



**2020/0349(COD)**

10.6.2021

# **AMENDMENTS**

## **124 - 554**

**Draft report**

**Javier Zarzalejos**

(PE689.818v01-00)

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 124**  
**Patryk Jaki**

**Proposal for a regulation**  
**Recital 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(1 a) Europol's new legal framework fully respects the principles enshrined in the art. 4.2 of the Treaty on the European Union as well as recognizes that national security remains the sole responsibility of each Member State. Since the objective of this Regulation is to strengthen action by the Member States' law enforcement services and their mutual cooperation in preventing and combating serious crime and terrorism Europol's institutional role has to be carefully balance in order to guarantee a necessary level of benefits for the Member States while maintaining and respecting the very essence of their exclusive competence in the area of national security.***

Or. en

**Amendment 125**  
**Dragoş Tudorache, Michal Šimečka, Fabienne Keller**

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

*Text proposed by the Commission*

*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

(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.

adapting their modes of operation or developing new criminal activities ***including by leveraging technology-enabled tools for multiplying and expanding the range and breadth of the criminal activities they engage in.*** Terrorism remains a significant threat to the freedom and way of life of the Union and its citizens.

Or. en

#### **Amendment 126**

**Rob Rooker**

#### **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 ***abuse the capabilities*** 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 ***enabled criminals to take improper advantage*** by adapting their modes of operation or developing new criminal activities.

Or. nl

#### **Amendment 127**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

#### **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. ***People engaged in criminal or terrorist activities*** 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 ***and its socio-economic consequences have*** added to this, as ***people engaged in criminal activities*** 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.

Or. en

**Amendment 128**

**Rob Rooken**

**Proposal for a regulation**

**Recital 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***(2a) Terrorism remains a significant threat to the freedom and way of life of the Union and its citizens. Some of these potential terrorists have grown up within the European Union, but terrorists also enter the European Union from outside and pose a threat to the security of the inhabitants of each Member State. It therefore remains important to protect the European Union's external borders adequately so that it can be seen who is and who is not entering European Union territory. It is also important to acknowledge at least that that is being insufficiently overseen.***

Or. nl

**Amendment 129**  
**Clare Daly**

**Proposal for a regulation**  
**Recital 3**

*Text proposed by the Commission*

(3) These threats spread across borders, cutting across a variety of crimes that they facilitate, and manifest themselves *in poly-criminal* organised crime groups that engage in a wide range of criminal activities. *As action at national level alone does not suffice to address these transnational security challenges*, Member States' law enforcement authorities have increasingly made use of the support and expertise that Europol offers to counter serious crime and terrorism. Since Regulation (EU) 2016/794 became applicable, *the operational importance of Europol's tasks has changed* substantially. *The new threat environment also* changes the support Member States need and expect from Europol *to keep citizens safe*.

*Amendment*

(3) These threats spread across borders, cutting across a variety of crimes that they facilitate, and manifest themselves *inpoly-criminal* organised crime groups that engage in a wide range of criminal activities. Member States' law enforcement authorities have increasingly made use of the support and expertise that Europol offers to counter serious crime and terrorism. Since Regulation (EU) 2016/794 became applicable, *Europol has substantially expanded its areas of operations. Regulation 2016/794 includes a requirement that it be evaluated by the European Commission, by 1 May 2022. Article 68 lays down that this evaluation should assess, in particular, the impact, effectiveness and efficiency of Europol and of its working practices. In the absence of this evaluation, it is difficult if not impossible to assess what changes, if any, are necessary to* the support Member States need and expect from Europol.

Or. en

**Amendment 130**  
**Clare Daly**

**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*

*Amendment*

*deleted*

*well-trained interoperable special intervention units specialised in the control of crisis situations. 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 131** **Rob Rooken**

#### **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 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.

##### *Amendment*

(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 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. ***It should be noted in this connection that, in accordance with the Treaties, Member States bear primary responsibility for the security of their nationals. Technical and financial support should therefore always be***

*complementary to the efforts undertaken by Member States to ensure the security of their citizens.*

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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).

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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. nl

## Amendment 132

Saskia Bricmont, Tineke Strik, Patrick Breyer

### 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 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).

##### *Amendment*

(4) As Europe faces threats from organised crime groups and terrorist attacks, an effective law enforcement response must include the **cooperation of** special intervention units. In the Union, the law enforcement units of the Member State cooperate on the basis of Council Decision 2008/617.<sup>53</sup> Europol **may assist with the cooperation of** these special intervention units, including by providing operational **and** technical 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 133**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

### **Proposal for a regulation**

#### **Recital 5**

*Text proposed by the Commission*

*Amendment*

(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 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.* *deleted*

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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 134**

**Clare Daly**

### **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 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).

### *Amendment*

(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. 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 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 135

Rob Rooken

### Proposal for a regulation

#### Recital 5

### *Text proposed by the Commission*

### *Amendment*

(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 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).

(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 **high-tech**, 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 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. nl

## **Amendment 136**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

### **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***

*Amendment*

***deleted***

*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.*

Or. en

#### **Amendment 137**

**Rob Rooken**

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

##### **Recital 7**

*Text proposed by the Commission*

(7) The threats posed by serious crime require a coordinated, coherent, multi-disciplinary and multi-agency response. Europol should be able to facilitate and support such intelligence-led security initiatives driven by Member States to identify, ***prioritize*** and address serious crime threats, such as the European Multidisciplinary Platform Against Criminal Threats. Europol should be able to provide administrative, logistical, financial and operational support to such activities, ***supporting the identification of cross-cutting priorities and the implementation of horizontal strategic goals in countering serious crime.***

*Amendment*

(7) The threats posed by serious crime require a coordinated, coherent, multi-disciplinary and multi-agency response. Europol should be able to facilitate and support such intelligence-led security initiatives driven by Member States to identify and address serious crime threats, such as the European Multidisciplinary Platform Against Criminal Threats. Europol should be able to provide administrative, logistical, financial and operational support to such activities.

