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*Committee on Civil Liberties, Justice and Home Affairs*

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**2013/0091(COD)**

19.6.2013

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## **DRAFT REPORT**

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 (COM(2013)0173 – C7-0094/2013 – 2013/0091(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Agustín Díaz de Mera García Consuegra

### *Symbols for procedures*

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### *Amendments to a draft act*

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**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 (COM(2013)0173 – C7-0094/2013 – 2013/0091(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0173),
  - having regard to Article 294(2) and Article 88 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7 0094/2013),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Budgets, the Committee on Budgetary Control and the Committee on Constitutional Affairs (A7-0000/2013),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

### **Amendment 1**

#### **Proposal for a regulation**

#### **Title**

*Text proposed by the Commission*

on the European Union Agency for Law Enforcement Cooperation **and Training** (Europol) and repealing **Decisions** 2009/371/JHA **and 2005/681/JHA**

*Amendment*

on the European Union Agency for Law Enforcement Cooperation (Europol) and repealing **Decision** 2009/371/JHA

Or. es

*Justification*

*The rapporteur understands that there will not be a merger between Europol and Cefpol. Although they both relate to policing, they have very different objectives and tasks when it comes to cooperation in the European area of freedom, security and justice. This explanation applies to all the amendments which follow which delete text.*

**Amendment 2**

**Proposal for a regulation**

**Citation 1**

*Text proposed by the Commission*

*Amendment*

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 88 **and Article 87(2)(b)** thereof,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 88 thereof,

Or. es

*Justification*

*Deleting any reference to Cefpol, given that the rapporteur understands that there will not be a merger between Europol and Cefpol.*

**Amendment 3**

**Proposal for a regulation**

**Recital 3**

*Text proposed by the Commission*

*Amendment*

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

**deleted**

Or. es

*Justification*

*Deleting any reference to Cefpol, given that the rapporteur understands that there will not be a merger between Europol and Cefpol.*

**Amendment 4**

**Proposal for a regulation**

**Recital 4**

*Text proposed by the Commission*

(4) The ‘Stockholm Programme – An open and secure Europe serving and protecting citizens’ 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.***

*Amendment*

(4) The ‘Stockholm Programme – An open and secure Europe serving and protecting citizens’ 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.

Or. es

*Justification*

*Deleting any reference to Cefpol, given that the rapporteur understands that there will not be a merger between Europol and Cefpol.*

**Amendment 5**

**Proposal for a regulation**

**Recital 5**

*Text proposed by the Commission*

(5) Large-scale criminal and terrorist networks pose a significant threat to the

*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 *Decisions* 2009/371/JHA and 2005/681/JHA.

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 *evaluation* of *Decision* 2009/371/JHA.

Or. es

*Justification*

*Deleting any reference to Cepol, given that the rapporteur understands that there will not be a merger between Europol and Cepol.*

**Amendment 6**

**Proposal for a regulation**  
**Recital 6**

*Text proposed by the Commission*

*Amendment*

***(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 police cooperation.***

***deleted***

Or. es

*Justification*

*Deleting any reference to Cepol, given that the rapporteur understands that there will not be a merger between Europol and Cepol.*

## Amendment 7

### 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 the implementation of **the Decision**. **The** Europol **agency** as established by this regulation should replace and assume the functions of Europol as established by the repealed **Decision**.

Or. es

*Justification*

*Deleting any reference to Cepol, given that the rapporteur understands that there will not be a merger between Europol and Cepol.*

## Amendment 8

### 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. es

*Justification*

*Deleting any reference to Cepol, given that the rapporteur understands that there will not be a merger between Europol and Cepol.*

## Amendment 9

### 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 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.

Or. es

*Justification*

*Europol should not have the power to monitor or assess the actions of Member States.*

## Amendment 10

### Proposal for a regulation Recital 12

*Text proposed by the Commission*

(12) To ensure effective cooperation between Europol and Member States, a

*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 training institutes and Europol.*** To ensure continuous, effective exchange of information between Europol and national units and to facilitate their cooperation, each national unit should second at least one liaison officer to Europol.

national unit should be set up in each Member State. ***The role of the national Europol units as guarantors and defenders of national interests in the Agency should be maintained under the Regulation. National units should also continue to be the contact point between Europol and the competent authorities, thereby giving them a centralised and coordinating role in respect of all Member State cooperation with and through Europol, and thus ensuring that each Member State responds in a uniform way to Europol requests.*** To ensure continuous, effective exchange of information between Europol and national units and to facilitate their cooperation, each national unit should second at least one liaison officer to Europol.

Or. es

#### *Justification*

*Deleting any reference to Cepol, given that the rapporteur understands that there will not be a merger between Europol and Cepol.*

### **Amendment 11**

#### **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 assessments are part of planning to reduce duplication. Europol should promote the recognition in Member States***

***deleted***

*of training provided at Union level.*

Or. es

*Justification*

*Deleting any reference to Cefpol, given that the rapporteur understands that there will not be a merger between Europol and Cefpol.*

**Amendment 12**

**Proposal for a regulation**

**Recital 16**

*Text proposed by the Commission*

*Amendment*

(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.***

(16) The Commission and the Member States should be represented on the Management Board of Europol to effectively supervise its work.

Or. es

*Justification*

*Deleting any reference to Cefpol, given that the rapporteur understands that there will not be a merger between Europol and Cefpol.*

## Amendment 13

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

*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.

Or. es

*Justification*

*The rapporteur is opposed to provision being made for the creation of an executive board to guarantee that Europol is run transparently and democratically.*

## Amendment 14

### 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. ***A restriction of this kind contributes to transparency and legal certainty, and is therefore***

*extremely important in the field of police cooperation.*

Or. es

## **Amendment 15**

### **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*

(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 to have access to and be able to search against data available at Europol, *on the basis of specific guarantees.*

Or. es

*Justification*

*Article 88(2)(b) of the Treaty on the Functioning of the European Union refers to the special relationship between Europol and Eurojust. It is not appropriate here to also include OLAF.*

## **Amendment 16**

### **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, law enforcement authorities of third countries, international organisations, and private parties to the extent required for the accomplishment of its tasks.

*Justification*

*Deleting any reference to Cefpol, given that the rapporteur understands that there will not be a merger between Europol and Cefpol.*

**Amendment 17****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, 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 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. ***The information should be exchanged only if the national unit or units affected have been informed. In the event that the information to be exchanged relates specifically to a Member State or to particular institutions or bodies, the Management Board should be informed and issue an opinion.*** 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, cooperate and exchange information, with the exception of personal data, with national authorities competent for the security of network and information

systems.

Or. es

*Justification*

*Deleting any reference to Cepol, given that the rapporteur understands that there will not be a merger between Europol and Cepol.*

**Amendment 18**

**Proposal for a regulation**

**Recital 26**

*Text proposed by the Commission*

(26) Europol should be able to exchange personal data with other Union bodies to the extent necessary for the accomplishment of its tasks.

*Amendment*

(26) Europol should be able to exchange personal data with other Union bodies to the extent necessary for the accomplishment of its tasks. ***The European Data Protection Supervisor should ensure that this exchange of information concerns only persons who have committed or who are thought likely to commit offences in respect of which Europol has competence.***

Or. es

*Justification*

*Europol's power to exchange personal data with other Union bodies should be restricted so that the data concerns only those persons who have committed or who are thought likely to commit offences in respect of which Europol has competence.*

**Amendment 19**

**Proposal for a regulation**

**Recital 33 a (new)**

*Text proposed by the Commission*

*Amendment*

***(33a) Bearing in mind the particular character of the Agency, it should have its own particular regime that should also guarantee data protection, which should on no account be at a lower level than the***

*general regime applicable to the European Union and its Agencies. Reforms relating to the general rules on data protection should thus apply to Europol as soon as possible:*

*- no later than two years after the entry into force of the new general rules;*

*- legislative alignment between the particular data protection regimes of Europol and the EU should be completed before the end of two years following the adoption of any corresponding rules.*

Or. es

## Amendment 20

### Proposal for a regulation

#### Recital 50

*Text proposed by the Commission*

(50) Given the nature of the duties of Europol and the role of the Executive Director, the Executive Director *may* be invited to make a statement to and to answer questions from the *competent committee of the European Parliament* before his appointment, as well as before any extension of his term of office. The Executive Director should also present the annual report to the *European Parliament* and to the Council. Furthermore, the European Parliament should be able to invite the Executive Director to report on the performance of his duties.

*Amendment*

(50) Given the nature of the duties of Europol and the role of the Executive Director, the Executive Director *should* be invited to make a statement to and to answer questions from the *parliamentary scrutiny unit* before his appointment, as well as before any extension of his term of office. The Executive Director should also present the annual report to the *parliamentary scrutiny unit* and to the Council. Furthermore, the European Parliament should be able to invite the Executive Director to report on the performance of his duties.

Or. es

#### *Justification*

*Under Article 88 of the Treaty on the Functioning of the European Union, parliamentary scrutiny by the European Parliament and the national parliaments must be included in the Regulation. Hence the creation of the parliamentary scrutiny unit, which will be governed by Article 53 of this Regulation.*

## Amendment 21

### Proposal for a regulation Recital 57

*Text proposed by the Commission*

(57) 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**. 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**.

