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Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) 2020/0349(COD) Regulation</p>	Procedure completed
<p>Strengthening Europol's mandate: cooperation with private parties, processing of personal data, and support for research and innovation</p>	
<p>Subject</p> <p>1.20.09 Protection of privacy and data protection 7.30.05 Police cooperation 7.30.05.01 Europol, CEPOL 7.40.04 Judicial cooperation in criminal matters</p>	
<p>Legislative priorities</p> <p>Joint Declaration 2021 Joint Declaration 2022</p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Civil Liberties, Justice and Home Affairs	 ZARZALEJOS Javier	10/02/2021
		Shadow rapporteur	
		 ROBERTI Franco	
		 TUDORACHE Dragos	
		 BRICMONT Saskia	
		 VANDENDRIESSCHE Tom	
		 JAKI Patryk	
		 DALY Clare	
	Committee for opinion	Rapporteur for opinion	Appointed
 Budgets	 HERBST Niclas	14/01/2021	
 Budgetary Control	The committee decided not to give an opinion.		

Key events

09/12/2020	Legislative proposal published	COM(2020)0796	Summary
08/02/2021	Committee referral announced in Parliament, 1st reading		
12/10/2021	Vote in committee, 1st reading		
12/10/2021	Committee decision to open interinstitutional negotiations with report adopted in committee		
15/10/2021	Committee report tabled for plenary, 1st reading	A9-0290/2021	Summary
18/10/2021	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
21/10/2021	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71 - vote)		
16/03/2022	Approval in committee of the text agreed at 1st reading interinstitutional negotiations		
03/05/2022	Debate in Parliament		
04/05/2022	Results of vote in Parliament		
04/05/2022	Decision by Parliament, 1st reading	T9-0142/2022	Summary
24/05/2022	Act adopted by Council after Parliament's 1st reading		
08/06/2022	Final act signed		
27/06/2022	Final act published in Official Journal		

Technical information

Procedure reference	2020/0349(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the EU TFEU 088-p2-a1
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/04906

Documentation gateway

Legislative proposal	COM(2020)0796	09/12/2020	EC	Summary
Document attached to the procedure	SWD(2020)0543	10/12/2020	EC	
Document attached to the procedure	SWD(2020)0544	10/12/2020	EC	

Document attached to the procedure		SEC(2020)0545	14/12/2020	EC	
Document attached to the procedure		N9-0018/2021 OJ C 143 23.04.2021, p. 0006	08/03/2021	EDPS	
Committee draft report		PE689.818	10/05/2021	EP	
Committee opinion	BUDG	PE689.865	02/06/2021	EP	
Amendments tabled in committee		PE693.804	08/06/2021	EP	
Amendments tabled in committee		PE693.801	08/06/2021	EP	
Committee report tabled for plenary, 1st reading/single reading		A9-0290/2021	15/10/2021	EP	Summary
Text adopted by Parliament, 1st reading/single reading		T9-0142/2022	04/05/2022	EP	Summary
Commission response to text adopted in plenary		SP(2022)324	08/06/2022	EC	
Draft final act		00008/2022/LEX	08/06/2022	CSL	

Additional information

Research document

[Briefing](#)

03/06/2021

Final act

[Regulation 2022/991](#)
[OJ L 169 27.06.2022, p. 0001](#)

Strengthening Europol's mandate: cooperation with private parties, processing of personal data, and support for research and innovation

PURPOSE: to strengthen Europol's mandate to support Member States in preventing and combatting serious crime and terrorism.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the EU faces a security landscape in flux, with evolving and increasingly complex security threats. Criminals and terrorists exploit the advantages that the digital transformation and new technologies bring about, including the inter-connectivity and blurring of the boundaries between the physical and digital world. The COVID-19 crisis has added to this, as criminals have quickly seized opportunities to exploit the crisis by adapting their modes of operation or developing new criminal activities.

These threats spread across borders and manifest themselves in poly-criminal organised crime groups that engage in a wide range of criminal activities. As action at national level alone does not suffice to address these transnational security challenges, therefore the Commission proposes to enhance Europol's mandate in order to give further support to Member States law enforcement authorities.

This Commission proposal is part of the Counter-Terrorism package.

CONTENT: this proposal aims to support and strengthen action by the Member States 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.

