



**2020/0349(COD)**

19.4.2021

# **AMENDMENTS**

## **15 - 46**

**Draft opinion**

**Niclas Herbst**

(PE689.865v02-00)

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

Proposal for a regulation

(COM(2020)0796 – C9-0401/2020 – 2020/0349(COD))



**Amendment 15**  
**Vlad Gheorghe**

**Proposal for a regulation**  
**Recital 2**

*Text proposed by the Commission*

(2) Europe 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. Terrorism remains a significant threat to the freedom and way of life of the Union and its citizens.

*Amendment*

(2) Europe 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, ***which instrumentalise and exploit the debts and the lack of income brought about by the COVID-19 crisis. The Union's economic recovery depends largely on its capacity to prevent and eradicate financial crime.*** Terrorism remains a significant threat to the freedom and way of life of the Union and its citizens.

Or. en

**Amendment 16**  
**Vlad Gheorghe**

**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

(4) As Europe faces increasing threats from organised crime groups and terrorist attacks, an effective law enforcement response must include the availability of well-trained interoperable special intervention units specialised in the control of crisis situations. In the Union, the law

*Amendment*

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enforcement units of the Member State cooperate on the basis of Council Decision 2008/617.<sup>53</sup> Europol should be able to provide support to these special intervention units, including by providing operational, technical and financial support.

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<sup>53</sup> Council Decision 2008/617/JHA of 23 June 2008 on the improvement of cooperation between the special intervention units of the Member States of the European Union in crisis situations (OJ L 210, 6.8.2008).

***operationalisation of investigative instruments available in the Union's legal framework is especially necessary in view of the unprecedented mobilisation of much higher amounts of financial resources under Next Generation EU.*** In the Union, the law enforcement units of the Member State cooperate on the basis of Council Decision 2008/617.<sup>53</sup> Europol should be able to provide support to these special intervention units, including by providing operational, technical and financial support.

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<sup>53</sup> Council Decision 2008/617/JHA of 23 June 2008 on the improvement of cooperation between the special intervention units of the Member States of the European Union in crisis situations (OJ L 210, 6.8.2008).

Or. en

## **Amendment 17**

### **Vlad Gheorghe**

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

##### **Recital 5**

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

(5) In recent years large scale cyber attacks targeted public and private entities alike across many jurisdictions in the Union and beyond, affecting various sectors including transport, health and financial services. Cybercrime and cybersecurity cannot be separated in an interconnected environment. The prevention, investigation and prosecution of such activities is supported by coordination and cooperation between relevant actors, including the European Union Agency for Cybersecurity ('ENISA'), competent authorities for the security of network and information

###### *Amendment*

(5) In recent years large scale cyber attacks, ***including attacks originating from third countries***, targeted public and private entities alike across many jurisdictions in the Union and beyond, affecting various sectors including transport, health and financial services. Cybercrime and cybersecurity cannot be separated in an interconnected environment. The prevention, investigation and prosecution of such activities is supported by coordination and cooperation between relevant actors, including the European Union Agency for Cybersecurity ('ENISA'), competent authorities for the

systems ('NIS authorities') as defined by Directive (EU) 2016/1148<sup>54</sup>, law enforcement authorities and private parties. In order to ensure the effective cooperation between all relevant actors at Union and national level on cyber attacks and security threats, Europol should cooperate with the ENISA through the exchange of information and by providing analytical support.

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<sup>54</sup> Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union (OJ L 194, 19.7.2016, p. 1–30).

security of network and information systems ('NIS authorities') as defined by Directive (EU) 2016/1148<sup>54</sup>, law enforcement authorities and private parties. In order to ensure the effective cooperation between all relevant actors at Union and national level on cyber attacks and security threats, Europol should cooperate with the ENISA through the exchange of information and by providing analytical support.

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<sup>54</sup> Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union (OJ L 194, 19.7.2016, p. 1–30).

Or. en

## **Amendment 18**

### **Vlad Gheorghe**

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

##### **Recital 6**

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

(6) High-risk criminals play a leading role in criminal networks and pose a high risk of serious crime to the Union's internal security. To combat high-risk organised crime groups and their leading members, Europol should be able to support Member States in focusing their investigative response on identifying these persons, their criminal activities and the members of their criminal networks.

