, Europol shall initiate the procedure by which the information that generated the hit may be shared, in accordance with the decision of the Member State, Union body, third country or international organisation that provided the information to Europol.

Or. en