*Amendment*

(57) Europol, as established by this Regulation, shall replace and succeed Europol as established by Decision 2009/371/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 should remain in force.

Or. es

*Justification*

*To remove all references to Cepol, as the rapporteur feels that the Europol-Cepol merger should not go ahead.*

## Amendment 22

### Proposal for a regulation Recital 58

*Text proposed by the Commission*

(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

*Amendment*

(58) To enable Europol to continue to fulfil the tasks of Europol as established on the basis of Decision 2009/371/JHA to the best of its abilities, transitional measures should be laid down, in particular with regard to the Management Board **and** the Executive Director.

***and ring-fencing part of Europol's budget for training for three years following the entry into force of this Regulation.***

Or. es

*Justification*

*To remove all references to Cepol, as the rapporteur feels that the Europol-Cepol merger should not go ahead.*

**Amendment 23**

**Proposal for a regulation  
Article 1 – title and paragraph 1**

*Text proposed by the Commission*

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

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*

Establishment of the European Union Agency for Law Enforcement Cooperation

1. A European Union Agency for Law Enforcement Cooperation (Europol) is hereby established to ***support and strengthen action by the Member States' police authorities and other law enforcement services and their mutual cooperation in preventing serious crime affecting two or more Member States, terrorism and forms of crime which affect a common interest covered by a Union policy.***

Or. es

*Justification*

*To remove all references to training, as the rapporteur feels that the Europol-Cepol merger should not go ahead.*

## Amendment 24

### 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.

Or. es

*Justification*

*To remove all references to Cepol, as the rapporteur feels that the Europol-Cepol merger should not go ahead.*

## Amendment 25

### Proposal for a regulation Article 1 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**2a. Europol shall liaise with a single national unit in each Member State, to be established or designated in accordance with Article 7.**

Or. es

## Amendment 26

### Proposal for a regulation Article 2 – point a

*Text proposed by the Commission*

*Amendment*

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

(a) ‘the competent authorities of the Member States’ means **those designated by the Member States from among their police services and other law enforcement**

**which are** responsible **under national law** for preventing and combating criminal offences;

**services** responsible, **in accordance with the corresponding national legislation**, for preventing and combating criminal offences **in respect of which Europol is competent**;

Or. es

*Justification*

*The new definition is broader and thus covers all competent authorities in the Member States.*

**Amendment 27**

**Proposal for a regulation**  
**Article 2 – point b**

*Text proposed by the Commission*

*Amendment*

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

(b) ‘analysis’ means the assembly, processing or use of data with the aim of assisting criminal investigations **and carrying out any of the other tasks listed in Article 4**:

Or. es

*Justification*

*The term 'analysis' needs to be clarified, since it should not refer only to assisting criminal investigations but should also cover the possibility of carrying out individual analyses as is the case for SOCTA and TESAT, for example.*

**Amendment 28**

**Proposal for a regulation**  
**Article 3 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

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

**deleted**

*Justification*

*To remove all references to training, as the rapporteur feels that the Europol-Cepol merger should not go ahead.*

**Amendment 29**

**Proposal for a regulation  
Chapter II – title**

*Text proposed by the Commission*

*Amendment*

**TASKS RELATED TO LAW  
ENFORCEMENT COOPERATION**

**FUNCTIONS**

**Amendment 30**

**Proposal for a regulation  
Article 4 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

**Tasks**

**Functions**

1. Europol is the European Union agency that shall perform the following **tasks** in accordance with this Regulation:

1. Europol is the European Union agency that shall perform the following **functions** in accordance with this Regulation:

**Amendment 31**

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

*Text proposed by the Commission*

*Amendment*

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

(b) to notify the Member States without delay, **through the Europol national units**, of information concerning them and of any

offences;

connections between criminal offences;

Or. es

*Justification*

*To include the national units, since they are the contact point between Europol and the Member States.*

**Amendment 32**

**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. es

*Justification*

*To remove all references to training, as the rapporteur feels that the Europol-Cepol merger should not go ahead.*

**Amendment 33**

**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;*****

***(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 **where this is essential for the performance of their functions and where the owning State which would be affected by such provision of intelligence has given its consent;*****

Or. es

*Justification*

*The consent of the owning State which would be affected should always be required where confidential data is involved.*

**Amendment 34**

**Proposal for a regulation**

**Article 4 – paragraph 1 – point 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(1a) to aid investigations in the Member States, in particular by forwarding all relevant information to the national units;***

Or. es

**Amendment 35**

**Proposal for a regulation**

**Article 5 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Europol may, within the limits provided by the law of the Member States in which joint investigative team is operating, assist in all activities and exchange of information with all members of the joint investigative team.

2. Europol may, within the limits provided by the law of the Member States in which joint investigative team is operating, assist in all activities and exchange of information with all members of the joint investigative team. ***Europol officers shall not take part in the application of coercive measures.***

Or. es

## Amendment 36

### Proposal for a regulation Article 5 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***3a. Europol participation in a joint investigative team shall be agreed by the competent authorities of the Member States involved in that team and shall be recorded in a document signed in advance by the Director of Europol, which shall be annexed to the corresponding agreement on the setting-up of a joint investigative team.***

Or. es

## Amendment 37

### Proposal for a regulation Article 5 – paragraph 3 b (new)

*Text proposed by the Commission*

*Amendment*

***3b. The annex referred to in the previous paragraph shall lay down the conditions under which Europol officers are to take part in the joint investigative team, including rules governing the privileges and immunities of those officers and the liabilities arising from possible irregular activities on the part of those officers.***

Or. es

## Amendment 38

### Proposal for a regulation Article 5 – paragraph 3 c (new)

*Text proposed by the Commission*

*Amendment*

***3c. Europol officers taking part in a joint investigative team shall be subject, as regards any infringements against them or committed by them, to the national law of the Member State in which the joint investigative team is operating, applicable to members of the joint investigative team performing similar functions in that Member State.***

Or. es

## Amendment 39

### Proposal for a regulation Article 5 – paragraph 3 d (new)

*Text proposed by the Commission*

*Amendment*

***3d. Europol officers taking part in a joint investigative team may exchange information obtained from Europol's data storage systems with the members of the team. Given that this involves direct contact as regulated in Article 7, Europol shall simultaneously inform the Europol National Units in the Member States represented in the joint investigative team and the Europol National Units in the Member States which provided the information.***

Or. es

## Amendment 40

### Proposal for a regulation Article 5 – paragraph 3 e (new)

*Text proposed by the Commission*

*Amendment*

***3e. Information obtained by a Europol officer while taking part in a joint investigative team may be incorporated into any of Europol's data storage systems, through the Europol National Units, with the consent and under the responsibility of the competent authority which provided that information.***

Or. es

## Amendment 41

### Proposal for a regulation Article 7 – paragraph 2

*Text proposed by the Commission*

*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 ***as well as with training institutes for law enforcement officers***. Each Member State shall ***appoint an official as the*** head of the National Unit.

2. Each Member State shall establish a National Unit which shall be the liaison body between Europol and the ***designated*** competent authorities in Member States. Each Member State shall ***designate a*** head of the National Unit.

Or. es

### *Justification*

*To strengthen the national units, since they are the contact point between Europol and the Member States. To remove all references to training, as the rapporteur feels that the Europol-Cepol merger should not go ahead.*

## Amendment 42

### 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 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 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*** and ***shall*** provide, ***as soon as possible***, a copy of ***the*** information exchanged ***through these*** direct contacts.

Or. es

### *Justification*

*It is a positive step to give Europol the possibility of cooperating directly with the competent authorities of the Member States, but it should always be a requirement for Europol to inform the national unit in advance, since this is the contact point between Europol and the Member States.*

## Amendment 43

### Proposal for a regulation Article 7 – paragraph 5 – introductory part and point a

*Text proposed by the Commission*

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

(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***

*Amendment*

***The national units shall:***

(a) supply Europol, ***on their own initiative***, with the information ***and intelligence*** necessary for it to ***perform its functions***, ***and respond to Europol's requests for information, the supply of intelligence and advice;***

*another Member State or Member States in so far as the exchange refers to crime that falls under Europol's 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:*

*(i) harming essential national security interests;*

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

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

Or. es

#### **Amendment 44**

##### **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 with Europol;

Or. es

*Justification*

*To remove all references to training, as the rapporteur feels that the Europol-Cepol merger should not go ahead.*

## Amendment 45

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

*Text proposed by the Commission*

*Amendment*

***(c) raise awareness of Europol's activities.***      ***deleted***

Or. es

#### *Justification*

*The Member States are already well aware of the value of Europol's activities and there is no need for national units to raise awareness of those activities.*

## Amendment 46

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

*Text proposed by the Commission*

*Amendment*

***(ca) ask Europol to provide relevant information that might facilitate investigations being carried out by the designated competent authorities.***

Or. es

#### *Justification*

*The functions of national units should include the possibility of asking Europol to provide relevant information for their investigations, since this will strengthen mutual cooperation between Europol and the Member States.*

## Amendment 47

### Proposal for a regulation Article 7 – paragraph 5 – point c b (new)

*Text proposed by the Commission*

*Amendment*

***(cb) ensure effective communication and cooperation with the competent authorities;***

*Justification*

*In keeping with Article 7(4), the national units should ensure effective communication and cooperation with the competent authorities, since they are the contact point between Europol and the Member States.*

**Amendment 48**

**Proposal for a regulation**

**Article 7 – paragraph 5 – point c c (new)**

*Text proposed by the Commission*

*Amendment*

***(cc) evaluate information and intelligence in accordance with national law for the competent authorities and transmit that material to them;***

*Justification*

*This function will further strengthen the role of national units as the contact point between Europol and the Member States.*

**Amendment 49**

**Proposal for a regulation**

**Article 7 – paragraph 5 – point c d (new)**

*Text proposed by the Commission*

*Amendment*

***(cd) ensure compliance with the law in every exchange of information between themselves and Europol.***

*Justification*

*This new responsibility will help to strengthen the solid data protection system established by this Regulation.*

## Amendment 50

### Proposal for a regulation Article 7 – paragraph 10

*Text proposed by the Commission*

*Amendment*

**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.** **deleted**

Or. es

*Justification*

*Europol should not be responsible for examining or evaluating the Member States.*

## Amendment 51

### Proposal for a regulation Article 8 – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. Liaison officers shall **assist in the exchange of** information **between** Europol and **their Member States**.

