



**2022/2121(DEC)**

2.3.2023

## **OPINION**

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Budgetary Control

on discharge in respect of the implementation of the budget of the European Union Agency for Law Enforcement Cooperation (Europol) for the financial year 2021  
(2022/2121(DEC))

Rapporteur for opinion: Saskia Bricmont

PA\_NonLeg

## SUGGESTIONS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Budgetary Control, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Welcomes the fact that the Court of Auditors ('The Court') has declared the transactions underlying the annual accounts of the European Union Agency for Law Enforcement Cooperation (Europol) for the financial year 2021 to be legal and regular in all material respects; recalls that according to its statement of revenue and expenditure, the budget of the Agency increased in 2021 to EUR 178 million (+12.41%), while members of staff increased from 884 to 979 (+10,75%) within the same period;
2. Welcomes the establishment of the Europol Data Protection Experts Network (EDEN), used as a channel to present projects, best practices and events linked to data protection in a law enforcement context;
3. Welcomes the signature of a memorandum of understanding with the Fundamental Rights Agency, which would contribute to ensure Europol's compliance with fundamental rights;
4. Takes note of the reported observations with respect to management and control systems, namely the assessment made by the Agency of two cases of potential conflict of interest situation in relation to one senior manager taking up a job elsewhere; is concerned that in the case reviewed by the Court, the Court found that Europol did not issue its decision within the deadline set in Article 16 of the Staff Regulations and thus effectively authorised the person concerned to take up the new job without any restrictions and in contravention of above-mentioned article; takes note of the Europol's commitment to adapt its procedures for communicating the decision within the applicable timelines; further notes that according to Europol's reply, the Agency had conducted an ex-post assessment and considered that the organization was not exposed to a conflict of interest situation; welcomes that Europol is one of nine EU decentralised agencies that has specific provisions covering the risk of 'revolving door' situations in relation to members of its board and requests that such provisions are fully implemented to prevent any potential future 'revolving door' case;
5. Notes with concern that the observation from the Court stressing that late payments were issued by the Agency in 33% of the cases in 2020 is still ongoing; expresses concern that, according to the Court, similar levels of delays were observed in previous years; shares the opinion by the Court that this recurrent weaknesses expose Europol to reputational risks; notes however that in 2021 payment delays were reduced to 8%; welcomes the fact that Court's observations from 2018 and 2019 regarding contract management and ex-ante controls have been completed; calls on the Agency to continue its efforts in addressing all the observations from the Court;
6. Notes that on 16 September 2022, the European Data Protection Supervisor (EDPS) requested that the Court of Justice of the European Union annul two provisions of the amended Europol Regulation, namely Articles 74a and 74b, arguing that seriously undermine legal certainty for individuals' personal data and threaten the independence

of the EDPS; highlights that the responsibility concerning the legality of articles in the Regulation detailing mandate and prerogatives of the Agency falls to the co-legislators and the Court, when certain provisions are challenged and takes note that all contributions from before the entry into force of the amended Europol Regulation have meanwhile been assigned with a Data Subject Category (DSC); reiterates however its utmost concerns regarding the impact on individuals' fundamental rights in the "big data challenge" inquiry, admonishment decision and order;

7. Notes with concern the reports about the cooperation between Europol and Frontex in the field of border guard operations, particularly in the context of Frontex's PeDRA program 'Processing of Personal Data for Risk Analysis'<sup>1</sup>; recalls that cooperation among Europol and other JHA Agencies is fully transparent and subject to an adequate framework of oversight and accountability ensured; calls on the Agency to take measures to ensure full compliance with EU transparency rules as well as with fundamental rights with data protection standards in particular and accountability, including when cooperating with other JHA Agencies and partners; considers that the disclosure of meetings and interactions between the Agency and third parties when this can be ensured without prejudice to its operational activities, contributes to ensuring transparency; welcomes the swift appointment of the Europol Fundamental Rights Officer, position which was introduced with the amendments to the Europol Regulation that entered into force on 28 June 2022;
8. Is concerned about one individual complaint in particular to the EDPS introduced against Europol for the refusal to grant access to personal data; takes note that the EDPS issued a decision instructing Europol to comply with the data subject request two years after the complaint was introduced following the exchanges between the EDPS and Europol; calls on Europol to report to the discharge authority about the progress of this situation and to fully comply with its obligations concerning the protection of personal data;