Or. nl

#### **Amendment 138**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

##### **Recital 7**

*Text proposed by the Commission*

(7) The threats posed by serious crime require a coordinated, coherent, multi-

*Amendment*

(7) The threats posed by serious crime require a coordinated, coherent, multi-

disciplinary and multi-agency response. Europol **should** be able to **facilitate and support *such intelligence-led security initiatives*** driven by Member States to identify, prioritize and address serious crime threats, ***such as the European Multidisciplinary Platform Against Criminal Threats***. Europol should be able to provide administrative, logistical, **financial** and operational support to such activities, supporting the identification of cross-cutting priorities and the implementation of horizontal strategic goals in countering serious crime.

disciplinary and multi-agency response. Europol **may** be able to support ***operational and strategic activities*** driven by Member States to identify, prioritize and address serious crime threats. Europol should be able to provide administrative, logistical and operational support to such activities, supporting the identification of cross-cutting priorities and the implementation of horizontal strategic goals in countering serious crime.

Or. en

## Amendment 139

Saskia Bricmont, Tineke Strik, Patrick Breyer

### Proposal for a regulation

#### Recital 8

*Text proposed by the Commission*

*Amendment*

**(8) *The Schengen Information System (SIS), established in the field of police cooperation and judicial cooperation in criminal matters by Regulation (EU) 2018/1862 of the European Parliament and of the Council<sup>55 56</sup>, is an essential tool for maintaining a high level of security within the area of freedom, security and justice. Europol, as a hub for information exchange in the Union, receives and holds valuable information from third countries and international organisations on persons suspected to be involved in crimes falling within the scope of Europol's mandate. Following consultation with the Member States, Europol should be able to enter data on these persons in the SIS in order to make it available directly and in real-time to SIS end-users.***

***deleted***

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<sup>55</sup> ***Regulation (EU) 2018/1862 of the***

***European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU (OJ L 312, 7.12.2018, p. 56–106).***

***<sup>56</sup> Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU (OJ L 312, 7.12.2018, p. 56–106).***

Or. en

**Amendment 140**  
**Clare Daly**

**Proposal for a regulation**  
**Recital 8**

*Text proposed by the Commission*

*Amendment*

***(8) The Schengen Information System (SIS), established in the field of police cooperation and judicial cooperation in criminal matters by Regulation (EU) 2018/1862 of the European Parliament and of the Council<sup>55 56</sup>, is an essential tool for maintaining a high level of security within the area of freedom, security and justice. Europol, as a hub for information exchange in the Union, receives and holds valuable information*** ***deleted***

*from third countries and international organisations on persons suspected to be involved in crimes falling within the scope of Europol's mandate. Following consultation with the Member States, Europol should be able to enter data on these persons in the SIS in order to make it available directly and in real-time to SIS end-users.*

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<sup>55</sup> *Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU (OJ L 312, 7.12.2018, p. 56–106).*

<sup>56</sup> *Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU (OJ L 312, 7.12.2018, p. 56–106).*

Or. en

**Amendment 141**  
**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**  
**Recital 8**

*Text proposed by the Commission*

*Amendment*

(8) The Schengen Information System (SIS), established in the field of police cooperation and judicial cooperation in criminal matters by Regulation (EU) 2018/1862 of the European Parliament and of the Council<sup>55 56</sup>, is ***an essential tool*** for maintaining a high level of security within the area of freedom, security and justice. Europol, as a hub for information exchange in the Union, receives and holds ***valuable*** information from third countries and international organisations on persons suspected ***to be*** involved in ***crimes falling within the scope of Europol's mandate***. ***Following consultation with the Member States, Europol should be able to enter data on these persons in the SIS in order to make it available directly and in real-time to SIS end-users.***

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<sup>55</sup> Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU (OJ L 312, 7.12.2018, p. 56–106).

<sup>56</sup> Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU (OJ L 312, 7.12.2018, p. 56–106).

(8) The Schengen Information System (SIS), established in the field of police cooperation and judicial cooperation in criminal matters by Regulation (EU) 2018/1862 of the European Parliament and of the Council<sup>55 56</sup>, is ***one of the existing tools*** for maintaining a high level of security within the area of freedom, security and justice. Europol, as a hub for information exchange in the Union, receives and holds information from third countries and international organisations on persons suspected ***or accused of being involved in a criminal offence in respect of which Europol is competent***. ***Europol may propose Member States to enter alerts in the SIS pursuant to Regulation(EU) 2018/1862 and in full respect of fundamental rights and data protection rules, in order to make it available to SIS end-users..***

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<sup>55</sup> Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU (OJ L 312, 7.12.2018, p. 56–106).

<sup>56</sup> Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU (OJ L 312, 7.12.2018, p. 56–106).



**Amendment 142**

**Dragoș Tudorache, Michal Šimečka**

**Proposal for a regulation**

**Recital 8 a (new)**

*Text proposed by the Commission*

*Amendment*

***(8 a) Europol has an important role to play in supporting Member States to fight serious crime and terrorism through its expertise and analysis capabilities. To ensure better cooperation between Member States and Interpol in accordance with Union and international laws, Europol should actively monitor and evaluate red alerts issued by third countries in Interpol and notify Member States, the EEAS, the Commission, and the European Parliament when there is reasonable suspicion that the alert was issued in violation of Article 3 of the Interpol constitution.***

Or. en

**Amendment 143**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Recital 9**

*Text proposed by the Commission*

*Amendment*

***(9) Europol has an important role to play in support of the evaluation and monitoring mechanism to verify the application of the Schengen acquis as established by Council Regulation (EU) No 1053/2013. Given the need to reinforce the Union's internal security, Europol should contribute with its expertise, analysis, reports and other relevant information to the entire evaluation and***

***deleted***

*monitoring process, from programming to on-site visits and the follow-up. Europol should also assist in developing and updating the evaluation and monitoring tools.*

Or. en

**Amendment 144**  
**Rob Rooken**

**Proposal for a regulation**  
**Recital 9**

*Text proposed by the Commission*

(9) Europol has an important role to play in support of the evaluation and monitoring mechanism to verify the application of the Schengen acquis as established by Council Regulation (EU) No 1053/2013. Given the need to reinforce the Union's internal security, Europol should contribute with its expertise, analysis, reports and other relevant information to the entire evaluation and monitoring process, from programming to on-site visits and the follow-up. Europol should also assist in developing and updating the evaluation and monitoring tools.