3. Liaison officers shall **transmit** information **from their national units to** Europol, and **from Europol to the national units**.

Or. es

*Justification*

*In keeping with the remaining articles, it should be clarified in this article that it is the national units which form the contact point between Europol and the Member States.*

## Amendment 52

### 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.

*Amendment*

4. Liaison officers shall assist in the exchange of information between their Member States and the liaison officers of other Member States, **third countries, EU bodies and international organisations** 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.

Or. es

*Justification*

*Bilateral exchanges between Member States' liaison officers, EU bodies, international organisations and third countries are standard practice, and a legal basis is required to enable these exchanges to continue.*

## Amendment 53

### Proposal for a regulation Chapter III

*Text proposed by the Commission*

#### **TASKS RELATED TO TRAINING FOR LAW ENFORCEMENT OFFICERS**

##### *Article 9*

##### *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***

*Amendment*

*deleted*

*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.*

#### *Article 10*

##### *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.**

**Article 11**

**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. es

*Justification*

*To remove all references to training, and hence the whole of Chapter III, as the rapporteur feels that the Europol-Cepol merger should not go ahead.*

**Amendment 54**

**Proposal for a regulation  
Article 12 – point c**

*Text proposed by the Commission*

*Amendment*

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

Or. es

*Justification*

*Given that the Scientific Committee is to be created on the basis of the Europol-Cepol merger, and the rapporteur feels that this merger should not go ahead, point c should be deleted.*

## Amendment 55

### Proposal for a regulation Article 12 – point e

*Text proposed by the Commission*

*Amendment*

***(e) if appropriate, an Executive Board in accordance with Articles 21 and 22.***      ***deleted***

Or. es

#### *Justification*

*In the interests of guaranteeing Europol's transparency and internal democracy, the rapporteur does not consider it desirable to create an Executive Board.*

## Amendment 56

### Proposal for a regulation Article 13 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. The Management Board shall be composed of one representative from each Member State and ***two representatives*** of the Commission, all with voting rights.

1. The Management Board shall be composed of one representative from each Member State and ***one representative*** of the Commission, all with voting rights.

Or. es

#### *Justification*

*Each Member State is to be represented by just one member of the Management Board, and it would therefore be more appropriate and equitable to have just one Commission representative as well.*

## Amendment 57

### Proposal for a regulation Article 13 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. The members of the Management Board shall be appointed on the basis of their

2. The members of the Management Board shall be ***top-ranking heads of police forces***

experience in the management of **public or private sector organisations** and knowledge of **law enforcement** cooperation.

**from the Member States or persons** appointed **by each of the Member States** on the basis of their experience in the management of **police forces** and knowledge of **police** cooperation.

Or. es

#### *Justification*

*The new wording provides two possibilities for Member States to select their representative: the members of the Management Board may be top-ranking heads of police forces from the Member States or, if they consider it more appropriate, they may select a person who has experience in managing police forces and knowledge of police cooperation.*

### **Amendment 58**

#### **Proposal for a regulation Article 13 – paragraph 3**

##### *Text proposed by the Commission*

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.**

##### *Amendment*

3. Each member of the Management Board shall be represented by an alternate member who shall be appointed **by the full member on the basis of the criteria set out in Article 13(2).** The alternate member shall represent the member in his/her absence.

Or. es

#### *Justification*

*It would be more practical for the full member of the Management Board to select the alternate member.*

## Amendment 59

### Proposal for a regulation Article 13 – paragraph 4

*Text proposed by the Commission*

4. All parties represented in the Management Board shall ***make efforts to limit the turnover of their representatives, to ensure continuity of the Management Board's work. All parties shall*** aim to achieve a balanced representation between men and women on the Management Board.

*Amendment*

4. All parties represented in the Management Board shall aim to achieve a balanced representation between men and women on the Management Board.

Or. es

*Justification*

*The middle part of this paragraph should be deleted, given that the selection of members of the Management Board is a matter for the Member States.*

## Amendment 60

### Proposal for a regulation Article 13 – paragraph 5

*Text proposed by the Commission*

5. The term of office for members and alternate members shall be ***four years. That term shall be extendable. Upon expiry of their term of office or in the event of their resignation, members shall remain in office until their appointments are renewed or until they are replaced.***

*Amendment*

5. The term of office for members and alternate members shall be ***determined by the period assigned to them by the designating Member State.***

Or. es

*Justification*

*In the interests of consistency, given that each Member State selects their member of the Management Board, the term of office should be determined by the period assigned to them by the designating Member State.*

## Amendment 61

### Proposal for a regulation Article 13 – paragraph 5 a (new)

*Text proposed by the Commission*

*Amendment*

***5a. The Chairperson shall be supported by the Secretariat of the Management Board. The Secretariat shall in particular:***

***(a) be closely and continuously involved in organising, coordinating and ensuring the coherence of the Management Board's work. Acting under the responsibility of and in accordance with guidelines given by the Chairperson,***

***(b) provide the Management Board with the administrative support necessary for it to carry out its duties.***

Or. es

*Justification*

*Experience has shown how useful the Secretariat of the Management Board is, and it should therefore be maintained.*

## Amendment 62

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

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

Or. es

*Justification*

*Under Article 88 of the Treaty on the Functioning of the European Union, parliamentary scrutiny by the European Parliament and the national parliaments must be included in the Regulation. Hence the creation of the Parliamentary Scrutiny Unit, which will be governed by Article 53 of this Regulation.*

**Amendment 63**

**Proposal for a regulation**  
**Article 14 – paragraph 1 – point g**

*Text proposed by the Commission*

*Amendment*

***(g) adopt an anti-fraud strategy, proportionate to fraud risks, taking into account the costs and benefits of the measures to be implemented;***

***deleted***

Or. es

*Justification*

*Europol should not overstep its powers and encroach on those of OLAF.*

**Amendment 64**

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

*Text proposed by the Commission*

*Amendment*

***(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;***

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

Or. es

## Amendment 65

### Proposal for a regulation Article 14 – paragraph 1 – point n

*Text proposed by the Commission*

*Amendment*

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

Or. es

#### *Justification*

*As the scientific committee is created by the merger between Europol and the European Police College, and the rapporteur does not consider that this merger should take place, this point (n) should be deleted.*

## Amendment 66

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

*Text proposed by the Commission*

*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);

(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. es

#### *Justification*

*The Management Board should follow up investigations by the European Data Protection Supervisor.*

## Amendment 67

### 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*

(p) take all decisions on the establishment of Europol's internal structures and, where necessary, their modification ***with no budgetary impact***;

Or. es

#### *Justification*

*The Management Board can take these decisions as long as they have no budgetary impact given the obligation to cut agency staff by 5%.*

## Amendment 68

### 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 ***at*** 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 ***and present it to the Parliamentary Scrutiny Unit and shall forward*** it to the Council, the Commission and national parliaments.

Or. es

#### *Justification*

*Article 88 of the Treaty on the Functioning of the European Union refers to the obligation to include parliamentary scrutiny by the European Parliament, together with national Parliaments, in the regulation. This is done through the creation of the Parliamentary Scrutiny Unit regulated in Article 53 of this regulation.*

## Amendment 69

### Proposal for a regulation Article 15 – paragraph 2

*Text proposed by the Commission*

2. The annual work programme shall comprise detailed objectives and expected results including performance indicators. It shall also contain a description of the actions to be financed and an indication of the financial and human resources allocated to each action, in accordance with the principles of activity-based budgeting and management. The annual work programme shall be **coherent with** the multi-annual work programme referred to in paragraph 4. It shall clearly indicate tasks that have been added, changed or deleted in comparison with the previous financial year.

*Amendment*

2. The annual work programme shall comprise detailed objectives and expected results including performance indicators. It shall also contain a description of the actions to be financed and an indication of the financial and human resources allocated to each action, in accordance with the principles of activity-based budgeting and management. The annual work programme shall be **subject to** the multi-annual work programme referred to in paragraph 4. It shall clearly indicate tasks that have been added, changed or deleted in comparison with the previous financial year.

Or. es

## Amendment 70

### Proposal for a regulation Article 15 – paragraph 4 – subparagraphs 1 and 2

*Text proposed by the Commission*

4. 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**.