###### *Amendment*

(6) High-risk criminals play a leading role in criminal networks and pose a high risk of serious crime to the Union's internal security. To combat high-risk organised crime groups and their leading members, Europol should be able to support Member States in focusing their investigative response on identifying these persons, their criminal activities and **financial assets**, **and** the members of their criminal networks, **as well persons belonging to the national political and financial institutions who are involved in crimes via corruption schemes. Europol should also support Member States in the recovery of criminal assets for their subsequent**

**Amendment 19**

**Vlad Gheorghe**

**Proposal for a regulation**

**Recital 13**

*Text proposed by the Commission*

(13) Europol provides specialised expertise for countering serious crime and terrorism. Upon request by a Member State, Europol staff should be able to provide operational support to that Member State's law enforcement authorities on the ground in operations and investigations, in particular by facilitating cross-border information exchange and providing forensic and technical support in operations and investigations, including in the context of joint investigation teams. Upon request by a Member State, Europol staff should be entitled to be present when investigative measures are taken in that Member State and assist in the taking of these investigative measures. Europol staff should not have the power to execute investigative measures.

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**Amendment 20**

**Hélène Laporte, Anna Bonfrisco, Valentino Grant**

**Proposal for a regulation**

**Recital 14**

*Text proposed by the Commission*

(14) One of Europol's objectives is to support and strengthen action by the

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competent authorities of the Member States and their mutual cooperation in preventing and combatting forms of crime which affect a common interest covered by a Union policy. To strengthen that support, Europol should be able to request the competent authorities of a Member State to initiate, conduct or coordinate a criminal investigation of a crime, which affects a common interest covered by a Union policy, even where the crime concerned is not of a cross-border nature. Europol should inform Eurojust of such requests.

competent authorities of the Member States and their mutual cooperation in preventing and combatting forms of crime which affect a common interest covered by a Union policy. To strengthen that support, Europol should be able, *in a sensible and measured regulatory framework*, to request the competent authorities of a Member State to initiate, conduct or coordinate a criminal investigation of a crime, which affects a common interest covered by a Union policy, even where the crime concerned is not of a cross-border nature. Europol should inform Eurojust of such requests.

Or. fr

**Amendment 21**  
**Vlad Gheorghe**

**Proposal for a regulation**  
**Recital 14**

*Text proposed by the Commission*

(14) One of Europol's objectives is to support and strengthen action by the competent authorities of the Member States and their mutual cooperation in preventing and combatting forms of crime which affect a common interest covered by a Union policy. To strengthen that support, Europol should be able to request the competent authorities of a Member State to initiate, conduct or coordinate a criminal investigation of a crime, which affects a common interest covered by a Union policy, even where the crime concerned is not of a cross-border nature. Europol should inform Eurojust of such requests.

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Or. en

## Amendment 22

Hélène Laporte, Anna Bonfrisco, Valentino Grant

### Proposal for a regulation

#### Recital 17

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

(17) Data collected in criminal investigations have been increasing in size and have become more complex. Member States submit large and complex datasets to Europol, requesting Europol's operational analysis to detect links to other crimes and criminals in other Member States and outside the Union. Member States cannot detect such cross-border links through their own analysis of the data. Europol should be able to support Member States' criminal investigations by processing large and complex datasets to detect such cross-border links where the strict requirements set out in this Regulation are fulfilled. Where necessary to support effectively a specific criminal investigation in a Member State, Europol should be able to process those data sets that national authorities have acquired in the context of that criminal investigation in accordance with procedural requirements and safeguards applicable under their national criminal law and subsequently submitted to Europol. Where a Member State provides Europol with an investigative case file requesting Europol's support for a specific criminal investigation, Europol should be able to process all data contained in that file for as long as it supports that specific criminal investigation. Europol should also be able to process personal data that is necessary for its support to a specific criminal investigation in a Member State if that data originates from a third country, provided that the third country is subject to a Commission decision finding that the country ensures an adequate level of data protection ('adequacy decision'), or, in the absence of an adequacy decision, an international agreement concluded by the

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Union pursuant to Article 218 TFEU, or a cooperation agreement allowing for the exchange of personal data concluded between Europol and the third country prior to the entry into force of Regulation (EU) 2016/794, and provided that the third country acquired the data in the context of a criminal investigation in accordance with procedural requirements and safeguards applicable under its national criminal law.

Union pursuant to Article 218 TFEU, or a cooperation agreement allowing for the exchange of personal data concluded between Europol and the third country prior to the entry into force of Regulation (EU) 2016/794, and provided that the third country acquired the data in the context of a criminal investigation in accordance with procedural requirements and safeguards applicable under its national criminal law.