*Amendment*

(9) Europol has an important role to play in support of the evaluation and monitoring mechanism to verify the application of the Schengen acquis as established by Council Regulation (EU) No 1053/2013. Given the need to reinforce the Union's internal security, Europol should contribute with its expertise, analysis, reports and other relevant information to the entire evaluation and monitoring process, from programming to on-site visits and the follow-up. Europol should also assist in developing and updating the evaluation and monitoring tools. ***Europol should ensure that a public-friendly version of those evaluations is published too. In addition, Europol should in general ensure the highest possible level of transparency, in particular as regards the results it has achieved in cooperation with the competent services in the Member States.***

Or. nl

**Amendment 145**  
**Clare Daly**

**Proposal for a regulation**  
**Recital 9**

*Text proposed by the Commission*

(9) Europol has an important role to play in support of the evaluation and monitoring mechanism to verify the application of the Schengen acquis as established by Council Regulation (EU) No 1053/2013. ***Given the need to reinforce the Union's internal security***, Europol should contribute with its expertise, ***analysis, reports and other relevant information to the entire evaluation and monitoring process, from programming to on-site visits and the follow-up. Europol should also assist in developing and updating the evaluation and monitoring tools.***

*Amendment*

(9) Europol has an important role to play in support of the evaluation and monitoring mechanism to verify the application of the Schengen acquis as established by Council Regulation (EU) No 1053/2013. Europol should, ***therefore, upon request, contribute to the Schengen Evaluation Mechanism*** with its expertise.

Or. en

**Amendment 146**

**Rob Rooken**

**Proposal for a regulation**

**Recital 10**

*Text proposed by the Commission*

(10) Risk assessments are ***an essential element of foresight to anticipate new trends and to address*** new threats in serious crime and terrorism. To support the Commission and the Member States in carrying out effective risk assessments, Europol should provide threats assessment analysis based on the information it holds on criminal phenomena and trends, without prejudice to the EU law provisions on customs risk management.

*Amendment*

(10) Risk assessments are ***important for anticipating new forms of crime and for addressing*** new threats in serious crime and terrorism. To support the Commission and the Member States in carrying out effective risk assessments, Europol should provide threats assessment analysis based on the information it holds on criminal phenomena and trends, without prejudice to the EU law provisions on customs risk management. ***Risk assessments should be made public as far as possible.***

Or. nl

**Amendment 147**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**  
**Recital 10**

*Text proposed by the Commission*

(10) Risk assessments ***are an essential element of foresight*** to anticipate new trends and ***to address new*** threats in serious crime and terrorism. ***To support the Commission and the Member States in carrying out effective risk assessments,*** Europol should provide threats assessment analysis based on the information it holds on criminal phenomena and trends, ***without prejudice to the EU law provisions on customs risk management.***

*Amendment*

(10) Risk assessments ***may contribute*** to anticipate new trends and threats in serious crime and terrorism. Europol should provide threats assessment analysis ***to the Commission, the JSPG, and the Member States*** based on the information it holds on criminal phenomena and trends ***and should make public its methodology, criteria and indicators used for the threat assessment analysis. The Fundamental Rights Officer should assist with risk assessments.***

Or. en

**Amendment 148**  
**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**  
**Recital 11**

*Text proposed by the Commission*

(11) ***In order to help EU funding for security research to develop its full potential and address the needs of law enforcement, Europol should assist the Commission in identifying key research themes, drawing up and implementing the Union framework programmes for research and innovation that are relevant to Europol's objectives. When Europol assists the Commission in identifying key research themes, drawing up and implementing a Union framework programme, it should not receive funding from that programme in accordance with the conflict of interest principle.***

*Amendment*

***deleted***

Or. en

## Amendment 149

Clare Daly

### Proposal for a regulation

#### Recital 11

*Text proposed by the Commission*

(11) *In order to help EU funding for security research to develop its full potential and address the needs of law enforcement, Europol should assist the Commission in identifying key research themes, drawing up and implementing the Union framework programmes for research and innovation that are relevant to Europol's objectives. When Europol assists the Commission in identifying key research themes, drawing up and implementing a Union framework programme, it should not receive funding from that programme in accordance with the conflict of interest principle.*

*Amendment*

(11) *The EU spends hundreds of millions of euro on security research through various programmes. Europol should assist the Commission in identifying whether such security research spending is effective in reducing crime and in creating a safer Europe, and whether it therefore represents value for money.*

Or. en

## Amendment 150

Fabienne Keller

### Proposal for a regulation

#### Recital 11

*Text proposed by the Commission*

(11) In order to help EU funding for security research to develop its full potential and address the needs of law enforcement, Europol should assist the Commission in identifying key research themes, drawing up and implementing the Union framework programmes for research and innovation that are relevant to Europol's objectives. When Europol assists the Commission in identifying key research themes, drawing up and implementing a Union framework programme, it should not receive funding from that programme in accordance with the conflict of interest

*Amendment*

(11) In order to help EU funding for security research to develop its full potential and address the needs of law enforcement, Europol should assist the Commission in identifying key research themes, drawing up and implementing the Union framework programmes for research and innovation that are relevant to Europol's objectives. When Europol assists the Commission in identifying key research themes, drawing up and implementing a Union framework programme, it should not receive funding from that programme in accordance with the conflict of interest

principle.

principle. ***Europol should therefore have enhanced own resources to finance its research and innovation activities.***

Or. fr

#### **Amendment 151**

**Dragoş Tudorache, Michal Šimečka, Fabienne Keller**

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

##### **Recital 11**

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

(11) In order to help EU funding for security research to develop its full potential and address the needs of law enforcement, Europol should assist the Commission in identifying key research themes, drawing up and implementing the Union framework programmes for research and innovation that are relevant to Europol's objectives. When Europol assists the Commission in ***identifying key research themes***, drawing up and implementing a Union framework programme, it should not receive funding from that programme in accordance with the conflict of interest principle.