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

*Amendment*

4. The Management Board shall also adopt the multi-annual work programme and update it by 30 November each year, **on the basis of a draft submitted by the Executive Director**, taking into account the opinion of the Commission and after consulting the **Parliamentary Scrutiny Unit**.

The adopted multi-annual work programme shall be forwarded **and presented to the Parliamentary Scrutiny Unit, and shall be forwarded** to the Council, the Commission and national

*Justification*

*En concordancia con el artículo 15.1, tanto el programa de trabajo anual como el plurianual lo adopta el consejo de administración, sobre la base del proyecto presentado por el director ejecutivo. Además se incluye el papel de la Célula de Control Parlamentario, porque el artículo 88 del Tratado de Funcionamiento de la Unión Europea hace referencia al deber de inclusión en el Reglamento del control parlamentario que debe hacerse por parte del Parlamento Europeo y los Parlamentos Nacionales. Para ello se crea la célula de control parlamentario que viene regulada en el artículo 53 del presente Reglamento.*

**Amendment 71****Proposal for a regulation  
Article 16 – paragraph 2***Text proposed by the Commission*

2. The terms of office of the Chairperson and of the Deputy Chairperson shall be **four** years. Their term of office may be renewed once. If, however, their membership of the Management Board ends at any time during their term of office as Chairperson or Deputy Chairperson, their term of office shall automatically expire on that date.

*Amendment*

2. The terms of office of the Chairperson and of the Deputy Chairperson shall be **five** years. Their term of office may be renewed once. If, however, their membership of the Management Board ends at any time during their term of office as Chairperson or Deputy Chairperson, their term of office shall automatically expire on that date.

*Justification*

*It is more consistent and better to have a five-year term, as for the Executive Director, as their relationship should be constant to ensure that Europol functions smoothly.*

## Amendment 72

### 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 **appear before and** report to the **Parliamentary Scrutiny Unit** 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.

Or. es

#### *Justification*

*Article 88 of the Treaty on the Functioning of the European Union refers to the obligation to include parliamentary scrutiny by the European Parliament, together with national Parliaments, in the regulation. This is done through the creation of the Parliamentary Scrutiny Unit regulated in Article 53 of this regulation. The Parliamentary Scrutiny Cell may thus invite the Executive Director to appear before it whenever it deems this appropriate.*

## Amendment 73

### Proposal for a regulation Article 19 – paragraph 5 – point c

*Text proposed by the Commission*

(c) preparing the annual work programme and the multi-annual work programme and submitting them to the Management Board **after consulting** the Commission

*Amendment*

(c) preparing the annual work programme and the multi-annual work programme and submitting them to the Management Board, **taking into account the opinion of** the Commission;

Or. es

#### *Justification*

*Prior consultation of the Commission takes the form of an opinion, as also required by Articles 15(1) and 15(4) of this Regulation.*

## Amendment 74

### Proposal for a regulation Article 19 – paragraph 5 – point h

*Text proposed by the Commission*

(h) preparing an anti-fraud **strategy** for Europol and presenting it to the Management Board for approval;

*Amendment*

(h) preparing an anti-fraud **strategic analysis** for Europol and presenting it to the Management Board for approval;

Or. es

*Justification*

*Cf. internal references.*

## Amendment 75

### Proposal for a regulation Article 19 – paragraph 5 – point k

*Text proposed by the Commission*

(k) preparing a draft multi-annual staff policy plan and submitting it to the Management Board **after consultation of** the Commission;

*Amendment*

(k) preparing a draft multi-annual staff policy plan and submitting it to the Management Board **taking into account the opinion of** the Commission;

Or. es

*Justification*

*The Commission is consulted through an opinion.*

## Amendment 76

### Proposal for a regulation Section 3

*Text proposed by the Commission*

**SECTION 3  
SCIENTIFIC COMMITTEE FOR  
TRAINING**

*Amendment*

**deleted**

## *Article 20*

### *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. es

*Justification*

*As the scientific committee is created by the merger between Europol and the European Police College, and the rapporteur does not consider that this merger should take place, Article 20 should be deleted.*

**Amendment 77**

**Proposal for a regulation  
Section 4**

*Text proposed by the Commission*

*Amendment*

**SECTION 4**

*deleted*

**EXECUTIVE BOARD**

**Article 21**

**Establishment**

***The Management Board may establish an Executive Board.***

**Article 22**

**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. es

*Justification*

*The rapporteur does not consider it necessary to create an executive board in order to ensure the transparency and internal democracy of Europol.*

## Amendment 78

### 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; ***such checks should be carried out in accordance with the necessary data protection guarantees, and should, especially, provide sufficient justification for the data request and its purpose. The necessary measures should also be taken to ensure that only those authorities that are initially responsible for collecting the data may subsequently change them;***

Or. es

*Justification*

*Recommendation by the European Data Protection Supervisor.*

## Amendment 79

### 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 ***justifying the need to do so*** 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.

Or. es

### *Justification*

*Given the wide access given to Member States, OLAF and Eurojust by the proposal, particular attention must be paid to the quality of the data, so the phrase 'justifying the need to so do' has been added so as to be able to extend the necessary and legitimate exercise of their powers.*

### **Amendment 80**

#### **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 initiate the procedure by which the information ***needed to perform its duties and*** that generated the hit may be shared, in accordance with the decision of the Member State that provided the information to Europol.

Or. es

### **Amendment 81**

#### **Proposal for a regulation Article 27 – title**

*Text proposed by the Commission*

Access to Europol information for Eurojust ***and OLAF***

*Amendment*

Access to Europol information for Eurojust

Or. es

*Justification*

*Since Article 88(2)(b) of the Treaty on the Functioning of the European Union refers to the special relationship between Europol and Eurojust, there is no need to also include OLAF.*

**Amendment 82**

**Proposal for a regulation  
Article 27 – paragraph 1**

*Text proposed by the Commission*

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.

*Amendment*

1. Europol shall take all appropriate measures to enable Eurojust within **its mandate** 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 reveals the existence of a match with information processed by Europol.

Or. es

*Justification*

*Since Article 88(2)(b) of the Treaty on the Functioning of the European Union refers to the special relationship between Europol and Eurojust, there is no need to also include OLAF.*

**Amendment 83**

**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**,

*Amendment*

2. Europol shall take all appropriate measures to enable Eurojust, within **its**

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.

*mandate*, 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.

Or. es

#### *Justification*

*Since Article 88(2)(b) of the Treaty on the Functioning of the European Union refers to the special relationship between Europol and Eurojust, there is no need to also include OLAF.*

#### **Amendment 84**

##### **Proposal for a regulation Article 27 – paragraph 3**

###### *Text proposed by the Commission*

3. Searches of information in accordance with paragraphs 1 and 2 shall be made only for the purpose of identifying whether information available at Eurojust *or OLAF, respectively*, matches with information processed at Europol.

###### *Amendment*

3. Searches of information in accordance with paragraphs 1 and 2 shall be made only for the purpose of identifying whether information available at Eurojust matches with information processed at Europol.

Or. es

#### *Justification*

*Since Article 88(2)(b) of the Treaty on the Functioning of the European Union refers to the special relationship between Europol and Eurojust, there is no need to also include OLAF.*

## Amendment 85

### Proposal for a regulation Article 27 – paragraph 4

*Text proposed by the Commission*

4. Europol shall allow searches in accordance with paragraphs 1 and 2 only after obtaining from Eurojust information about which National Members, Deputies, Assistants, as well as Eurojust staff members, **and from OLAF information about which staff members**, have been designated as authorised to perform such searches.

*Amendment*

4. Europol shall allow searches in accordance with paragraphs 1 and 2 only after obtaining from Eurojust information about which National Members, Deputies, Assistants, as well as Eurojust staff members have been designated as authorised to perform such searches.

Or. es

*Justification*

*Since Article 88(2)(b) of the Treaty on the Functioning of the European Union refers to the special relationship between Europol and Eurojust, there is no need to also include OLAF.*

## Amendment 86

### Proposal for a regulation Article 27 – paragraph 5

*Text proposed by the Commission*

5. If during Europol's information processing activities in respect of an individual investigation, Europol or a Member State identifies the necessity for coordination, cooperation or support in accordance with the mandate of Eurojust **or OLAF**, Europol shall notify them thereof and shall initiate the procedure for sharing the information, in accordance with the decision of the Member State providing the information. In such a case Eurojust **or OLAF** shall consult with Europol.

*Amendment*

5. If during Europol's information processing activities in respect of an individual investigation, Europol or a Member State identifies the necessity for coordination, cooperation or support in accordance with the mandate of Eurojust, Europol shall notify them thereof and shall initiate the procedure for sharing the information, in accordance with the decision of the Member State providing the information. In such a case Eurojust shall consult with Europol.

Or. es

*Justification*

*Since Article 88(2)(b) of the Treaty on the Functioning of the European Union refers to the special relationship between Europol and Eurojust, there is no need to also include OLAF.*

**Amendment 87**

**Proposal for a regulation  
Article 27 – paragraph 6**

*Text proposed by the Commission*

6. Eurojust, including the College, the National Members, Deputies, Assistants, as well as Eurojust staff members, **and OLAF**, shall respect any restriction to access or use, in general or specific terms, indicated by Member States, Union bodies, third countries and international organisations in accordance with Article 25(2).