***In view of the high degree of confidentiality of the data collected by Europol, the level of security against cyber-attacks or intrusions into the system should be increased to a maximum.***

Or. fr

**Amendment 23**  
**Hélène Laporte**

**Proposal for a regulation**  
**Recital 23**

*Text proposed by the Commission*

***(23) Europol should cooperate closely with the European Anti-Fraud Office (OLAF) to detect fraud, corruption and any other illegal activity affecting the financial interests of the Union. To that end, Europol should transmit to OLAF without delay any information in respect of which OLAF could exercise its competence. The rules on the transmission to Union bodies set out in this Regulation should apply to Europol's cooperation with OLAF.***

*Amendment*

***deleted***

Or. fr

**Amendment 24**  
**Vlad Gheorghe**

**Proposal for a regulation**  
**Recital 27**

*Text proposed by the Commission*

(27) Given the borderless nature of the internet, these services can often be provided from anywhere in the world. As a result, victims, perpetrators, and the digital infrastructure in which the personal data is stored and the service provider providing the service may all be subject to different national jurisdictions, within the Union and beyond. Private parties may therefore hold data sets relevant for law enforcement which contain personal data with links to multiple jurisdictions as well as personal data which cannot easily be attributed to any specific jurisdiction. National authorities find it difficult to effectively analyse such multi-jurisdictional or non-attributable data sets through national solutions. When private parties decide to lawfully and voluntarily share the data with law enforcement authorities, they do currently not have a single point of contact with which they can share such data sets at Union-level. Moreover, private parties face difficulties when receiving multiple requests from law enforcement authorities of different countries.

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Or. en

**Amendment 25**  
**Hélène Laporte, Valentino Grant**

**Proposal for a regulation**  
**Recital 32 a (new)**

*Text proposed by the Commission*

*Amendment*

***(32a) The Commission should ensure that the new Europol decryption platform will not be used to circumvent data protection standards and that it will maintain closely protected access rights to retrieved data.***

Or. fr

## **Amendment 26**

**Elisabetta Gualmini, Erik Bergkvist**

### **Proposal for a regulation**

#### **Recital 39**

*Text proposed by the Commission*

*Amendment*

(39) Europol should inform the European Data Protection Supervisor prior to the launch of its research and innovation projects that involve the processing of personal data. For each project, Europol should carry out, prior to the processing, an assessment of the impact of the envisaged processing operations on the protection of personal data and all other fundamental rights, including of any bias in the outcome. This should include an assessment of the appropriateness of the personal data to be processed for the specific purpose of the project. Such an assessment would facilitate the supervisory role of the European Data Protection Supervisor, including the exercise of its corrective powers under this Regulation which might also lead to a ban on processing. The development of new tools by Europol should be without prejudice to the legal basis, including grounds for processing the personal data concerned, that would subsequently be required for their deployment at Union or national level.

(39) Europol should inform the European Data Protection Supervisor prior to the launch of its research and innovation projects that involve the processing of personal data. For each project, Europol should carry out, prior to the processing, an assessment of the impact of the envisaged processing operations on the protection of personal data and all other fundamental rights, including of any bias in the outcome. This should include an assessment of the appropriateness of the personal data to be processed for the specific purpose of the project. Such an assessment would facilitate the supervisory role of the European Data Protection Supervisor, including the exercise of its corrective powers under this Regulation which might also lead to a ban on processing. The development of new tools by Europol should be without prejudice to the legal basis, including grounds for processing the personal data concerned, that would subsequently be required for their deployment at Union or national level. ***To enable the European Data Protection Supervisor to carry out its***

*increased responsibilities as a result of Europol's revised mandate, without sacrificing the quality of its work, it should be afforded the necessary human and financial resources.*

Or. en

#### **Amendment 27**

**Henrike Hahn**

on behalf of the Verts/ALE Group

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

##### **Recital 40**

*Text proposed by the Commission*

(40) Providing Europol with additional tools and capabilities requires reinforcing the democratic oversight 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.

*Amendment*

(40) 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 tools and capabilities, Europol should provide the Joint Parliamentary Scrutiny Group with **quarterly** information on the use of these tools and capabilities and the result thereof. ***The Joint Parliamentary Scrutiny Group should be informed before the launch of any research and innovation project.***

Or. en

#### **Amendment 28**

**Vlad Gheorghe**

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

##### **Recital 40**

*Text proposed by the Commission*

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tools and capabilities requires reinforcing the democratic oversight 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.

tools and capabilities requires reinforcing the democratic oversight and accountability of Europol. Joint parliamentary scrutiny constitutes an important element of political monitoring of Europol's activities **and financial management**. 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.

