

Invitation to exchange of information by electronic means in the framework of the Joint Parliamentary Scrutiny Group (JPSG)

“Management Board activities from September 2019 to June 2020”

Written submission by Mr Andrei Linta, Chairperson of the Europol Management Board (MB)

Introduction:

The MB Chairperson was invited to participate as a keynote speaker in the sixth JPSG meeting, previously scheduled for 22-23 March 2020 in Zagreb and subsequently cancelled due to the COVID-19 pandemic.

At the JPSG Co-Chairs' invitation, the MB Chairperson is pleased to provide hereby a concise overview of the main activities performed by the MB since September 2019, and remains available for any additional information or clarification in response to possible questions/comments from the JPSG Members.

I. September – December 2019

Two MB meetings took place during this period, on 4 October and 10-11 December 2019 respectively. Here below, a summary of the main topics discussed at each meeting and of the decisions taken by the MB.

112th MB Meeting (4 October 2019)

Europol's budgetary perspectives for 2020 and its financial 2021-2027 outlook were at the core of MB discussions. The Board emphasised the need to provide the Agency with appropriate and sustainable resources for the years to come, in order to respond to increasing demands from all Member States in the interest of the Security Union. In this context, the current multiannual budgetary proposal for Europol, which was clearly insufficient, and the request addressed by the Commission to progressively reduce the number of Contract Agents (CAs) raised serious concern amongst MB Members.

Pertaining to Europol's external relations, the MB discussed the status of Europol's cooperation with Eurojust and was informed about the outcome of ongoing negotiations between the Commission and a number of Middle Eastern and North African countries - as well as of preparations concerning New Zealand - towards the conclusion of international agreements allowing for the exchange of personal data with Europol (N.B.: in their absence, the Agency can receive but not submit personal data to these third parties). Further, the Board took positive note of the progress achieved by Europol in the implementation of its Roadmap on EU Interoperability. With a view to the upcoming Europol Regulation (ER) recast, the Board considered the regulatory differences between Europol and the other JHA Agencies pertaining to arrangements for the assessment of

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risks from a data protection perspective and for prior consultations with the European Data Protection Supervisor (EDPS). Further, the Board considered the opinion issued by the Europol Cooperation Board regarding the embedment of the FIU.net into SIENA, while awaiting the EDPS's decision on the matter. Relating to Europol's core business, the Board received an update on the work carried out by the European Counter Terrorism Centre and the EU Internet Referral Unit and endorsed a new reporting approach from the Agency to the MB in operational matters.

The MB took decisions in the following areas:

- **Europol Staff:** the MB adopted decisions laying down implementing rules on middle management staff, temporary occupation of managerial posts, contract agents, and law enforcement traineeships at Europol.
- **Financial Regulation (FR):** the MB adopted the new FR applicable to Europol.
- **External relations:** the MB adopted a revised Model for the conclusion of working arrangements pursuant to Article 23(4) of the ER, resulting from consultations with the Europol Security Committee and the EDPS.

113th MB Meeting (10-11 December 2019)

Budgetary and planning matters featured amongst the most important agenda items. Those items were discussed by the Board in the presence of Mr Juan Fernando López Aguilar, Chair of the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) and Co-Chair of the JPSG, who had been invited by the MB in an observer capacity pursuant to Article 14(4) of the ER. Following the final adoption of the general budget of the Union, the Board adopted the Europol budget for 2020 as well as Europol's staffing levels for all post categories, including CAs. Further, the MB expressed its gratitude to the European Parliament, and the JPSG, for their continued support during budgetary negotiations, which had resulted in a financial and staff allocation greater than the levels proposed by the Commission and higher than the 2019 budget. However, given the significant shortfall compared to the initial draft estimate, the Board decided that the Programming Document (PD) 2020-2022, and specifically the Work Programme 2020, which it had already adopted in compliance with Article 12(1) of the ER, should be reviewed in order to align the implementation of the identified annual priorities with the resources eventually allocated to the Agency. The PD 2020 version resulting from this re-prioritisation exercise, which was to be conducted in close consultation with the Member States, would be submitted to the MB for adoption on the earliest possible occasion.

In parallel, the Board continued to discuss Europol's multiannual budgetary perspectives and endorsed the preliminary draft PD for the period 2021-2023. Given the uncertainty of future financial perspectives, the MB commended the Executive Director of Europol, Ms Catherine De Bolle, for her successful approach towards enhancing the efficient use of resources, including by reshuffling existing teams to ensure the start-up of the necessary preparations for the implementation of the Strategy 2020+.