Specific provisions of the new mandate

The new mandate should:

- ensure effective cooperation between Europol and private parties: terrorists often abuse the services provided by private companies to recruit volunteers, to carry out terrorist attacks and to disseminate their propaganda. The revised mandate would allow private parties to refer such information directly to Europol. The Agency would be able to receive personal data directly from private parties and analyse it to identify all Member States concerned; request personal data from private parties (via the Member State where it is located); and act as a channel for Member States' requests to private parties, in compliance with data protection requirements;

- enable Europol to exchange personal data with private parties related to crisis response: the proposal sets out rules for Europol to support Member States in preventing the large scale dissemination, via online platforms, of terrorist content related to on-going or recent real-world

events depicting harm to life or physical integrity. Europol would be able to exchange personal data with private parties, including hashes, IP addresses or URLs related to such content;

- allow Europol to analyse large datasets (big data) to support criminal investigations, considering that the processing of large data sets is an integral part of police work in today's digital world;
- improve Europol's cooperation with the European Public Prosecutor's Office, including through analytical support to the work of the European Public Prosecutor's Office and information exchange, and with the European Anti-Fraud Office;
- reinforce Europol's role in developing new technologies for law enforcement, helping to equip national law enforcement authorities with modern technologies to counter serious crime and terrorism;
- strengthen Europol's data protection framework, accountability and democratic oversight, including by introducing new reporting obligations for Europol to the Joint Parliamentary Scrutiny Group in charge of monitoring its activities.

Budgetary implications

The proposal would have an impact on the budget and staff needs of Europol. It is estimated that an additional budget of around EUR 180 million and around 160 additional posts would be needed for the overall MFF period to ensure that Europol has the necessary resources to enforce its revised mandate.

This increase in staff and budget would give Europol the means to fulfil its strengthened mandate. It would provide the European Counter Terrorism Centre with adequate resources and to enable its EU Internet Referral Unit to monitor and refer all types of terrorist content to online platforms with a 24/7 availability.

The revision of Europol's mandate also opens the possibility for Member States to contribute directly to Europol's budget, where necessary and required by existing or new tasks.

Strengthening Europol's mandate: cooperation with private parties, processing of personal data, and support for research and innovation

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Javier ZARZALEJOS (EPP, ES) on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2016/794, as regards Europol's cooperation with private parties, the processing of personal data by Europol in support of criminal investigations, and Europol's role on research and innovation.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Tasks

Members proposed that Europol should cooperate with Financial Intelligence Units (FIUs) to support cross-border investigations by Member States into the money laundering activities of transnational criminal organisations and terrorism financing. Europol should also support the Commission and Member States in the screening of specific cases of foreign direct investments into the EU that concern undertakings providing technologies, including software or critical technologies that could be used to facilitate terrorism.

Request by Europol for the initiation of a criminal investigation

The report added that where Europol considers that a criminal investigation should be initiated into a specific crime which affects a common interest covered by a Union policy but is not of a cross-border nature, it should request the competent authorities of the Member State concerned via the national unit to initiate, conduct or coordinate such criminal investigation.

Multiannual programming and annual work programmes

Members suggested that the multiannual programming should set out the overall strategic programming, including the objectives, expected results and performance indicators. It should also set out the resource planning, including the multiannual budget and staff. It should also include the strategy for relations with third countries and international organisations and its planned research and innovation activities.

Transfer of personal data to third countries and international organisations

In the absence of an adequacy decision, the report proposed that Europol may transfer personal data to a third country or an international organisation where:

- appropriate safeguards regarding the protection of personal data are provided for in a legally binding instrument; or
- Europol has assessed all the circumstances surrounding the transfer of personal data and has concluded that appropriate safeguards exist with regard to the protection of personal data.

Exchanges of personal data with private parties

According to Members, Europol may send a request to Member States to provide it with personal data from private parties, that are established or have a legal representative in their territory. Such a request shall be reasoned and as targeted as possible. Europol should also carry out an assessment of the possible security risks posed by the opening of its infrastructure for use by private parties and, where necessary, implement appropriate preventive and mitigating measures.

Data Protection Officer

The report specified that the Data Protection Officer should be appointed for a term of four years and shall be eligible for reappointment. The Data Protection Officer may make recommendations to the Management Board for the practical improvement of data protection and advise on matters concerning the application of data protection provisions.

Fundamental Rights Officer

Members proposed that a Fundamental Rights Officer should be appointed to:

- monitor Europol's compliance with fundamental rights;
- promote Europol's respect of fundamental rights in the performance of its tasks and activities;
- advise Europol where he or she deems it necessary or where requested on any activity of Europol without impeding or delaying those activities.

Moreover, the report provided that all Europol staff involved in operational tasks involving personal data processing should receive mandatory training on the protection of fundamental rights and freedoms, including with regard to the processing of personal data.