###### *Amendment*

(11) In order to help EU funding for security research to develop its full potential and address the needs of law enforcement, Europol should assist the Commission ***and Member States*** in identifying key research themes, drawing up and implementing the Union framework programmes for research and innovation that are relevant to Europol's objectives. When Europol assists the Commission in drawing up and implementing a Union framework programme, it should not receive funding from that programme in accordance with the conflict of interest principle.

Or. en

#### **Amendment 152**

**Patryk Jaki**

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

##### **Recital 12**

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

(12) ***It is possible for the Union and the Members States to adopt restrictive measures relating to foreign direct investment on the grounds of security or public order. To that end, Regulation (EU) 2019/452 of the European***

###### *Amendment*

***deleted***

*Parliament and of the Council<sup>57</sup> establishes a framework for the screening of foreign direct investments into the Union that provides Member States and the Commission with the means to address risks to security or public order in a comprehensive manner. As part of the assessment of expected implications for security or public order, Europol should support the screening of specific cases of foreign direct investments into the Union that concern undertakings providing technologies used or being developed by Europol or by Member States for the prevention and investigation of crimes.*

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<sup>57</sup> Regulation (EU) 2019/452 of the European Parliament and of the Council of 19 March 2019 establishing a framework for the screening of foreign direct investments into the Union (OJ L 79I, 21.3.2019, p. 1–14).

Or. en

#### **Amendment 153**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

#### **Recital 12**

*Text proposed by the Commission*

*Amendment*

<p><b>(12)</b> <i>It is possible for the Union and the Members States to adopt restrictive measures relating to foreign direct investment on the grounds of security or public order. To that end, Regulation (EU) 2019/452 of the European Parliament and of the Council<sup>57</sup> establishes a framework for the screening of foreign direct investments into the Union that provides Member States and the Commission with the means to address risks to security or public order in a comprehensive manner. As part of the assessment of expected implications for</i></p>	<p><i>deleted</i></p>
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*security or public order, Europol should support the screening of specific cases of foreign direct investments into the Union that concern undertakings providing technologies used or being developed by Europol or by Member States for the prevention and investigation of crimes.*

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<sup>57</sup> Regulation (EU) 2019/452 of the European Parliament and of the Council of 19 March 2019 establishing a framework for the screening of foreign direct investments into the Union (OJ L 79I, 21.3.2019, p. 1–14).

Or. en

**Amendment 154**  
**Clare Daly**

**Proposal for a regulation**  
**Recital 12**

*Text proposed by the Commission*

*Amendment*

<p><b>(12) It is possible for the Union and the Members States to adopt restrictive measures relating to foreign direct investment on the grounds of security or public order. To that end, Regulation (EU) 2019/452 of the European Parliament and of the Council<sup>57</sup> establishes a framework for the screening of foreign direct investments into the Union that provides Member States and the Commission with the means to address risks to security or public order in a comprehensive manner. As part of the assessment of expected implications for security or public order, Europol should support the screening of specific cases of foreign direct investments into the Union that concern undertakings providing technologies used or being developed by Europol or by Member States for the prevention and investigation of crimes.</b></p>	<p><b>deleted</b></p>
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<sup>57</sup> *Regulation (EU) 2019/452 of the European Parliament and of the Council of 19 March 2019 establishing a framework for the screening of foreign direct investments into the Union (OJ L 79I, 21.3.2019, p. 1–14).*

Or. en

## Amendment 155

Dragoş Tudorache, Michal Šimečka, Fabienne Keller

### Proposal for a regulation

#### Recital 12

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

(12) It is possible for the Union and the Members States to adopt restrictive measures relating to foreign direct investment on the grounds of security or public order. To that end, Regulation (EU) 2019/452 of the European Parliament and of the Council<sup>57</sup> establishes a framework for the screening of foreign direct investments into the Union that provides Member States and the Commission with the means to address risks to security or public order in a comprehensive manner. As part of the assessment of expected implications for security or public order, Europol should support the screening of specific cases of foreign direct investments into the Union that concern undertakings providing technologies used or being developed by Europol or by Member States for the prevention and investigation of crimes.

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<sup>57</sup> Regulation (EU) 2019/452 of the European Parliament and of the Council of 19 March 2019 establishing a framework for the screening of foreign direct investments into the Union (OJ L 79I ,

##### *Amendment*

(12) It is possible for the Union and the Members States to adopt restrictive measures relating to foreign direct investment on the grounds of security or public order. To that end, Regulation (EU) 2019/452 of the European Parliament and of the Council<sup>57</sup> establishes a framework for the screening of foreign direct investments into the Union that provides Member States and the Commission with the means to address risks to security or public order in a comprehensive manner. As part of the assessment of expected implications for security or public order, Europol should support the screening of specific cases of foreign direct investments into the Union that concern undertakings providing technologies used or being developed by Europol or by Member States for the prevention and investigation of crimes ***or critical technologies that could be used to facilitate terrorism.***

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<sup>57</sup> Regulation (EU) 2019/452 of the European Parliament and of the Council of 19 March 2019 establishing a framework for the screening of foreign direct investments into the Union (OJ L 79I ,

Or. en

## **Amendment 156**

**Clare Daly**

### **Proposal for a regulation**

#### **Recital 14**

*Text proposed by the Commission*

*Amendment*

**(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.** **deleted**

Or. en

## **Amendment 157**

**Patryk Jaki**

### **Proposal for a regulation**

#### **Recital 14**

*Text proposed by the Commission*

*Amendment*

**(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** **deleted**

*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.*

Or. en

## **Amendment 158**

**Lena Düpont**

### **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.

##### *Amendment*

(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. ***The relevant Member State authorities shall respond to such a request without delay. Any failure to act on the part of the Member State authorities which is not explained to Europol within five working days shall empower Europol to begin its own investigation.*** Europol should inform Eurojust of such requests.

