



EUROPEAN PARLIAMENT

2009 - 2014

---

*Committee on Constitutional Affairs*

---

**2013/0091(COD)**

21.6.2013

## **DRAFT OPINION**

of the Committee on Constitutional Affairs

for the Committee on Civil Liberties, Justice and Home Affairs

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))

Rapporteur: Alexandra Thein

PA\_Legam

## SHORT JUSTIFICATION

### BACKGROUND

The European Police Office (EUROPOL) started as an intergovernmental body regulated by a Convention concluded between the Member States, which entered into force in 1999. By virtue of a Council Decision adopted in 2009, EUROPOL became an EU agency funded by the EU budget. Its role is to provide support to national law enforcement services' action and their mutual cooperation in the prevention of and fight against serious crime and terrorism.

The European Police College (CEPOL) was established as an EU agency in 2005, in charge of activities related to the training of law enforcement officers. It aims to facilitate cooperation between national police forces by organizing courses with a European policing dimension.

In order to achieve economies of scale and given the overlapping interests and tasks of these two Community agencies, it has been deemed appropriate that they should be merged. The Joint Statement on the Common Approach on EU decentralized agencies endorsed by the European Parliament, Council and Commission in July 2012 sets out principles for the governance arrangements of agencies such as Europol and CEPOL. Merging EUROPOL and CEPOL into a **single agency**, situated at the current headquarters of Europol in The Hague would create important synergies and efficiency gains.

In parallel and in order to deal with the strong increase in serious and organised crime in Europe over the last 10 years, for example, in regard to trafficking in human beings, in illicit drugs, and in firearms, financial crimes like corruption, fraud and money laundering, and cybercrime, it would appear vital that cooperation between Member States and contacts between the operational and the training staff need to be further enhanced.

### OBJECTIVES

The proposal covers a number of objectives:

- 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.
- establish European training schemes and exchange programmes for all relevant law enforcement professionals at national and EU level.
- grant EUROPOL new responsibilities so that it may provide a more comprehensive support for law enforcement authorities in the Member States. This includes EUROPOL taking over the current tasks of CEPOL in the area of training of law

enforcement officers and developing a Law Enforcement Training Scheme. This also involves a possibility for EUROPOL to develop the EU centers of specialized expertise for combating certain types of crime falling under EUROPOL's objectives, in particular the European Cybercrime Centre.

- ensure a robust data protection regime for EUROPOL, in particular to guarantee that the data protection supervisor of EUROPOL has full independence, can act effectively and has sufficient powers of intervention.
- improve the governance of EUROPOL by seeking increased efficiency.

## ACCOUNTABILITY

**Aligning EUROPOL with the requirements of the Treaty of Lisbon, increasing its accountability**, the future Regulation ensures that EUROPOL's activities are subject to scrutiny by the democratically elected representatives of the EU citizens. From a practical point of view, the European Parliament and the national parliaments would receive information through annual activity reports and final accounts each year, and receive for information threat assessments, strategic analyses and general situation reports, etc.

In addition, the **European Parliament**:

- fulfils its functions of the budgetary authority (receives the statement of estimates, the report on the budgetary and financial management for that financial year, and any information required for the discharge procedure);
- is consulted on the multi-annual work programme of EUROPOL and receives for information the annual work programme of EUROPOL;
- may invite the candidate for the Executive Director of EUROPOL for a hearing before the competent parliamentary committee or to reply to its questions on his/her performance.

In order to allow the European Parliament to exercise the scrutiny but at the same time to guarantee confidentiality of operational information, EUROPOL and the European Parliament need to conclude **working arrangement on the access to European Union Classified Information** and sensitive non-classified information processed by or through EUROPOL.

**EUROPOL as a hub for information exchange between law enforcement authorities in the Member States.** This is done by **strengthening the obligation for Member States to provide EUROPOL with relevant data**. An incentive is offered by extending the possibility for law enforcement services to receive financial support to cross border investigations in areas other than euro counterfeiting. A reporting mechanism to monitor Member States' contribution of data to EUROPOL is introduced.

## MODIFICATIONS REQUIRED

The Committee on Constitutional Affairs, and its rapporteur by the suggested amendments, has wished to highlight in particular:

- the role of the European Parliament and national Parliaments to determine together the organisation and promotion of an effective and regular interparliamentary cooperation within the Union, especially in the field of police and judicial cooperation where the Union and the Member States share their competences;
- the fusion of Europol with CEPOL is not the good solution to increase the efficiency of Europol;
- the data protection Rules into force as established by the European Parliament have to be applied.