*Amendment*

6. Eurojust, including the College, the National Members, Deputies, Assistants, as well as Eurojust staff members, shall respect any restriction to access or use, in general or specific terms, indicated by Member States, Union bodies, third countries and international organisations in accordance with Article 25(2).

Or. es

*Justification*

*Since Article 88(2)(b) of the Treaty on the Functioning of the European Union refers to the special relationship between Europol and Eurojust, there is no need to also include OLAF.*

**Amendment 88**

**Proposal for a regulation  
Article 29 – paragraph 1**

*Text proposed by the Commission*

1. In so far as necessary for the performance of its tasks, Europol may establish and maintain cooperative relations with the Union bodies in accordance with the objectives of those bodies, the law enforcement authorities of third countries, **law enforcement training institutes of third countries**, international

*Amendment*

1. In so far as necessary for the performance of its tasks, Europol may establish and maintain cooperative relations with the Union bodies in accordance with the objectives of those bodies, the law enforcement authorities of third countries, international organisations and private parties.

organisations and private parties.

Or. es

*Justification*

*All reference to training should be removed as the rapporteur does not consider that the merger between Europol and the European Police College should go ahead.*

**Amendment 89**

**Proposal for a regulation**

**Article 29 – paragraph 4 - introduction**

*Text proposed by the Commission*

4. Without prejudice to Article 36(4), personal data shall only be transferred by Europol to Union bodies, third countries and international organisations, if this is necessary for preventing and combating crime that falls under Europol's objectives and in accordance with this Chapter. If the data to be transferred have been provided by a Member State, Europol shall seek that Member State's consent, unless:

*Amendment*

4. Without prejudice to Article 36(4), personal data shall only be transferred by Europol to Union bodies, third countries and international organisations, if this is necessary for preventing and combating crime that falls under Europol's objectives and in accordance with this Chapter. If the data to be transferred have been provided by a Member State, Europol shall seek that Member State's consent ***before the personal data are transferred***, unless:

Or. es

*Justification*

*Consent should be given before the personal data are transferred.*

**Amendment 90**

**Proposal for a regulation**

**Article 29 – paragraph 4 – point a**

*Text proposed by the Commission*

***(a) the authorisation can be assumed as the Member State has not expressly limited the possibility of onward transfers; or***

*Amendment*

***deleted***

*Justification*

*A Member State's consent for information to be shared should be made explicit and not assumed, so point (a) should be deleted.*

**Amendment 91**

**Proposal for a regulation**  
**Article 29 – paragraph 5**

*Text proposed by the Commission*

5. Onward transfers of personal data by Member States, Union bodies, third countries and international organizations shall be prohibited unless Europol has given its explicit consent.

*Amendment*

***5. Personal data may only be transferred if Member States, EU bodies, third countries and international organisations promise that such data will only be used for the purpose for which they were transferred.*** Onward transfers of personal data by Member States, Union bodies, third countries and international organizations shall ***therefore*** be prohibited unless Europol has given its explicit consent. ***Europol shall ensure that transfers of personal data and the reasons for such transfers are recorded in accordance with this Regulation.***

*Justification*

*A Member State's consent for information to be shared should be made explicit and not assumed.*

**Amendment 92**

**Proposal for a regulation**  
**Article 29 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***5a. Europol shall publish on its website a list of Member States and organisations of all types with which it has cooperation***

*agreements for exchanging data.*

Or. es

*Justification*

*In order to make Europol more transparent, it should publish on its website a list of Member States and organisations of all types with which it has cooperation agreements for exchanging data..*

**Amendment 93**

**Proposal for a regulation  
Article 30**

*Text proposed by the Commission*

Subject to any possible restrictions stipulated pursuant to Article 25(2) or (3) Europol may directly transfer personal data to Union bodies in so far as it is necessary for the performance of its tasks or those of the recipient Union body.

*Amendment*

Subject to any possible restrictions stipulated pursuant to Article 25(2) or (3) Europol may directly transfer personal data to Union bodies in so far as it is necessary for the performance of its tasks or those of the recipient Union body. ***This Article shall apply without prejudice to Article 27 of this Regulation.***

Or. es

*Justification*

*Given that Eurojust is also a Union body, it is necessary to mention that this article shall apply without prejudice to the details set out in Article 27 for Eurojust.*

**Amendment 94**

**Proposal for a regulation  
Article 31 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) a cooperation agreement concluded between Europol and that third country or international organisation in accordance with Article 23 of Decision 2009/371/JHA prior to the date of application of this

*Amendment*

(c) a cooperation agreement concluded between Europol and that third country or international organisation in accordance with Article 23 of Decision 2009/371/JHA prior to the date of application of this Regulation. ***These agreements must be***

Regulation.

*revised and updated to reflect this new regulation within a maximum of two years from the entry into force of this regulation.*

Or. es

## **Amendment 95**

### **Proposal for a regulation Article 31 – paragraph 2 - introduction**

*Text proposed by the Commission*

2. By way of derogation from paragraph 1, the Executive Director may authorise the transfer of personal data to third countries or international organisations on a case-by-case basis if:

*Amendment*

2. By way of derogation from paragraph 1, the Executive Director may, ***whilst observing his/her obligations regarding discretion, confidentiality and proportionality***, authorise the transfer of personal data to third countries or international organisations on a case-by-case basis if:

Or. es

## **Amendment 96**

### **Proposal for a regulation Article 31 – paragraph 2 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***da) the transfer is necessary to safeguard the legitimate interests of the data subject when the legislation of the Member State transmitting the personal data so provides,***

Or. es

## Amendment 97

### Proposal for a regulation Article 31 – paragraph 2 – point d b (new)

*Text proposed by the Commission*

*Amendment*

***db) the transfer of the data is essential to prevent an immediate and serious threat to public security in a Member State or third country.***

Or. es

*Justification*

*It is necessary to adapt the derogations for data transfer to specific cases.*

## Amendment 98

### Proposal for a regulation Article 32 – paragraph 1 - introduction

*Text proposed by the Commission*

*Amendment*

1. In so far as necessary for Europol to perform its tasks, Europol may process personal data originating from private parties on condition that are received via:

1. In so far as necessary for Europol to perform its tasks, Europol may process personal data originating from private parties ***and may receive these data directly from individuals if the national law applicable to private parties allows the direct transfer of such data to the law enforcement authorities. In this case, Europol shall immediately forward all the information, and especially personal data, to the national units concerned.***

***When the applicable national law makes no provision for such direct transfer, personal data may only be received on condition that they are received via:***

Or. es

*Justification*

*Europol needs to be given a greater capacity to collaborate with private entities, but*

*this will only be possible if the legislation applicable to private parties allows such data to be transferred.*

## **Amendment 99**

### **Proposal for a regulation**

#### **Article 46 – paragraph 3 – point e**

*Text proposed by the Commission*

(e) order the rectification, blocking, erasure or destruction of all data **when they** have been processed in breach of the provisions governing the processing of personal data and the notification of such actions to third parties to whom the data have been disclosed;

*Amendment*

(e) order the rectification, blocking, erasure or destruction of all data **that** have been processed in breach of the provisions governing the processing of personal data and the notification of such actions to third parties to whom the data have been disclosed;

Or. es

## **Amendment 100**

### **Proposal for a regulation**

#### **Article 46 – paragraph 3 – point f**

*Text proposed by the Commission*

(f) impose a temporary or definitive ban on processing;

*Amendment*

(f) impose a temporary or definitive ban on processing **after having heard the Management Board**;

Or. es

*Justification*

*It is advisable that the Management Board be included before taking such a step.*

## Amendment 101

### Proposal for a regulation Article 46 – paragraph 5

*Text proposed by the Commission*

5. The European Data Protection Supervisor shall draw up an annual report on the supervisory activities on Europol. This report shall be part of the annual report of the European Data Protection Supervisor referred to in Article 48 of Regulation (EC) No 45/2001.

*Amendment*

5. The European Data Protection Supervisor shall draw up an annual report on the supervisory activities on Europol. This report shall be part of the annual report of the European Data Protection Supervisor referred to in Article 48 of Regulation (EC) No 45/2001. ***This report shall be forwarded and presented to the Parliamentary Scrutiny Unit, and shall be forwarded to the Council, the Commission and national Parliaments.***

Or. es

#### *Justification*

*Article 88 of the Treaty on the Functioning of the European Union refers to the obligation to include parliamentary scrutiny by the European Parliament, together with national Parliaments, in the regulation. This is done through the creation of the Parliamentary Scrutiny Unit regulated in Article XXX of this regulation.*

## Amendment 102

### Proposal for a regulation Article 53 – paragraph -1 (new)

*Text proposed by the Commission*

*Amendment*

***-1. The Parliamentary Scrutiny Unit***  
***The mechanism for the control of Europol's activities by the European Parliament, together with national Parliaments, shall take the form of the small specialised structure of the Parliamentary Scrutiny Unit formed by the competent European Parliament committee (LIBE) along with a representative of the Committee on Internal Affairs or similar from each of***

*the national parliaments of the Member States.*

Or. es

### **Amendment 103**

#### **Proposal for a regulation Article 53 – paragraph -1 a (new)**

*Text proposed by the Commission*

*Amendment*

***-1a. This Parliamentary Scrutiny Unit shall always sit at the seat of the European Parliament, and shall be convened by the Chair of the European Parliament's competent committee (LIBE). It shall be co-chaired by the Chair of the LIBE Committee and the representative from the national Parliament of the Member State holding the pro tempore Council Presidency.***

Or. es

### **Amendment 104**

#### **Proposal for a regulation Article 53 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The Chairperson of the Management Board and the Executive Director shall appear before the ***European Parliament, jointly with national Parliaments***, at ***their*** request to discuss matters relating to Europol, taking into account the obligations of discretion and confidentiality.