Or. en

**Amendment 29**  
**Elisabetta Gualmini, Erik Bergkvist**

**Proposal for a regulation**  
**Recital 40 a (new)**

*Text proposed by the Commission*

*Amendment*

***(40a) The new objectives and responsibilities of Europol reinforce the Union's capacities to cooperate with private parties and third countries, support Member States in investigations involving large and complex datasets, and its role with respect to research and innovation, in order to better fight against terrorism, cybercrime and other serious and organised forms of crime. The necessary appropriations for the purpose of financing these new responsibilities for Europol should be drawn exclusively from unallocated margins under the relevant MFF heading ceilings and/or through the mobilisation of the relevant MFF special instruments. The final amount should be authorised by the European Parliament and the Council through the annual budgetary procedure.***

Or. en

### Amendment 30

Nicolae Ștefănuță, Fabienne Keller, Olivier Chastel, Moritz Körner

#### Proposal for a regulation

##### Recital 41

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

(41) Europol's services provide added value to Member States and third countries. This includes Member States that do not take part in measures pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union. Member States and third countries may contribute to Europol's budget based on separate agreements. Europol should therefore be able to receive contributions from Member States and third countries on the basis of financial agreements within the scope of its objectives and tasks.

###### *Amendment*

(41) Europol's services provide added value to Member States and third countries. This includes Member States that do not take part in measures pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union. Member States and third countries may contribute to Europol's budget based on separate agreements. Europol should therefore be able to receive contributions from Member States and third countries on the basis of financial agreements within the scope of its objectives and tasks. ***The financial contributions that Europol can receive from the Member States or the third States should appear in the Europol budget as external assigned revenue and should be included in the annual accounts and in the annual report on the budgetary and financial management of Europol.***

Or. en

### Amendment 31

Henrike Hahn

on behalf of the Verts/ALE Group

#### Proposal for a regulation

##### Recital 41

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

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Or. en

### **Amendment 32**

**Elisabetta Gualmini, Erik Bergkvist**

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

##### **Recital 41**

*Text proposed by the Commission*

(41) Europol's services provide added value to Member States and third countries. This includes Member States that do not take part in measures pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union. Member States and third countries may contribute to Europol's budget based on separate agreements. Europol should therefore be able to receive contributions from Member States and third countries on the basis of financial agreements within the scope of its objectives and tasks.

*Amendment*

(41) Europol's services provide added value to Member States and third countries. This includes Member States that do not take part in measures pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union. Member States and third countries may contribute to Europol's budget based on separate agreements, ***subject to transparency and scrutiny.*** Europol should therefore be able to receive contributions from Member States and third countries on the basis of financial agreements within the scope of its objectives and tasks.

Or. en

### **Amendment 33**

**Fabienne Keller, Nicolae Ștefănuță, Olivier Chastel, Moritz Körner, Vlad Gheorghe**

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

##### **Recital 41 a (new)**

*Text proposed by the Commission*

*Amendment*

**(41a) It is necessary to provide Europol with additional human and financial resources so that it can carry out the tasks entrusted to it under this Regulation.**

Or. en

**Amendment 34**  
**Vlad Gheorghe**

**Proposal for a regulation**  
**Recital 42**

*Text proposed by the Commission*

*Amendment*

(42) Since the objective of this Regulation, namely 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, cannot be sufficiently achieved by the Member States but can rather, due to the cross-border nature of serious crime and terrorism and the need for a coordinated response to related security threats, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

(42) Since the objective of this Regulation, namely 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, ***including the illicit marketing online of pharmaceutical products related to the COVID-19 pandemic, the trafficking of human beings, arms, drugs and oil, environmental crime and cybercrime,*** cannot be sufficiently achieved by the Member States but can rather, due to the cross-border nature of serious crime and terrorism and the need for a coordinated response to related security threats, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

**Amendment 35**  
**Hélène Laporte, Anna Bonfrisco, Valentino Grant**

**Proposal for a regulation**  
**Recital 46**

*Text proposed by the Commission*

(46) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, in particular the right to the protection of personal data and the right to privacy as protected by Articles 8 and 7 of the Charter, as well as by Article 16 TFEU. Given the importance of the processing of personal data for the work of law enforcement in general, and for the support provided by Europol in particular, this Regulation includes effective safeguards to ensure full compliance with fundamental rights as enshrined in the Charter of Fundamental Rights. Any processing of personal data under this Regulation is limited to what is strictly necessary and proportionate, and subject to clear conditions, strict requirements and effective supervision by the EDPS.