Or. de

## **Amendment 159**

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.

*Amendment*

(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 ***the*** Member State ***concerned via the national units*** to initiate, conduct or coordinate a criminal investigation of a crime ***in accordance with national procedure, including prior judicial authorisation where applicable***, which affects a common interest covered by a Union policy. Europol should inform Eurojust of such requests.

Or. en

Amendment 160

Dragoş Tudorache, Michal Šimečka

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

*Amendment*

(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 ***initiate, conduct, or coordinate or*** 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

not of a cross-border nature. Europol should inform Eurojust of such requests.

policy, even where the crime concerned is not of a cross-border nature. Europol should inform Eurojust of such requests.

Or. en

#### **Amendment 161**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

##### **Recital 15**

*Text proposed by the Commission*

*Amendment*

**(15) Publishing the identity and certain personal data of suspects or convicted individuals, who are wanted based on a Member State's judicial decision, increases the chances of locating and arresting such individuals. To support Member States in this task, Europol should be able to publish on its website information on Europe's most wanted fugitives for criminal offences in respect of which Europol is competent, and facilitate the provision of information by the public on these individuals.** **deleted**

Or. en

#### **Amendment 162**

**Rob Rooken**

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

##### **Recital 15**

*Text proposed by the Commission*

*Amendment*

**(15) Publishing the identity and certain personal data of suspects or convicted individuals, who are wanted based on a Member State's judicial decision, increases the chances of locating and arresting such individuals. To support Member States in this task, Europol should be able to publish on its website information on Europe's**

**(15) Publishing the identity and certain personal data of suspects or convicted individuals, who are wanted based on a Member State's judicial decision, increases the chances of locating and arresting such individuals. To support Member States in this task, Europol should be able to publish on its website information on Europe's**

most wanted fugitives for criminal offences in respect of which Europol is competent, and facilitate the provision of information by the public on these individuals.

most wanted fugitives for criminal offences in respect of which Europol is competent, and facilitate the provision of information by the public on these individuals.

***However, it is also important to abide by the presumption of innocence. Europol should abide by that principle in connection with any action, and in particular when it publishes personal information on the internet. Europol should therefore be constantly aware of the possible consequences of publishing personal data on its website.***

Or. nl

#### **Amendment 163**

**Clare Daly**

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

##### **Recital 15**

*Text proposed by the Commission*

(15) Publishing the identity and certain personal data of suspects or convicted individuals, who are wanted based on a Member State's judicial decision, increases the chances of locating and arresting such individuals. To support Member States in this task, Europol should be able to publish on its website information on Europe's most wanted fugitives for criminal offences in respect of which Europol is competent, ***and facilitate the provision of information by the public on these individuals.***

*Amendment*

(15) Publishing the identity and certain personal data of suspects or convicted individuals, who are wanted based on a Member State's judicial decision, increases the chances of locating and arresting such individuals. To support Member States in this task, Europol should be able to publish on its website information on Europe's most wanted fugitives for criminal offences in respect of which Europol is competent.

Or. en

#### **Amendment 164**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

##### **Recital 16**

**(16) To ensure that processing of personal data by Europol is limited to the categories of data subjects whose data may be processed under this Regulation, Europol should be able to verify if personal data received in the context of preventing and countering crimes falling within the scope of Europol's objectives corresponds to one of those categories of data subjects. To that end, Europol should be able to carry out a pre-analysis of personal data received with the sole purpose of determining whether such data falls into those categories of data subjects. To this end, Europol should be able to filter the data by checking it against data already held by Europol. Such pre-analysis should take place prior to Europol's data processing for cross-checking, strategic analysis, operational analysis or exchange of information. If the pre-analysis indicates that personal data does not fall into the categories of data subjects whose data may be processed under this Regulation, Europol should delete that data.**

**deleted**

Or. en

## **Amendment 165**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

### **Proposal for a regulation**

#### **Recital 16**

(16) To ensure that processing of personal data by Europol is limited to the categories of data subjects whose data may be processed under this Regulation, Europol should be able to verify if personal data received in the context of preventing and countering crimes falling within the scope of Europol's objectives corresponds to one of those categories of data subjects.

(16) To ensure that processing of personal data by Europol is ***strictly necessary and*** limited to the categories of data subjects whose data may be processed under this Regulation, Europol should be able to verify if personal data received ***pursuant to Article 17(1) and (2)*** in the context of preventing and countering crimes falling within the scope of

To that end, Europol should be able to carry out a ***pre-analysis*** of personal data received with the sole purpose of determining whether such data falls into ***those*** categories of data subjects. To this end, Europol ***should be able to filter*** the data ***by checking it*** against data already held by Europol. ***Such*** pre-analysis ***should take place prior to Europol's data processing for cross-checking, strategic analysis, operational analysis or exchange of information.*** If the pre-analysis indicates that personal data does not fall into the categories of data subjects whose data may be processed under this Regulation, Europol should delete ***that data.***

Europol's objectives ***set out in Article 3*** corresponds to one of those categories of data subjects ***listed in Annex II.*** To that end, Europol should be able to carry out a ***preanalysis*** of personal data received with the sole purpose of determining whether such data falls into ***the*** categories of data subjects ***listed in Annex II.*** To this end, Europol, ***in consultation with the Data Protection Officer and the Fundamental Rights Officer, may check the data*** against data already held by Europol. ***Data, including personal data, should not be used or proceed until the pre-analysis is concluded.*** If the pre-analysis indicates that personal data ***received*** does not fall into the categories of data subjects whose data may be processed under this Regulation, Europol should delete ***the dataset received. The EDPS should be informed about all the pre-analysis carried out by Europol.***