1. The Chairperson of the Management Board and the Executive Director shall appear before the ***Parliamentary Scrutiny Unit***, at ***its*** request to discuss matters relating to Europol, taking into account the obligations of discretion and confidentiality.

Or. es

### *Justification*

*Article 88 of the Treaty on the Functioning of the European Union refers to the obligation to include parliamentary scrutiny by the European Parliament, together with national Parliaments, in the regulation. This is done through the creation of the Parliamentary Scrutiny Unit regulated in Article 53 of this regulation.*

### **Amendment 105**

#### **Proposal for a regulation Article 53 – paragraph 3 - introduction**

*Text proposed by the Commission*

3. In addition to the obligations of information and consultation set out in this Regulation, Europol shall transmit to the ***European Parliament and to the national parliaments***, taking into account the obligations of discretion and confidentiality, for information:

*Amendment*

3. In addition to the obligations of information and consultation set out in this Regulation, Europol shall transmit to the ***Parliamentary Scrutiny Unit***, taking into account the obligations of discretion and confidentiality, for information:

Or. es

### *Justification*

*Article 88 of the Treaty on the Functioning of the European Union refers to the obligation to include parliamentary scrutiny by the European Parliament, together with national Parliaments, in the regulation. This is done through the creation of the Parliamentary Scrutiny Unit regulated in Article 53 of this regulation.*

### **Amendment 106**

#### **Proposal for a regulation Article 54 – paragraph 1**

*Text proposed by the Commission*

1. For the purpose of enabling it to exercise parliamentary scrutiny of Europol's activities in accordance with Article 53, access to European Union Classified Information and sensitive non-classified information processed by or through

*Amendment*

1. For the purpose of enabling it to exercise parliamentary scrutiny of Europol's activities in accordance with Article 53, access to European Union Classified Information and sensitive non-classified information processed by or through

Europol may be granted to the *European Parliament and its representatives* upon request.

Europol may be granted to the *Parliamentary Scrutiny Unit* upon request. *Given the sensitive and classified nature of this information, it shall be processed in the European Parliament in accordance with the procedure laid down in the European Parliament Regulation, and especially in Annex VIII.*

Or. es

## Amendment 107

### Proposal for a regulation Article 56 – paragraph 2

*Text proposed by the Commission*

2. The Executive Director shall be appointed by the Management Board, from a list of candidates proposed by the Commission, following an open and transparent selection procedure.

For the purpose of concluding the contract with the Executive Director, Europol shall be represented by the Chairperson of the Management Board.

Before appointment, the candidate selected by the Management Board *may* be invited to make a statement before the *competent committee of the European Parliament* and to answer questions put by its members.

*Amendment*

2. The Executive Director shall be appointed by the Management Board, from a list of *at least three* candidates proposed by *a committee composed of the Commission representative on the Management Board and two other members of the Management Board*, following an open and transparent selection procedure.

For the purpose of concluding the contract with the Executive Director, Europol shall be represented by the Chairperson of the Management Board.

Before appointment, the candidate selected by the Management Board *shall* be invited to make a statement before the *Parliamentary Scrutiny Unit* and to answer questions put by its members.

Or. es

*Justification*

*Creation of a new committee to draw up a list of at least three candidates for subsequent appointment to the post of Executive Director; this committee shall be made up of the Commission representative on the Management Board and two other*

*members of that Board. The Commission representative has been included because of the Commission's extensive experience in the selection of staff. The Parliamentary Scrutiny Unit has been included in the process in order to enhance parliamentary scrutiny.*

#### **Amendment 108**

##### **Proposal for a regulation Article 56 – paragraph 5**

*Text proposed by the Commission*

5. The Management Board shall inform the European Parliament if it intends to extend the Executive Director's term of office. Within the month before any such extension, the Executive Director *may* be invited to make a statement before the ***competent committee of the Parliament*** and answer questions put by its members.

*Amendment*

5. The Management Board shall inform the European Parliament if it intends to extend the Executive Director's term of office. Within the month before any such extension, the Executive Director ***shall*** be invited to make a statement before the ***Parliamentary Scrutiny Unit*** and answer questions put by its members.

Or. es

*Justification*

*The Parliamentary Scrutiny Unit has been included in the process in order to enhance parliamentary scrutiny.*

#### **Amendment 109**

##### **Proposal for a regulation Article 56 – paragraph 7**

*Text proposed by the Commission*

7. The Executive Director may be removed from office only upon a decision of the Management Board ***acting on a proposal from the Commission***.

*Amendment*

7. The Executive Director may be removed from office only upon a decision of the Management Board, ***explained to the Parliamentary Scrutiny Unit***.

Or. es

*Justification*

*To enhance parliamentary scrutiny.*

## Amendment 110

### Proposal for a regulation Article 57 – paragraph 1

*Text proposed by the Commission*

1. **Four** Deputy Executive Directors, **including one responsible for training**, shall assist the Executive Director. **The Deputy Executive Director for Training shall be responsible for managing the Europol Academy and its activities.** The Executive Director shall define the tasks of the others.

*Amendment*

1. **Three** Deputy Executive Directors shall assist the Executive Director. The Executive Director shall define the tasks of the others.

Or. es

*Justification*

*Since the inclusion of a fourth Deputy Executive Director was due to the merger between Europol and the European Police College, which the rapporteur does not consider appropriate, we would maintain the system of three Deputy Executive Directors.*

## Amendment 111

### Proposal for a regulation Article 60 – paragraph 2

*Text proposed by the Commission*

2. The Management Board shall, on the basis of that draft, produce a provisional draft estimate of Europol's revenue and expenditure for the following financial year. The provisional draft estimate of Europol's revenue and expenditure shall be sent to the Commission each year by [date set out in the framework Financial Regulation]. The Management Board shall send a final draft estimate, which shall include a draft establishment plan, to the Commission, **the European Parliament and the Council** by 31 March.

*Amendment*

2. The Management Board shall, on the basis of that draft, produce a provisional draft estimate of Europol's revenue and expenditure for the following financial year. The provisional draft estimate of Europol's revenue and expenditure shall be sent to the Commission each year by [date set out in the framework Financial Regulation]. The Management Board shall send **and submit** a final draft estimate, which shall include a draft establishment plan, to the **Parliamentary Scrutiny Unit and shall send this to the** Commission, the Council **and the national parliaments** by

31 March.

Or. es

*Justification*

*Under Article 88 of the Treaty on the Functioning of the European Union, parliamentary scrutiny by the European Parliament and the national parliaments must be included in the Regulation. Hence the creation of the Parliamentary Scrutiny Unit, which shall be governed by Article 53 of this Regulation.*

**Amendment 112**

**Proposal for a regulation  
Article 62 – paragraph 2**

*Text proposed by the Commission*

2. Europol shall send the report on the budgetary and financial management to **the European Parliament**, the Council and the Court of Auditors by 31 March of the following financial year.

*Amendment*

2. Europol shall send **and submit to the Parliamentary Scrutiny Unit** the report on the budgetary and financial management **and shall send it** to the Council and the Court of Auditors by 31 March of the following financial year.

Or. es

*Justification*

*Under Article 88 of the Treaty on the Functioning of the European Union, parliamentary scrutiny by the European Parliament and the national parliaments must be included in the Regulation. Hence the creation of the Parliamentary Scrutiny Unit, which shall be governed by Article 53 of this Regulation.*

**Amendment 113**

**Proposal for a regulation  
Article 62 – paragraph 6**

*Text proposed by the Commission*

6. The Executive Director shall, by 1 July following each financial year, send the final accounts to **the European Parliament**, the Council, the Commission, the Court of Auditors and national

*Amendment*

6. The Executive Director shall, by 1 July following each financial year, send **and submit** the final accounts **to the Parliamentary Scrutiny Unit and shall send them** to the Council, the Commission,

Parliaments, together with the Management Board's opinion.

the Court of Auditors and national parliaments, together with the Management Board's opinion.

Or. es

*Justification*

*Under Article 88 of the Treaty on the Functioning of the European Union, parliamentary scrutiny by the European Parliament and the national parliaments must be included in the Regulation. Hence the creation of the Parliamentary Scrutiny Unit, which shall be governed by Article 53 of this Regulation.*

**Amendment 114**

**Proposal for a regulation  
Article 63 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

***2. Because of the specificity of the Members of the Network of National Training Institutes which are the only bodies with specific characteristics and technical competences to perform relevant training activities, these members may receive grants without a call for proposals in accordance with Article 190(1)(d) of the Commission Delegated Regulation (EU) No 1268/2012.***

***deleted***

Or. es

*Justification*

*To remove all references to training, as the rapporteur feels that the Europol-Cepol merger should not go ahead.*

**Amendment 115**

**Proposal for a regulation  
Article 70 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. The Commission shall forward the

2. The Commission shall forward ***and***

evaluation report together with its conclusions on the report to ***the European Parliament***, the Council, the national parliaments and the Management Board.