*Amendment*

(46) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, in particular the right to the protection of personal data and the right to privacy as protected by Articles 8 and 7 of the Charter, as well as by Article 16 TFEU. Given the importance of the processing of personal data for the work of law enforcement in general, and for the support provided by Europol in particular, this Regulation includes effective safeguards to ensure full compliance with fundamental rights as enshrined in the Charter of Fundamental Rights. Any processing of personal data under this Regulation is limited to what is strictly necessary and proportionate, and subject to clear conditions, strict requirements and effective supervision by the EDPS. ***The new technology for the decryption platform should be subject to the appropriate data protection protocols, while ensuring that it does not pose a threat to fundamental rights.***

Or. fr

**Amendment 36**  
**Vlad Gheorghe**

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

Regulation (EU) 2016/794  
Article 4 - paragraph 3

*Text proposed by the Commission*

Europol shall also provide threats assessment analysis supporting the Commission and the Member States in carrying out risk assessments.;

*Amendment*

Europol shall also provide threats assessment analysis, ***including the analysis of any potential financial impact***, supporting the Commission and the Member States in carrying out risk assessments;

Or. en

**Amendment 37**  
**Monika Hohlmeier**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 2 – point d**  
Regulation (EU) 2016/794  
Article 4 – paragraph 4 a

*Text proposed by the Commission*

4a. Europol shall assist the Commission in identifying key research themes, drawing up and implementing the Union framework programmes for research and innovation activities that are relevant to achieve the objectives set out in Article 3. When Europol assists the Commission in identifying key research themes, drawing up and implementing a Union framework programme, the Agency shall not receive funding from that programme.

*Amendment*

4a. Europol shall assist the Commission in identifying key research themes, drawing up and implementing the Union framework programmes for research and innovation activities that are relevant to achieve the objectives set out in Article 3, ***while having due regard for potential conflicts of interests and bearing in mind resources available at the agency***. When Europol assists the Commission in identifying key research themes, drawing up and implementing a Union framework programme, the Agency shall not receive funding from that programme.

Or. en

**Amendment 38**  
**Vlad Gheorghe**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 9**  
Regulation (EU) 2016/794  
Article 21 - paragraph 8

*Text proposed by the Commission*

8. If during information-processing activities in respect of an individual investigation or specific project Europol identifies information relevant to possible illegal activity affecting the financial interest of the Union, Europol shall on its own initiative without undue delay provide OLAF with that information.

*Amendment*

8. If during information-processing activities in respect of an individual investigation or specific project Europol identifies information relevant to possible illegal activity affecting the financial interest of the Union, Europol shall on its own initiative without undue delay provide **EPPO and** OLAF with that information.

Or. en

**Amendment 39**  
**Elisabetta Gualmini, Erik Bergkvist**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 12 – point d**  
Regulation (EU) 2016/794  
Article 24 – paragraph 6 b

*Text proposed by the Commission*

6b. Europol's infrastructure may be used for exchanges between the competent authorities of Member States and private parties in accordance with the respective Member States' national laws. In cases where Member States use this infrastructure for exchanges of personal data on crimes falling outside the scope of the objectives of Europol, Europol shall not have access to that data.

*Amendment*

6b. Europol's infrastructure may be used for exchanges between the competent authorities of Member States and private parties in accordance with the respective Member States' national laws. In cases where Member States use this infrastructure for exchanges of personal data on crimes falling outside the scope of the objectives of Europol, Europol shall not have access to that data. ***In order to identify possible security risks posed by the opening of its infrastructure for use by private parties, Europol shall carry out an assessment and, where necessary, implement appropriate preventive and mitigating measures.***

Or. en

## **Amendment 40**

**Henrike Hahn**

on behalf of the Verts/ALE Group

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 38**

Regulation (EU) 2016/794

Article 57 – paragraph 4

#### *Text proposed by the Commission*

4. Europol may benefit from Union funding in the form of contribution agreements or grant agreements in accordance with its financial rules referred to in Article 61 and with the provisions of the relevant instruments supporting the policies of the Union. Contributions may be received from countries with whom Europol or the Union has an agreement providing for financial contributions to Europol within the scope of Europol's objectives and tasks. The amount of the contribution shall be determined in the respective agreement.;