Adequate funding

Members highlighted that expanding Europol's mandate and the scope of its data processing activities will require the EDPS to dedicate additional financial and human resources to exercise its supervisory role as regards Europol.

Joint Parliamentary scrutiny

The report stressed the importance of providing Europol with additional tools and capabilities requires reinforcing the democratic oversight, transparency and accountability of Europol. Joint parliamentary scrutiny constitutes an important element of political monitoring of Europol's activities. To enable effective political monitoring of the way Europol applies additional tools and capabilities, Europol should provide the Joint Parliamentary Scrutiny Group with annual information on the use of these tools and capabilities and the result thereof.

Strengthening Europol's mandate: cooperation with private parties, processing of personal data, and support for research and innovation

The European Parliament adopted by 480 votes to 143, with 20 abstentions a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2016/794, as regards Europol's cooperation with private parties, the processing of personal data by Europol in support of criminal investigations, and Europol's role on research and innovation.

The European Union Agency for Law Enforcement Cooperation (Europol) is an EU agency with a crucial role in police cooperation. The proposed regulation aims to strengthen Europol's resources to better support Member States in their fight against new threats and *modus operandi*.

The European Parliament's first-reading position under the ordinary legislative procedure amends the Commission's proposal as follows.

Research and innovation

Given the challenges posed to the security of the Union by rapid technological developments and the exploitation of new technologies by terrorists and other criminals, the Regulation mandates Europol to assist Member States in using emerging technologies, exploring new approaches and developing common technological solutions to enable them to prevent and combat more effectively the forms of crime which fall within Europol's objectives.

At the same time, Europol should ensure that the development, use and deployment of new technologies are guided by the principles of transparency, explainability, fairness and accountability, do not undermine fundamental rights and freedoms and are in compliance with Union law.

Processing of large data sets

The data collected in the context of criminal investigations has grown in size and complexity. Member States, through their own data analysis, cannot always detect cross-border links.

Under the draft regulation, Europol should be able to process large and complex data sets to support Member States in their fight against serious crime and terrorism. The draft also contains strict requirements to ensure that any data processing by Europol is always in line with fundamental rights, including the right to privacy, as the regulation is aligned with the EU data protection regulation.

Transitional arrangements

In the draft Regulation, a new article has been introduced to further clarify the situation of data currently in the possession of Europol. A transitional measure will allow Member States, the European Public Prosecutor's Office and Eurojust to inform Europol that they wish to apply the new Europol mandate in respect of such data. Europol would, in that case, be able to continue to support investigations based on these data. In general, the text aims at reconciling the efficiency of the agency with full compliance with data protection rules.

Cooperation with private parties

In order to prevent and combat forms of crime falling within Europol's objectives, Europol should support Member States' actions aimed at effectively combating the dissemination of terrorist content in the context of online crisis situations arising from current or recent real events, as well as the online dissemination of child pornography.

Due to the increased use of online services by criminals, private parties hold increasing amounts of personal data, including subscriber, traffic and content data, which are potentially useful for criminal investigations.

Under the draft regulation, Europol should be able to receive personal data directly from private parties, thus providing a contact point at EU level to legally share data sets from several authorities. Europol should then analyse these datasets in order to identify the Member States concerned and forward the information to national authorities.

Cooperation with third countries

The draft regulation extends the scope for Europol to cooperate with third countries. It introduces the possibility to exchange personal data with countries where appropriate safeguards have been provided for in a legally binding instrument or exist based on a self-assessment carried out

in the framework of Europol.

In the absence of an adequacy decision, the Management Board may authorise Europol to transfer personal data to a competent authority of a third country or to an international organisation where: (i) appropriate safeguards with regard to the protection of personal data are provided for in a legally binding instrument; or (ii) Europol has assessed all the circumstances surrounding the transfer of personal data and has concluded that appropriate safeguards exist with regard to the protection of personal data.

Cooperation with the European Public Prosecutors Office (EPPO)

Europol should work closely with the EPPO and support the investigations of the EPPO, upon its request. Europol should also report to the EPPO without delay any criminal conduct which falls under the EPPOs competence. To enhance the operational cooperation between the two bodies, the draft regulation also sets down the rules for access to Europol's data by the EPPO.

SIS alerts

Europol should be able to propose to Member States, on the basis of information received from third countries or international organisations, to enter alerts in the Schengen Information System (SIS) for information in the interest of the Union on persons involved in terrorist activities or serious crime.

Own-initiative investigations

The new mandate should allow the Executive Director of Europol to propose opening a national investigation into non-cross-border crimes affecting a common interest covered by an EU policy. It should be up to the national authorities to decide whether or not to comply with this request.