***submit*** the evaluation report together with its conclusions on the report to ***the Parliamentary Scrutiny Unit and shall forward it to*** the Council, the national parliaments and the Management Board.

Or. es

#### *Justification*

*Under Article 88 of the Treaty on the Functioning of the European Union, parliamentary scrutiny by the European Parliament and the national parliaments must be included in the Regulation. Hence the creation of the Parliamentary Scrutiny Unit, which shall be governed by Article 53 of this Regulation.*

#### **Amendment 116**

##### **Proposal for a regulation Article 70 – paragraph 3**

###### *Text proposed by the Commission*

3. On the occasion of every second evaluation, the Commission shall also assess the results achieved by Europol having regard to its objective, mandate and tasks. If the Commission considers that the continuation of Europol is no longer justified with regard to its assigned objectives and tasks, it may propose that this Regulation be amended accordingly or repealed.

###### *Amendment*

3. On the occasion of every second evaluation, the Commission shall also assess the results achieved by Europol having regard to its objective, mandate and tasks. If the Commission considers that the continuation of Europol is no longer justified with regard to its assigned objectives and tasks, it may propose that this Regulation be amended accordingly or repealed. ***The same procedure shall be followed in forwarding this proposal as was used to approve this Regulation.***

Or. es

#### **Amendment 117**

##### **Proposal for a regulation Article 73 – paragraph 1**

###### *Text proposed by the Commission*

1. Europol, as established by this

###### *Amendment*

1. Europol, as established by this

Regulation, shall be the general legal successor in respect of all contracts concluded by, liabilities incumbent on, and properties acquired by Europol, as established by Decision 2009/371/JHA, **and CEPOL, as established under Decision 2005/681/JHA.**

Regulation, shall be the general legal successor in respect of all contracts concluded by, liabilities incumbent on, and properties acquired by Europol, as established by Decision 2009/371/JHA.

Or. es

*Justification*

*To remove all references to Cepol, as the rapporteur feels that the Europol-Cepol merger should not go ahead.*

**Amendment 118**

**Proposal for a regulation  
Article 73 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. This Regulation shall not affect the legal force of agreements concluded by CEPOL as established by Decision 2005/681/JHA before the date of entry into force of this Regulation.**

**deleted**

Or. es

*Justification*

*To remove all references to Cepol, as the rapporteur feels that the Europol-Cepol merger should not go ahead.*

**Amendment 119**

**Proposal for a regulation  
Article 73 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. By way of derogation from paragraph 3, the Headquarters Agreement concluded on the basis of the Decision 2005/681/JHA shall be terminated from**

**deleted**

*the date of entry into application of this Regulation.*

Or. es

*Justification*

*To remove all references to Cepol, as the rapporteur feels that the Europol-Cepol merger should not go ahead.*

**Amendment 120**

**Proposal for a regulation  
Article 74 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

**1. The term of office of the members of the Governing Board of CEPOL as established on the basis of Article 10 of Decision 2005/681/JHA shall terminate on [date of entry into force of this Regulation].** *deleted*

Or. es

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*Justification*

*To remove all references to Cepol, as the rapporteur feels that the Europol-Cepol merger should not go ahead.*

**Amendment 121**

**Proposal for a regulation  
Article 75 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. The Executive Director of CEPOL appointed on the basis of Article 11(1) of Decision 2005/681/JHA shall, for the remaining periods of his/her term of office, be assigned to the functions of the Deputy Executive Director of training of** *deleted*



**2005/681/JHA.**

References to the replaced **Decisions** shall be construed as references to this Regulation.

Decision 2009/371/JHA.

References to the replaced **Decision** shall be construed as references to this Regulation.

Or. es

*Justification*

*To remove all references to Cepol, as the rapporteur feels that the Europol-Cepol merger should not go ahead.*

**Amendment 124**

**Proposal for a regulation  
Article 78 – paragraph 1**

*Text proposed by the Commission*

1. All legislative measures implementing **the Decisions 2009/371/JHA and Decision 2005/681/JHA** are repealed with effect from the date of application of this Regulation.

*Amendment*

1. All legislative measures implementing **Decision 2009/371/JHA** are repealed with effect from the date of application of this Regulation.

Or. es

*Justification*

*To remove all references to Cepol, as the rapporteur feels that the Europol-Cepol merger should not go ahead.*

**Amendment 125**

**Proposal for a regulation  
Article 78 – paragraph 2**

*Text proposed by the Commission*

2. All non-legislative measures implementing Decision 2009/371/JHA which sets up the European Police Office (Europol) **and Decision 2005/681/JHA which sets up CEPOL** shall remain in force following the [date of application of

*Amendment*

2. All non-legislative measures implementing Decision 2009/371/JHA which sets up the European Police Office (Europol) shall remain in force following the [date of application of this Regulation], unless otherwise decided by the

this Regulation], unless otherwise decided by the Management Board of Europol in the implementation of this Regulation..

Management Board of Europol in the implementation of this Regulation.

Or. es

*Justification*

*To remove all references to Cefol, as the rapporteur feels that the Europol-Cefol merger should not go ahead.*

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

The European Police Office (Europol) was established in the first instance on 26 July 1995 by a Convention, the only instrument available at that point in time under the Maastricht Treaty. The Convention had to be ratified by all Member States before it entered into force. This meant that the Europol Convention could only be altered through a 'protocol', an instrument which then had to be submitted to the national parliaments for its subsequent ratification.

Three protocols were ratified between 2000 and 2003, with the aim of improving Europol's operation. These protocols entered into force between 29 March and 18 April 2007. The procedure involved was particularly long and complex. This shows the extent to which it was difficult, or almost impossible, to rapidly alter Europol's overall framework to tackle urgent situations for which it required new powers.

Europol needed to be governed by a more effective legal instrument that would enable it to respond more rapidly in its fight against crime, with the latter taking on an ever more international character. As a result of the entry into force of the Treaty of Amsterdam, the European Police Office was to be restructured as an EU Agency, complete with a Community budget and staff. With this in mind, on 6 April 2009 the Council adopted its Decision establishing the European Police Office and repealing the former Europol Convention.

The entry into force of the Lisbon Treaty on 1 December 2009 brought with it recognition of the European Parliament's co-decision powers. Article 88 of the Treaty on the Functioning of the European Union states that the European Parliament and the Council shall determine, by means of a Regulation adopted in accordance with the ordinary legislative procedure, Europol's structure, operation, field of action and tasks.

Europol's mission, as stipulated in Article 88 of the Treaty on the Functioning of the European Union, is: 'to support and strengthen action by the Member States' police authorities and other law enforcement services 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.' Europol facilitates the exchange of information between Member States' law enforcement authorities and provides criminal analysis to help national police forces carry out cross border investigations.

In the 'Stockholm Programme – An open and secure Europe serving and protecting citizens' the European Council 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.' Approval of this

Regulation will enable the Stockholm Programme to achieve one of its objectives and priorities.

In light of:

- the repeatedly expressed opinion of the majority of the political groups represented in the European Parliament;
- the opinions expressed verbally before Parliament and the written submissions by the Chairs of the Management Boards of Cefpol and Europol;
- the opinions of the Directors of Europol and Cefpol given before Parliament;
- the opinion of the majority of the Member States expressed in the JHA Council of 7 June 2013;

all of which are opposed to merging Europol and Cefpol:

the rapporteur, being in agreement with the opinions referred to, considers that the Regulation on the European Union Agency for Law Enforcement Cooperation and Training (Europol) and repealing Council Decisions 2009/371/JHA and 2005/681/JHA should only refer to the European Police Office Europol, and that therefore the derogation in this legislative proposal should only concern Decision 2009/371/JHA.

Over the last 10 years, the EU has seen serious and organised crime rise and crime patterns become more diverse. The EU Serious and Organised Crime Threat Assessment 2013 (SOCTA 2013) produced by Europol found that, 'serious and organised crime is an increasingly dynamic and complex phenomenon, and remains a significant threat to the safety and prosperity of the EU'. The study also notes that 'the effects of globalisation in society and business have also facilitated the emergence of significant new variations in criminal activity, in which criminal networks exploit legislative loopholes, the Internet, and conditions associated with the economic crisis to generate illicit profits at low risk'. The Internet is used to organise and execute criminal activities, serving as a communication tool, a marketplace, recruiting ground and financial service. It also facilitates new forms of cybercrime and payment card fraud, as well as the distribution of child sexual abuse material.

Regarding the changes in the way organised crime operates in the European Union, it should particularly be pointed out that nowadays the aim of organised crime groups is to maximise their income. To achieve this they commit many crimes such as human trafficking, drug and arms trafficking, financial crimes such as corruption, fraude and money-laundering, and cybercrime. All these offences not only pose a threat to EU citizens' personal and financial security, but they also generate unlawful profits which strengthen the power of criminal networks and deprive public authorities of much needed revenue. Terrorism remains a major threat to the EU's security, as societies in Europe are still vulnerable to terrorist attacks.

Crime comes fifth in a list of things that worry EU citizens. They are also affected by cybercrime, which is rising rapidly and may erode trust in Internet services and seriously damage the EU's economy. This is why the European Cybercrime Centre EC3 started work on 11 January 2013 to act as an instrument for coordination on online crimes. It comes under the European Police Office.