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<sup>1</sup> <https://balkaninsight.com/2022/07/07/eus-frontex-tripped-in-plan-for-intrusive-surveillance-of-migrants/>

## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	1.3.2023
<b>Result of final vote</b>	<div style="display: flex; justify-content: space-between;"> <span>+: 52</span> </div> <div style="display: flex; justify-content: space-between;"> <span>–: 0</span> </div> <div style="display: flex; justify-content: space-between;"> <span>0: 12</span> </div>
<b>Members present for the final vote</b>	<p>Magdalena Adamowicz, Abir Al-Sahlani, Malik Azmani, Katarina Barley, Pietro Bartolo, Vladimír Bilčík, Vasile Blaga, Ioan-Rareș Bogdan, Karolin Braunsberger-Reinhold, Patrick Breyer, Saskia Bricmont, Patricia Chagnon, Caterina Chinnici, Clare Daly, Lena Düpont, Lucia Ďuriš Nicholsonová, Maria Grapini, Sylvie Guillaume, Andrzej Halicki, Evin Incir, Sophia in 't Veld, Patryk Jaki, Marina Kaljurand, Assita Kanko, Fabienne Keller, Łukasz Kohut, Moritz Körner, Alice Kuhnke, Jeroen Lenaers, Juan Fernando López Aguilar, Erik Marquardt, Nuno Melo, Maite Pagazaurtundúa, Karlo Ressler, Diana Riba i Giner, Birgit Sippel, Sara Skyttedal, Vincenzo Sofo, Tineke Strik, Ramona Strugariu, Annalisa Tardino, Tomas Tobé, Yana Toom, Milan Uhrík, Tom Vandendriessche, Jadwiga Wiśniewska, Javier Zarzalejos</p>
<b>Substitutes present for the final vote</b>	<p>Susanna Ceccardi, Gwendoline Delbos-Corfield, Loucas Furlas, Beata Kempa, Philippe Olivier, Dragoș Tudorache, Petar Vitanov, Tomáš Zdechovský</p>
<b>Substitutes under Rule 209(7) present for the final vote</b>	<p>Gheorghe Falcă, Jean-François Jalkh, Petra Kammerevert, Marisa Matias, Martina Michels, Ljudmila Novak, Stanislav Polčák, Mick Wallace, Bernhard Zimniok</p>

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

52	+
ID	Susanna Ceccardi, Annalisa Tardino, Tom Vandendriessche
PPE	Magdalena Adamowicz, Vladimír Bilčík, Vasile Blaga, Ioan-Rareș Bogdan, Karolin Braunsberger-Reinhold, Lena Düpont, Gheorghe Falcă, Loucas Fourlas, Andrzej Halicki, Jeroen Lenaers, Nuno Melo, Ljudmila Novak, Stanislav Polčák, Karlo Ressler, Sara Skyttedal, Tomas Tobé, Javier Zarzalejos, Tomáš Zdechovský
Renew	Abir Al-Sahlani, Malik Azmani, Lucia Ďuriš Nicholsonová, Sophia in 't Veld, Fabienne Keller, Moritz Körner, Maite Pagazaurtundúa, Ramona Strugariu, Yana Toom, Dragoș Tudorache
S&D	Katarina Barley, Pietro Bartolo, Caterina Chinnici, Maria Grapini, Sylvie Guillaume, Evin Incir, Marina Kaljurand, Petra Kammerevert, Łukasz Kohut, Juan Fernando López Aguilar, Birgit Sippel, Petar Vitanov
The Left	Marisa Matias, Martina Michels
Verts/ALE	Patrick Breyer, Saskia Bricmont, Gwendoline Delbos-Corfield, Alice Kuhnke, Erik Marquardt, Diana Riba i Giner, Tineke Strik

0	-

12	0
ECR	Patryk Jaki, Assita Kanko, Beata Kempa, Vincenzo Sofo, Jadwiga Wiśniewska
ID	Patricia Chagnon, Jean-François Jalkh, Philippe Olivier, Bernhard Zimniok
NI	Milan Uhřík
The Left	Clare Daly, Mick Wallace

Key to symbols:

+ : in favour

- : against

0 : abstention