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Answer given by Ms Johansson on behalf of the European Commission (8.9.2022)

The Commission is aware of the opinion of the European Data Protection Supervisor (EDPS) expressed in its press release published on Monday 27 June 2022 and would like to highlight that, under its new mandate, which entered into force on 28 June 2022, the European Union Agency for Law Enforcement Cooperation (Europol) is able to step up its support to Member States in fighting serious crime and terrorism. With the adoption of the amended Europol Regulation¹, the co-legislators have also decided to reinforce Europol’s data protection framework with clear safeguards to effectively analyse large and complex datasets and detect links to crimes and criminals in other Member States.

With this new mandate, this is also the will of the co-legislators to provide legal clarity on the pre-analysis of big data by Europol, addressing also decisions by the European Data Protection Supervisor (EDPS). Europol will have 18 months to pre-analyse big data received from Member States, where it is strictly necessary and proportionate, and give it a data subject categorisation, with a possible extension for another 18-month period, in duly justified cases. Europol’s Management Board has adopted a set of decisions on the conditions related to the processing of personal data and has invited the Management Board Chairperson to transmit the decisions to the EDPS for formal consultation.

The co-legislators have also strengthened the external supervision of Europol by the EDPS. By introducing the relevant provisions from the horizontal EU rules on data protection² into the Europol Regulation, the powers of the EDPS over Europol are aligned with those applicable to other EU bodies and agencies.

¹ Regulation (EU) 2022/991 of the European Parliament and of the Council of 8 June 2022 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 in research and innovation.