All the aforementioned reasons explain why there is a need for a European Police Office that is efficient and effective in sharing information and cooperation.

## **2. LEGAL ELEMENTS OF THE PROPOSAL**

The legal basis for the proposal is Article 88 of the Treaty on the Functioning of the European Union.

## **3. OBJECTIVES AND CONTENT**

The proposal put forward defines clearly Europol's field of action, its functions and the way in which it is to cooperate with the Member States. It also sets out the following objectives:

1. Align Europol with the requirements of the Treaty of Lisbon by setting up the legislative framework of Europol in the regulation and by introducing a mechanism for control of Europol's activities by the European Parliament, together with national Parliaments.
2. Improve governance of Europol by increasing efficiency.
3. Equip Europol with a more robust data-protection architecture by making the European Data Protection Supervisor (EDPS), who is fully independent, responsible for supervising the processing of Europol personal data.
4. Stepping up exchange of information.

The Regulation achieves these aims in the following way:

### **3.1. Adapting Europol to the Lisbon Treaty and parliamentary scrutiny**

The regulation ensures that Europol's activities are subject to scrutiny by the democratically elected representatives of the EU citizens. The proposed rules are in line with the Commission's Communication on the procedures for the scrutiny of Europol's activities by the European Parliament, together with national parliaments.

Said parliamentary scrutiny is specifically included in Article 53 of this Regulation although there are also many references to it throughout the text.

Scrutiny of Europol's activities by the European Parliament and the national parliaments will be effected through a Parliamentary Scrutiny Unit. This will have a

small and specialist structure, being formed by the European Parliament committee concerned (LIBE) together with a representative from the Committee on Home Affairs or its equivalent in each of the Member States' national parliaments. The Scrutiny Unit will always meet at the European Parliament's seat. It will be convened by the Chair of the European Parliament Committee concerned (LIBE) and, finally, it will be co-chaired by the Chair of the LIBE Committee and the representative of the national parliament of the Member State holding the pro-tempore Presidency of the Council.

The following will be submitted to the Parliamentary Scrutiny Unit for discussion:

- Europol's consolidated annual activity report,
- the annual and multiannual work programme;
- the European Data Protection Supervisor's annual report on supervision of Europol.

Furthermore, this Unit will be able to ask the candidate chosen to be Executive Director of Europol to make a statement and to report on the exercise of his/her duties.

The aforementioned Article 53 states that the Chair of the Management Board shall appear before the Parliamentary Scrutiny Unit, when it so requests, to discuss matters concerning Europol. Similarly, threat assessments, strategic analyses and general situation reports relating to Europol's objectives, as well as the results of studies and evaluations commissioned by Europol, shall be forwarded to the European Parliament and the national parliaments for their information.

Nor should it be forgotten that the European Parliament must fulfil its duties as the budgetary authority; the statement of estimates and the report on budgetary and financial management, in particular, are to be submitted to the EP at its seat and it will approve the Executive Director's management of the budget.

### 3.2. Improved governance

The Regulation improves governance of Europol by seeking efficiency gains and streamlining procedures, notably with respect to the Management Board and the Executive Director. In addition, the Commission and the Member States will each have one representative on the Management Board to ensure its good work.

Owing to the effectiveness and operational efficiency demonstrated by years of experience, those members of the Management Board representing the Member States will continue to be top-ranking heads of police forces from each of the Member States or persons appointed by individual Member States on the grounds of their experience in managing police forces and their knowledge of police cooperation. It will also be possible for this person to appoint an alternate to act as full member in the former's absence. Among its other duties, the Management Board will adopt the following each year: the work programme for the following year, the multi-annual work programme, Europol's annual budget, the consolidated annual activity report and the

financial regulations applying to Europol. Notably, it will be responsible for appointing the Executive Director from a list of at least three candidates, proposed by a committee made up of the Commission's representative on the Management Board and two other members of the Management Board.

The Management Board will furthermore adopt its decisions by simple majority, save in exceptional cases, which will make them easier to take, more effective and more flexible.

In order to ensure efficient day-to-day functioning of Europol, the Executive Director is its legal representative and manager. The Executive Director is completely independent in the performance of his/her tasks and ensures that Europol carries out the tasks foreseen in this Regulation. In particular, the Executive Director should be responsible for preparing budgetary and planning documents submitted for the decision of the Management Board, implementing Europol's annual and multiannual work programmes and other planning documents.

The Regulation stipulates that the Europol National Units are guarantors and defenders of national interests in Europol. National Units are to be the contact point between Europol and the authorities concerned. This guarantees that their role is central but at the same time one of coordinating all Member State cooperation with and through Europol, so that the Member State gives one unitarian response to Europol's requirements.

### 3.3. More robust data protection architecture

The data protection regime applicable to Europol's activities is strengthened.

- The role of the European Data Protection Supervisor, who is fully independent, is referred to. He/she has important powers such as to hear and investigate complaints, monitor and ensure that the provisions of this Regulation are applied, advise Europol on all matters concerning the processing of personal data, keep a register of operations and carry out a prior check of processing notified to him/her.
- The processing of personal data on victims, witnesses, persons different from suspects, and minors is prohibited unless strictly necessary. This limitation also applies to data revealing racial or ethnic origin, political opinions, religions or beliefs, trade-union membership and of data concerning health or sex life (sensitive personal data). Furthermore, sensitive personal data can only be processed where they supplement other personal data already processed by Europol.
- Access by Member States to personal data held by Europol and relating to operational analyses, is made indirect based on a hit/no hit system: an automated comparison produces an anonymous 'hit' if the data held by the requesting Member State match data held by Europol. The related personal or specific case data are only provided in response to a separate follow-up request.

- To increase transparency, individuals' right of access to personal data held by Europol is reinforced. The information that Europol must provide to an individual requesting access to his/her data is listed in the Regulation.
- The proposal establishes clear rules on the division of responsibilities for data protection; specifically, it makes Europol responsible for re-examining periodically the need to retain personal data.
- The obligation of logging and documentation is extended from covering access to a wider range of data processing activities: collection, alteration, access, disclosure, combination and erasure. To ensure better control over the use of data and clarity on who has been processing it, the regulation prohibits modification of the logs.
- In so far as necessary for Europol to perform its tasks, Europol may process personal data originating from private parties. Europol may also receive these data directly from individuals if the national legislation applicable to the private party allows the direct transfer of said data to law enforcement authorities. In this event, Europol will immediately send all the information, and especially the personal data, to the national units concerned.
- Any individual can turn to Europol for compensation for unlawful data processing or an action incompatible with the provisions of this Regulation. In such a case Europol and a Member State in which damage has occurred are jointly and severally liable (Europol on the basis of Article 340 of the Treaty and the Member State on the basis of its national law).
- The national data protection authorities remain however competent for supervision of input, the retrieval and any communication to Europol of personal data by the Member State concerned. They also remain responsible for examining whether such input, retrieval or communication violates the rights of the data subject.
- The Regulation introduces elements of "joint supervision" on data transferred to and processed at Europol. In specific issues requiring national involvement and in order to ensure coherent application of this regulation throughout the European Union, the European Data Protection Supervisor and national supervisory authorities, each acting within its competences, should co-operate with each other.

#### 3.4. Stepping up exchange of information

The Regulation seeks to increase the supply of information from Member States to Europol. To do so, it strengthens the obligation for Member States to provide Europol with relevant data, using the National Unit as the point of contact with Europol.

Thanks to the system the Regulation establishes for exchanging information, high data protection and data security standards are achieved by means of procedural safeguards

that apply to any specific kind of information. The Regulation sets out in detail the purposes of data processing activities (cross-checking, strategic analyses or other general nature, operational analyses in specific cases), the sources of information and who may access data. It also lists the categories of personal data and data subjects whose data may be collected for each specific information processing activity. And it guarantees high standards of protection through the powers the Regulation confers on the European Data Protection Supervisor.

#### **4. IMPACT ASSESSMENT**

The impact assessment on Europol was based on two policy objectives: increasing the provision of information to Europol by Member States and establishing a data processing environment that allows Europol to fully assist Member States in preventing and combating serious crime and terrorism. As regards the former objective, two policy options were assessed: i) clarifying a legal obligation of Member States to provide data to Europol, providing for incentives and a reporting mechanism on the performance of individual Member States, and (ii) granting Europol access to relevant national law enforcement databases on a hit-/no hit basis. As regards the policy objective on a data processing environment, two policy options were assessed: i) merging the two existing Analyses Work Files into one and (ii) creating a new processing environment setting procedural safeguards to implement data protection principles with particular emphasis on ‘privacy by design’.

Using the Commission’s established methodology, each policy option was assessed, with the help of an inter-service steering group, against its impact on security and on fundamental rights.

According to the assessment, its implementation will improve the effectiveness of Europol as an agency providing comprehensive support for law enforcement officers in the European Union.

#### **5. BUDGETARY IMPLICATION**

The final number of posts and the overall budget are subject to the outcome of both an internal Commission review of the resource needs of decentralised agencies for the period 2014-2020 and the MFF negotiations, with special regard to an assessment of ‘real needs’ in a context like the current one, characterised by competing demands for very limited budget resources and the requirement to cut staff numbers by 5 % in Agencies.