## AMENDMENTS

The Committee on Constitutional Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following amendments in its report:

### Amendment 1

#### Proposal for a regulation Title

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

#### *Justification*

*The fusion of Europol with CEPOL is not the good solution to increase efficiency of the agency. Theses agencies are rather effective and cooperation between the two of them is increasing and already improving to ensure European security. On the contrary, a merger of Europol and CEPOL could affect their independence which is not desirable. Therefore the Title of the proposal has to mention only Europol.*

## Amendment 2

### Proposal for a regulation Citation 1

#### *Text proposed by the Commission*

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

#### *Amendment*

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

Or. en

#### *Justification*

*The fusion of Europol with CEPOL is not the good solution to increase efficiency of the agency. Therefore the citation has to refer only to article 88 of the TFEU.*

## Amendment 3

### Proposal for a regulation Recital 2

#### *Text proposed by the Commission*

(2) Article 88 of the Treaty provides for Europol to be governed by a regulation to be adopted in accordance with the ordinary legislative procedure. It also requires the establishment of procedures for the scrutiny of Europol's activities by the European Parliament, together with national Parliaments. Therefore, it is necessary to replace the Decision 2009/371/JHA by a regulation laying down rules on parliamentary scrutiny.

#### *Amendment*

(2) Article 88 of the Treaty provides for Europol to be governed by a regulation to be adopted in accordance with the ordinary legislative procedure. It also requires the establishment of procedures for the scrutiny of Europol's activities by the European Parliament, together with national Parliaments ***in accordance with Article 12(c) of the Treaty on European Union and Article 9 of Protocol No 1 on the role of national parliaments in the European Union, in order to enhance the democratic legitimacy and accountability of Europol to the European citizens.*** Therefore, it is necessary to replace the Decision 2009/371/JHA by a regulation laying down rules on parliamentary scrutiny.

Or. en

### *Justification*

*It is important to highlight the specific goals of Europol parliamentary scrutiny. The article 12 TEU refers to the active contribution of national Parliaments to the good functioning of the Union and the Protocol (No 1) and the article 9 of Protocol rest upon them, in concert with the European Parliament, the organisation and promotion of the interparliamentary cooperation within the Union. Both articles as EU Primary law concerning interparliamentary cooperation need to be mentioned.*

## **Amendment 4**

### **Proposal for a regulation**

#### **Recital 3**

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

(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.

##### *Amendment*

(3) **Europol for enabling its mission also establishes a special cooperation with the** European Police College ('CEPOL'), **as** established by Decision 2005/681/JHA, **in order** to facilitate cooperation between national police forces by organising and coordinating training activities with a European policing dimension.

Or. en

### *Justification*

*The fusion of Europol with CEPOL is not the good solution to increase efficiency of the agency. These agencies are rather effective and it's only important to increase cooperation between the two of them to ensure European security.*

## **Amendment 5**

### **Proposal for a regulation**

#### **Recital 6**

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

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

##### *Amendment*

(6) Given the links between the tasks of Europol and CEPOL, **a special cooperation** of the two agencies would enhance the effectiveness of operational activity, the relevance of training and the

cooperation.

efficiency of Union police cooperation.

Or. en

*Justification*

*The fusion of Europol with CEPOL is not the good solution to increase efficiency of the agency. These agencies are rather effective and it's only important to increase cooperation between the two of them to ensure European security.*

**Amendment 6**

**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 **that Decision**. Europol as established by this regulation should replace and assume the functions of Europol as established by the repealed **Decision**.

Or. en

*Justification*

*The fusion of Europol with CEPOL is not the good solution to increase efficiency of the agency. Therefore any reference to the CEPOL Agency is no longer necessary.*

**Amendment 7**

**Proposal for a regulation**

**Recital 48**

*Text proposed by the Commission*

(48) **To ensure** that Europol is a fully accountable and transparent internal organisation, **it is necessary**, in the light of Article 88 of the Treaty on the Functioning

*Amendment*

(48) **To respect the role of the Parliaments in the Monitoring of the European Area of Freedom, Security and Justice and the political responsibilities of the national**



of the European Union, *to lay down* procedures for scrutiny of Europol activities by the European Parliament together with national Parliaments, taking into due account the need to safeguard confidentiality of operational information.