Or. en

#### Amendment 166

Dragoş Tudorache, Michal Šimečka

#### Proposal for a regulation

##### Recital 16

*Text proposed by the Commission*

(16) To ensure that processing of personal data by Europol is limited to the categories of data subjects whose data may be processed under this Regulation, Europol should be able to verify if personal data received in the context of preventing and countering crimes falling within the scope of Europol's objectives corresponds to one of those categories of data subjects. To that end, Europol should be able to carry out a pre-analysis of personal data received with the sole purpose of determining whether such data falls into those categories of data subjects. To this end, Europol should be able to filter the

*Amendment*

(16) To ensure that processing of personal data by Europol is limited to the categories of data subjects whose data may be processed under this Regulation, Europol should be able to verify if personal data received in the context of preventing and countering crimes falling within the scope of Europol's objectives corresponds to one of those categories of data subjects. To that end, Europol should be able to carry out a pre-analysis of personal data received with the sole purpose of determining whether such data falls into those categories of data subjects. To this end, Europol should be able to filter the



data by checking it against data already held by Europol. Such pre-analysis should take place prior to Europol's data processing for cross-checking, strategic analysis, operational analysis or exchange of information. If the pre-analysis indicates that personal data does not fall into the categories of data subjects whose data may be processed under this Regulation, Europol should delete that data.

data by checking it against data already held by Europol, ***without further analysing the data for additional leads at this stage***. Such pre-analysis should take place prior to Europol's data processing for cross-checking, strategic analysis, operational analysis or exchange of information. If the pre-analysis indicates that personal data does not fall into the categories of data subjects whose data may be processed under this Regulation, Europol should delete that data.

Or. en

**Amendment 167**  
**Clare Daly**

**Proposal for a regulation**  
**Recital 16**

*Text proposed by the Commission*

(16) To ensure that processing of personal data by Europol is limited to the categories of data subjects whose data may be processed under this Regulation, Europol should be able to verify if personal data received in the context of preventing and countering crimes falling within the scope of Europol's objectives corresponds to one of those categories of data subjects. To that end, Europol should be able to carry out a pre-analysis of personal data received with the sole purpose of determining whether such data falls into those categories of data subjects. To this end, Europol should be able to filter the data by checking it against data already held by Europol. Such pre-analysis should take place prior to Europol's data processing for cross-checking, strategic analysis, operational analysis or exchange of information. If the pre-analysis indicates that personal data does not fall into the categories of data subjects whose data may be processed under this Regulation,

*Amendment*

(16) To ensure that processing of personal data by Europol is limited to the categories of data subjects whose data may be processed under this Regulation, Europol should be able to verify if personal data received in the context of preventing and countering crimes falling within the scope of Europol's objectives corresponds to one of those categories of data subjects. To that end, Europol should be able to carry out a pre-analysis of personal data received with the sole purpose of determining whether such data falls into those categories of data subjects. To this end, Europol should be able to filter the data by checking it against data already held by Europol. Such pre-analysis should take place prior to, ***and separate from,*** Europol's data processing for cross-checking, strategic analysis, operational analysis or exchange of information. If the pre-analysis indicates that personal data does not fall into the categories of data subjects whose data may be processed under this Regulation, Europol should

Europol should delete that data.

delete that data.

Or. en

## **Amendment 168**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

### **Proposal for a regulation**

#### **Recital 17**

*Text proposed by the Commission*

*Amendment*

*(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*

*deleted*

*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 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.*

Or. en

#### Amendment 169

Clare Daly

#### 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

*Amendment*

(17) 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. ***In light of the EDPS's admonishment of Europol in regard to its processing of such datasets,*** Europol should ***cease all such processing.***

*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 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.*

Or. en

#### **Amendment 170**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

#### **Recital 17**

*Text proposed by the Commission*

*Amendment*

(17) Data collected in criminal

(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 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**

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 **people engaged in criminal activities** 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 **and safeguards** 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 **consistent with international human rights 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 **is strictly necessary to support** that specific criminal investigation **and complies with the requirement and safeguards set out in this Regulation, including that the processing of personal data is limited to the categories of data subjects in Annex II**. Europol should also be able to process personal data that is **strictly** 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 Union pursuant to Article 218 TFEU **that includes the transfer of personal data for law enforcement purposes**, or a

law.

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 ***consistent with international human rights*** law.

Or. en

**Amendment 171**  
**Rob Rooken**

**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

*Amendment*

(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 ***can*** detect such cross-border links ***less effectively*** 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

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 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.

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 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. ***Member States and Europol should keep presumption of innocence in mind at all times when providing and processing datasets.***

Or. nl

**Amendment 172**  
**Clare Daly**

**Proposal for a regulation**  
**Recital 18**

*Text proposed by the Commission*

(18) To ensure that any data processing is necessary and proportionate, Member States should ensure compliance with national and Union law when they submit ***an investigative case file*** to Europol. Europol should ***verify whether***, in order to support a specific criminal investigation, ***it is necessary and proportionate*** to process

*Amendment*

(18) To ensure that any data processing is necessary and proportionate, Member States should ensure compliance with national and Union law when they submit ***personal data*** to Europol, ***bearing in mind that the European Court of Human Rights has ruled that the mere storing of data relating to the private life of an***

personal data that *may not* fall into the categories of data subjects whose data may generally be processed under Annex II of Regulation (EU) 2016/794. *Europol should document that assessment. Europol should store such data with functional separation from other data and should only process it where necessary for its support to the specific criminal investigation, such as in case of a new lead.*

*individual, irrespective of their subsequent use, amounts to an interference within the meaning of Article 8 of the European Convention on Human Rights, which guarantees the right to respect for private and family life, home and correspondence, and that for its part, the Court of Justice of the European Union considers that access to personal data with a view to its retention or use affects the fundamental right to respect for private life guaranteed in Article 7 of the Charter of the Fundamental Rights of the EU. Such processing of personal data also falls within the scope of Article 8 of the Charter because it constitutes the processing of personal data within the meaning of that article and, accordingly, must necessarily satisfy the data protection requirements laid down in that article. Moreover, both courts consider that access to personal data by a public authority constitutes a further interference. As a consequence, access, retention and further use of personal data by public authorities, such as law enforcement authorities must not exceed the limits of what is strictly necessary, assessed in the light of the Charter, in order to be justified within a democratic society. In addition, Europol should, in order to support a specific criminal investigation, **only** process personal data that fall into the categories of data subjects whose data may generally be processed under Annex II of Regulation (EU) 2016/794.*