#### *Amendment*

4. Europol may benefit from Union funding in the form of contribution agreements or grant agreements in accordance with its financial rules referred to in Article 61 and with the provisions of the relevant instruments supporting the policies of the Union. Contributions may be received from countries with whom Europol or the Union has an agreement providing for financial contributions to Europol within the scope of Europol's objectives and tasks. The amount of the contribution shall be determined in the respective agreement. ***These contributions shall not be linked or lead to measures or decisions that could undermine individuals' fundamental rights, or to any change within the scope of Europol's objectives and tasks. The amount, origin and purpose of the contributions shall be published on the website of Europol and included in its work programme.***

Or. en

## **Amendment 41**

**Nicolae Ștefănuță, Fabienne Keller, Olivier Chastel, Moritz Körner**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 38**

Regulation (EU) 2016/794

Article 57 - paragraph 4

*Text proposed by the Commission*

4. Europol may benefit from Union funding in the form of contribution agreements or grant agreements in accordance with its financial rules referred to in Article 61 and with the provisions of the relevant instruments supporting the policies of the Union. Contributions may be received from countries with whom Europol or the Union has an agreement providing for financial contributions to Europol within the scope of Europol's objectives and tasks. The amount of the contribution shall be determined in the respective agreement.;

*Amendment*

4. Europol may benefit from Union funding in the form of contribution agreements or grant agreements in accordance with its financial rules referred to in Article 61 and with the provisions of the relevant instruments supporting the policies of the Union. Contributions may be received from countries with whom Europol or the Union has an agreement providing for financial contributions to Europol within the scope of Europol's objectives and tasks. The amount of the contribution shall be determined in the respective agreement. ***Such contributions shall be included in the annual accounts of Europol and clearly detailed in the annual report on the budgetary and financial management referred to in paragraph 2 of Article 60.***

Or. en

**Amendment 42**  
**Silvia Modig**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 38**  
Regulation (EU) 2016/794  
Article 57 - paragraph 4

*Text proposed by the Commission*

4. Europol may benefit from Union funding in the form of contribution agreements or grant agreements in accordance with its financial rules referred to in Article 61 and with the provisions of the relevant instruments supporting the policies of the Union. Contributions may be received from countries with whom Europol or the Union has an agreement providing for financial contributions to Europol within the scope of Europol's ***objectives and*** tasks. The amount of the

*Amendment*

4. Europol may benefit from Union funding in the form of contribution agreements or grant agreements in accordance with its financial rules referred to in Article 61 and with the provisions of the relevant instruments supporting the policies of the Union. Contributions may be received from countries with whom Europol or the Union has an agreement providing for financial contributions to Europol within the scope of Europol's tasks. The amount of the contribution shall

contribution shall be determined in the respective agreement.;

be determined in the respective agreement.

Or. en

**Amendment 43**  
**Monika Hohlmeier**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 39 – point b**  
Regulation (EU) 2016/794  
Article 61 - paragraph 2

*Text proposed by the Commission*

2. Europol may award grants related to the fulfilment of its ***objectives and*** tasks as referred to in ***Articles 3 and 4.***”;

*Amendment*

2. Europol may award grants related to the fulfilment of its tasks as referred to in ***Article 4 and in accordance with its objectives as referred to in Article 3***”;

Or. en

*Justification*

*It seems reasonable to refer to objectives then tasks (3, 4) rather than the other way around.*

**Amendment 44**  
**Silvia Modig**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 39 – point b**  
Regulation (EU) 2016/794  
Article 61 - paragraph 2

*Text proposed by the Commission*

2. Europol may award grants related to the fulfilment of its objectives ***and tasks*** as referred to in ***Articles 3 and 4.***”;

*Amendment*

2. Europol may award grants related to the fulfilment of its objectives as referred to in ***Article 3.***”;

Or. en

**Amendment 45**  
**Silvia Modig**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 39 – point b**

Regulation (EU) 2016/794

Article 61 - paragraph 3

*Text proposed by the Commission*

3. Europol may award grants without a call for proposals to Member States for performance of activities falling within Europol's **objectives and** tasks.;

*Amendment*

3. Europol may award grants without a call for proposals to Member States for performance of activities falling within Europol's tasks.;

Or. en

**Amendment 46**  
**Silvia Modig**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 39 – point c**

Regulation (EU) 2016/794

Article 61 - paragraph 3 a

*Text proposed by the Commission*

**(c) the following paragraph 3a is inserted:**

**3a. Where duly justified for operational purposes, financial support may cover the full investment costs of equipment, infrastructure or other assets.**

*Amendment*

**deleted**

Or. en