Further, the MB discussed the findings of the latest Internet Organised Crime Threat Assessment ([IOCTA 2019](#)), latest developments concerning the European Cybercrime Centre (EC3) with a particular attention to the new challenges posed by big data in the area of online child sexual exploitation, and Europol's activities pertaining to travel intelligence.

Besides the final Europol's budget 2020, the MB took the following decisions:

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- **Europol Staff:** the MB adopted decisions laying down implementing rules on the reclassification of temporary and contract agents.
- **Information Management (IM):** the MB endorsed the 2020 IM priorities concerning core operational systems available to Member States and EU Interoperability.
- **Internal Audit Capability (IAC) Work Programme:** the MB approved the IAC Work Programme for 2020.
- **External relations:** the MB adopted the reviewed list of priority partners with which Europol may conclude working arrangements (second revision).

II. January-May 2020

The 10-11 March 2020 MB meeting was cancelled because of the COVID-19 pandemic. Notwithstanding the respective standing of each of the items initially included in the MB agenda, the matters which due to their nature and/or expected impact could not be adjourned were handled by means of dedicated written procedures. Key items considered by the MB through written procedure included the following ones.

- Implementation of the Europol Strategy 2020+: the MB took note of the progress made by the Task Force Analysis in refining the business model for criminal analysis. It also noted that preparations for the future European Financial and Economic Crime Centre (EFECC) had advanced, including by mapping the activities currently performed by the Agency in related crime areas. Organisational developments included the setting-up of a dedicated cross-directorate team responsible for laying the foundations of the Europol Innovation Lab.
- ATLAS Network: due to its operational relevance, in accordance with the terms of reference for cooperation agreed upon in October 2019, the MB endorsed a bridging budgetary solution to ensure Europol's support to ATLAS, while inviting the Commission to request a corresponding amended budget for 2020 and to earmark the necessary resources in the draft budget 2021.
- Revised Europol's PD 2020-2022: the MB adopted a revised version of this PD, including the updated Work Programme 2020 resulting from the re-assessment of the Agency's priorities. In particular, some activities would be de-prioritised and others would be subject to resource availability.
- Updated Europol's draft PD 2021-2023: the Board adopted the final draft estimate of Europol's revenue and expenditure for 2021, resulting from a close dialogue between the Agency and the Commission, as well as the ensuing updated version of the draft PD 2021-2023. Further, the Board took note that the consultation of the JPSG on the draft multiannual programming 2021-2023 in accordance with Articles 12(1) and 51(2)(c) of the ER could not be undertaken yet, since the new Europol External Strategy, which would be an integral part of it, was still under preparation and the relevant draft was tabled for MB adoption in June 2020.
- Working Arrangement (WA) with OLAF: pursuant to Articles 11(1)(r) of the ER and 13(4) of the MB Decision laying down guidelines implementing Europol's external relations with EU bodies, third countries and international organisations, the MB approved the conclusion of this WA, aimed to enhance cooperative relations between Europol and OLAF in areas such as fraud, corruption, money laundering, intellectual property crime, and any illegal activity affecting the financial interests of the EU within the mandate of both Parties.

III. Planning documents transmitted to the JPSG

For the sake of transparency and completeness, the JPSG has received two successive versions of Europol's PD 2020-2022, namely: this first one in February 2020, after its adoption by the MB in November 2019 pursuant to Article 12(1) of the ER, and the second one in April, further to the adoption by the Board of an updated version of this document, based on a thorough re-assessment of Europol's priorities for 2020.

Regarding the draft PD 2021-2023, the JPSG has received to date two versions of the multiannual component of the draft multiannual programming. The first one was transmitted in February and the second one in April, as updated in light of the final draft estimate of Europol's revenue and expenditure for 2021 endorsed by the MB. The third and final version of the draft multiannual programming will be submitted to the JPSG for consultation once the new Europol External Strategy has been approved by the MB.

Although the complexity of this process is largely outside Europol's control, we are conscious of the inconvenience that such successive iterations of our planning documents may have caused or still cause to you. On the other hand, we are confident that the JPSG will appreciate the transparency of this procedure, which allows the Group to closely follow the evolution of Europol's budgetary and planning cycle.