Or. en

#### **Amendment 173**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

#### **Recital 18**

*Text proposed by the Commission*

*Amendment*



(18) To ensure that any data processing is necessary and proportionate, Member States should ensure compliance with national and Union law when they submit ***an investigative case file*** to Europol. Europol should verify *whether*, in order to support a specific criminal investigation, *it* is necessary and proportionate ***to process personal data that may not fall*** into the categories of data subjects *whose data may generally be processed* under Annex II of Regulation (EU) 2016/794. Europol should document that assessment. ***Europol should store such data with functional separation from other data and should only process it where necessary for its support to the specific criminal investigation, such as in case of a new lead.***

(18) To ensure that any data processing ***by Europol*** is necessary and proportionate, Member States should ensure compliance with national and Union law when they ***decide to*** submit *data* to Europol, ***including where applicable prior judicial authorisation.*** Europol, ***in consultation with the Data Protection Officer and the Fundamental Rights Officer,*** should verify *that*, in order to support a specific criminal investigation, ***only personal data that*** is necessary and proportionate ***and that falls*** into the categories of data subjects under Annex II of Regulation (EU) 2016/794 ***is processed.*** Europol should document that assessment.

Or. en

#### Amendment 174

Saskia Bricmont, Tineke Strik, Patrick Breyer

#### Proposal for a regulation

##### Recital 19

*Text proposed by the Commission*

***(19) To ensure that a Member State can use Europol's analytical reports as part of judicial proceedings following a criminal investigation, Europol should be able to store the related investigative case file upon request of that Member State for the purpose of ensuring the veracity, reliability and traceability of the criminal intelligence process. Europol should store such data separately and only for as long as the judicial proceedings related to that criminal investigation are on-going in the Member State. There is a need to ensure access of competent judicial authorities as well as the rights of defence, in particular the right of suspects or accused persons or their lawyers of access to the materials of the case.***

*Amendment*

***deleted***

**Amendment 175****Saskia Bricmont, Tineke Strik, Patrick Breyer****Proposal for a regulation****Recital 19***Text proposed by the Commission*

(19) ***To ensure that*** a Member State ***can*** use Europol's analytical reports as part of judicial proceedings following a criminal investigation, Europol ***should*** be able to store the related investigative case file upon request of that Member State for the purpose of ensuring the veracity, reliability and traceability of the criminal intelligence process. Europol should store such data separately and only for as long as the judicial proceedings related to that criminal investigation are on-going in the Member State. ***There is a need to*** ensure access of competent judicial authorities as well as ***the rights of*** defence, ***in particular the right of*** suspects ***or*** accused persons ***or their lawyers of access*** to the materials of the case.

*Amendment*

(19) ***In exceptional cases and when strictly necessary, proportionate, duly justified and according to national law,*** a Member State ***may*** use Europol's analytical reports as part of judicial proceedings following a criminal investigation, ***provided that they are not the result of interception of private communications*** and Europol ***may*** be able to store the related investigative case file upon request of that Member State ***until the judicial proceeding is concluded*** for the purpose of ensuring the veracity, reliability and traceability of the criminal intelligence process, ***as well as compliance with fundamental and procedural rights, and data protection rules in accordance with Regulation (EU) 2018/1725.*** Europol should store such data separately and only for as long as the judicial proceedings related to that criminal investigation are on-going in the Member State. ***Any information, including the procedure under which this information has been collected, that authorized Europol staff may provide in criminal judicial proceedings shall be lawful, fair, transparent and traceable. Europol should*** ensure access of competent judicial authorities as well as defence ***lawyers,*** suspects ***and*** accused persons to the materials of the case ***and to information deemed necessary to ensure that the information provided complies with fundamental and procedural rights, including procedural safeguards provided for in Union law and in particular the right to a fair trial.***

**Amendment 176****Clare Daly****Proposal for a regulation****Recital 19***Text proposed by the Commission*

(19) To ensure that a Member State can use Europol's analytical reports as part of judicial proceedings following a criminal investigation, Europol should be able to store the ***related investigative case file*** upon request of that Member State for the purpose of ensuring the veracity, reliability and traceability of the criminal intelligence process. Europol should store such data separately and only for as long as the judicial proceedings related to that criminal investigation are on-going in the Member State. There is a need to ensure access of competent judicial authorities as well as the rights of defence, in particular the right of suspects or accused persons or their lawyers of access to the materials of the case.

*Amendment*

(19) To ensure that a Member State can use Europol's analytical reports as part of judicial proceedings following a criminal investigation, Europol should be able to store the ***data underlying such analytical reports*** upon request of that Member State for the purpose of ensuring the veracity, reliability and traceability of the criminal intelligence process. Europol should store such data separately and only for as long as the judicial proceedings related to that criminal investigation are on-going in the Member State. There is a need to ensure access of competent judicial authorities as well as the rights of defence, in particular the right of suspects or accused persons or their lawyers of access to the materials of the case, ***and to ensure that the 'chain of custody' of evidence at Europol is respected and all evidence and the methods by which it has been produced and/or come into Europol's possession logged, allowing for effective scrutiny of evidence by the defence.***

Or. en

**Amendment 177****Saskia Bricmont, Tineke Strik, Patrick Breyer****Proposal for a regulation****Recital 20***Text proposed by the Commission*