*parliaments and of the European Parliament in respecting and exercising their respective powers in the legislation process, it is necessary* that Europol is a fully accountable and transparent internal organisation. *To that end*, in the light of Article 88 of the Treaty on the Functioning of the European Union, procedures for scrutiny of Europol activities by the European Parliament together with national Parliaments *must be established*, taking into due account the need to safeguard confidentiality of operational information.

Or. en

#### *Justification*

*The Presidency Conclusions of the Conference of the Speakers of the Parliaments of the EU held in Brussels on 4-5 April 2011 have specified and considered necessary to exercise a closer and a deeper parliamentary oversight of Europol's activities.*

### **Amendment 8**

#### **Proposal for a regulation Recital 48 a (new)**

*Text proposed by the Commission*

*Amendment*

*(48a) The concerted parliamentary oversight of Europol by the European Parliament and the national Parliaments should take place within the framework of existing inter-parliamentary structures enhanced by an intensified exchange of information and provisions for regular joint meetings.*

Or. en

#### *Justification*

*The Speakers of the Parliaments of the EU in the above mentioned meeting in Brussels on 4-5 April 2011 discussed and agreed on the form of scrutiny for monitoring the activities of the European Police Office (Europol).*

## Amendment 9

### Proposal for a regulation Recital 57

#### *Text proposed by the Commission*

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

#### *Justification*

*The fusion of Europol with CEPOL is not the good solution to increase efficiency of the agency. Therefore any reference to CEPOL is no longer necessary.*

## Amendment 10

### 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, the Executive Director and ring-fencing part of Europol's budget for training for three years

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

following the entry into force of this Regulation.

Or. en

*Justification*

*The fusion of Europol with CEPOL is not the good solution to increase efficiency of the agency. Therefore any reference to CEPOL is no longer necessary.*

**Amendment 11**

**Proposal for a regulation  
Chapter III – Title**

*Text proposed by the Commission*

*Amendment*

***Chapter III***

***deleted***

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

Or. en

*Justification*

*The fusion of Europol with CEPOL is not the good solution to increase efficiency of the agency. Therefore any reference to the tasks related to training is not necessary.*

**Amendment 12**

**Proposal for a regulation  
Article 9**

*Text proposed by the Commission*

*Amendment*

***Article 9***

***deleted***

***Europol Academy***

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

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

*(a) raise awareness and knowledge of:*

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

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

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

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

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

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

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

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

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

Or. en

## *Justification*

*The fusion of Europol with CEPOL is not the good solution to increase efficiency of the agency. Therefore any reference to the tasks related to training is not necessary.*

### **Amendment 13**

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

#### **Article 10**

*Text proposed by the Commission*

*Amendment*

#### **Article 10**

***deleted***

#### ***Tasks of the Europol Academy***

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

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

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

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

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

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

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

***(a) assess the impact of existing Union-***

*related law enforcement training policies and initiatives;*

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

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

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

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

Or. en

#### *Justification*

*The fusion of Europol with CEPOL is not the good solution to increase efficiency of the agency. Therefore any reference to the tasks related to training is not necessary.*

### **Amendment 14**

#### **Proposal for a regulation Article 11**

*Text proposed by the Commission*

*Amendment*

#### **Article 11**

***deleted***

#### ***Research relevant for training***

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

***2. The Europol Academy shall promote and establish a partnership with Union***

*bodies as well as with public and private academic institutions and shall encourage the creation of stronger partnerships between universities and law enforcement training institutes in Member States.*

Or. en

*Justification*

*The fusion of Europol with CEPOL is not the good solution to increase efficiency of the agency. Therefore any reference to the tasks related to training is not necessary.*

**Amendment 15**

**Proposal for a regulation**  
**Article 25 – paragraph 2**

*Text proposed by the Commission*

2. Member States, Union bodies, third countries and international organisations may indicate, at the moment of transferring information, any restriction on access or use, in general or specific terms, including as regards erasure or destruction. Where the need for such restrictions becomes apparent after the transfer, they shall inform Europol accordingly. Europol shall comply with such restrictions.

*Amendment*

2. Member States, Union bodies, third countries and international organisations may indicate, at the moment of transferring information, any restriction on access or use, in general or specific terms, including as regards erasure or destruction. ***In setting such restrictions, they shall as much as possible refrain from preventing information being made available to the European Parliament and national parliaments when exercising parliamentary scrutiny in accordance with the provisions laid down in Chapter IX of this Regulation.*** Where the need for such restrictions becomes apparent after the transfer, they shall inform Europol accordingly. Europol shall comply with such restrictions.

Or. en

*Justification*

*The documents which will be made available during the Parliamentary scrutiny need to take into account their Confidentiality.*

## Amendment 16

### Proposal for a regulation Article 53 – paragraphs 1 and 2

#### *Text proposed by the Commission*

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.
2. Parliamentary scrutiny by the European Parliament, together with national Parliaments, of Europol's activities shall be exercised in accordance with ***this Regulation***.

#### *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, ***at least twice per year***, to discuss matters relating to ***Europol's strategic documents and/or its evaluation reports***, taking into account the obligations of discretion and confidentiality.
2. Parliamentary scrutiny by the European Parliament, together with national Parliaments, of Europol's activities shall be exercised in accordance with ***the decisions taken by both the European and national Parliaments***.  
  
***2a. To this extent, that scrutiny shall be exerted by an interparliamentary body within which representatives of the European Parliament and the national parliaments would meet on a regular basis and which functioning modalities shall be decided together by the European Parliament and the national Parliaments at the latest 6 months after the entry into force of this Regulation. That scrutiny shall be organized within the framework of existing-interparliamentary structures.***

Or. en

#### *Justification*

*The Speakers of the Parliaments of the EU in the above mentioned meeting in Brussels on 4-5 April 2011 discussed and agreed on the form of the scrutiny for monitoring the activities of the European Police Office (Europol). The practical modalities of the functioning of this Interparliamentary body had to be established jointly by European and national Parliaments.*



## Amendment 17

### Proposal for a regulation Article 54

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

2. Access to European Union Classified Information and sensitive non-classified information shall be in compliance with the basic principles and minimum standards **as referred to in Article 69**. The details shall be governed by a working arrangement concluded between Europol and the European Parliament.

#### *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 **shall** be granted to the European Parliament and its representatives upon request, ***after consultation of the data provider and after deletion of personal data.***

2. Access to European Union Classified Information and sensitive non-classified information shall be in compliance with the basic principles and minimum standards ***laid down in the Decision of the Bureau of the European Parliament of 15 April 2013 concerning the rules governing the treatment of confidential information by the European Parliament<sup>1</sup>***. The details shall be governed by a working arrangement concluded between Europol and the European Parliament ***on the basis of Annex II of the Framework Agreement on relations between the European Parliament and the European Commission.***

---

<sup>1</sup> ***Not yet published in the Official Journal***

Or. en

#### *Justification*

*The data protection Rules into force established by the European Parliament have to be applied.*

## Amendment 18

### Proposal for a regulation

#### Article 56 – paragraph 2 – subparagraph 3

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

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*

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

Or. en

##### *Justification*

*The European parliamentary scrutiny on the Executive Director need to be strengthened accordingly also with new rules applicable to other European Agencies (ENVI).*

## Amendment 19

### Proposal for a regulation

#### Article 70 – paragraphs 1 and 2

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

1. No later than five years after [the date of application of this Regulation,] and every five years thereafter, the Commission shall commission an evaluation to assess particularly the impact, effectiveness and efficiency of Europol and its working practices. The evaluation shall, in particular, address the possible need to modify the objectives of Europol, and the financial implications of any such modification.

2. The Commission shall forward the evaluation report together with its conclusions on the report to the European Parliament, the Council, the national parliaments and the Management Board.

##### *Amendment*

1. No later than five years after [the date of application of this Regulation,] and every five years thereafter, the Commission shall commission an evaluation to assess particularly the impact, effectiveness and efficiency of Europol and its working practices ***as well as the functioning of the mechanisms for control of Europol's activities by the European Parliament together with national parliaments***. The evaluation shall, in particular, address the possible need to modify the objectives of Europol, and the financial implications of any such modification.

2. The Commission shall forward the evaluation report together with its conclusions on the report, ***if appropriate accompanied by a proposal to amend this Regulation***, to the European Parliament,

the Council, the national parliaments and the Management Board.

Or. en

*Justification*

*The clause of the evaluation and review has to be extended also to the Europol mechanism of parliamentary control.*

**Amendment 20**

**Proposal for a regulation  
Article 77**

*Text proposed by the Commission*

This Regulation replaces and repeals Decision 2009/371/JHA **and Decision 2005/681/JHA**.

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

*Amendment*

This Regulation replaces and repeals Decision 2009/371/JHA.

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

Or. en

**Amendment 21**

**Proposal for a regulation  
Article 78**

*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.

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*

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

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. en