(20) Cross-border cases of serious crime

*Amendment*

(20) Cross-border cases of serious crime

or terrorism require close **collaboration** between the law enforcement authorities of the Member States concerned. Europol **provides tools to support** such cooperation in investigations, notably through the exchange of information. To further enhance such cooperation in specific investigations **by way** of joint operational analysis, Member States should be able to allow other Member States to access directly the information they provided to Europol, without prejudice to any restrictions they put on access to that information. Any processing of personal data by Member States in joint operational analysis should take place in accordance with **the rules and** safeguards set out in this Regulation.

or terrorism require close **cooperation** between the **competent** law enforcement authorities of the Member States concerned. Europol **supports** such cooperation in investigations, notably through the exchange of information. To further enhance such cooperation in specific investigations **in the context** of joint operational analysis, Member States should be able to allow other Member States to access directly the information they provided to Europol, without prejudice to any restrictions they put on access to that information. Any processing of personal data by Member States in joint operational analysis should take place in **compliance with personal data rules in** accordance with **Regulation (EU) 2018/1725 and Directive (EU) 2016/680, as applicable, as well as the** safeguards set out in this Regulation. **The Data Protection Officer and the Fundamental Rights Officer should be informed about the support provided by Europol in the context of joint operational analysis.**

Or. en

## Amendment 178

Saskia Bricmont, Tineke Strik, Patrick Breyer

### Proposal for a regulation

#### Recital 21

*Text proposed by the Commission*

**(21) Europol provides operational support to the criminal investigations of the competent authorities of the Member States, especially by providing operational and forensic analysis. Member States should be able to make the results of these activities available to their relevant other authorities, including prosecutors and criminal courts, throughout the whole lifecycle of criminal proceedings]. To that end, Europol staff should be enabled to give evidence, which came to their**

*Amendment*

**deleted**

*knowledge in the performance of their duties or the exercise of their activities, in criminal proceedings, without prejudice to the applicable use restrictions and national criminal procedural law.*

Or. en

#### **Amendment 179**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

##### **Recital 21**

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

(21) Europol ***provides*** operational support to the criminal investigations of the competent authorities of the Member States, especially by providing operational and forensic analysis. Member States should be able to make the results of these activities available to their relevant other authorities, including prosecutors and criminal courts, throughout the whole lifecycle of criminal proceedings]. To that end, Europol staff should be enabled to ***give*** evidence, which came to their knowledge in the performance of their duties or the exercise of their activities, in criminal proceedings, without prejudice to the applicable use restrictions and national criminal procedural law.

###### *Amendment*

(21) Europol ***may provide*** operational support to the criminal investigations of the competent authorities of the Member States, especially by providing operational and forensic analysis, ***when national law allows it***. Member States should be able to make the results of these activities available to their relevant other authorities, including prosecutors and criminal courts, ***as well as defence lawyers***, throughout the whole lifecycle of criminal proceedings]. To that end, ***authorized*** Europol staff should be enabled to ***provide*** evidence, which came to their knowledge in the performance of their duties or the exercise of their activities, ***provided that it does not result from the interception of private communications***, in criminal proceedings, without prejudice to the applicable use restrictions and national criminal procedural law. ***Any evidence, including the procedure under which this evidence has been collected, that authorized Europol staff provides in criminal proceedings shall be lawful, fair, transparent and traceable.***

Or. en

#### **Amendment 180**

**Rob Rooken**

**Proposal for a regulation**

**Recital 21**

*Text proposed by the Commission*

(21) Europol provides operational support to the criminal investigations of the competent authorities of the Member States, ***especially*** by providing operational and forensic analysis. Member States should be able to make the results of these activities available to their relevant other authorities, including prosecutors and criminal courts, throughout the whole lifecycle of criminal proceedings/. To that end, Europol staff should be enabled to give evidence, which came to their knowledge in the performance of their duties or the exercise of their activities, in criminal proceedings, without prejudice to the applicable use restrictions and national criminal procedural law.

*Amendment*

(21) Europol provides operational support to the criminal investigations of the competent authorities of the Member States, ***including*** by providing operational and forensic analysis. Member States should be able to make the results of these activities available to their relevant other authorities, including prosecutors and criminal courts, throughout the whole lifecycle of criminal proceedings, ***without prejudice to Member State law, including criminal procedural law***. To that end, Europol staff should be enabled to give evidence, which came to their knowledge in the performance of their duties or the exercise of their activities, in criminal proceedings, without prejudice to the applicable use restrictions and national ***law, including*** criminal procedural law.

Or. nl

**Amendment 181**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Recital 22**

*Text proposed by the Commission*

(22) Europol and the European Public Prosecutor's Office ('EPPO') established by Council Regulation (EU) 2017/1939<sup>58</sup>, should ***put necessary*** arrangements ***in place to optimise their operational*** cooperation, taking due account of their respective tasks and mandates. Europol should work closely with the EPPO and ***actively*** support the investigations and prosecutions of the EPPO upon its request, including by providing analytical support

*Amendment*

(22) Europol and the European Public Prosecutor's Office ('EPPO') established by Council Regulation (EU) 2017/1939<sup>58</sup>, should ***conclude working*** arrangements ***setting out the modalities of the*** cooperation, taking due account of their respective tasks and mandates. Europol should work closely with the EPPO and support the investigations and prosecutions of the EPPO upon its request, including by providing analytical support and

and exchanging relevant information, as well as cooperate with it, from the moment a suspected offence is reported to the EPPO until the moment it determines whether to prosecute or otherwise dispose of the case. Europol should, without undue delay, report to the EPPO any criminal conduct in respect of which the EPPO could exercise its competence. To enhance operational cooperation between Europol and the EPPO, Europol should enable the EPPO to have access, on the basis of a hit/no hit system, to data available at Europol, in accordance with the safeguards and data protection guarantees provided for in this Regulation. The rules on the transmission to Union bodies set out in *this* Regulation should apply to Europol's cooperation with the EPPO. Europol should also be able to support criminal investigations by the EPPO by way of analysis of large and complex datasets.

exchanging relevant information, as well as cooperate with it, from the moment a suspected offence is reported to the EPPO until the moment it determines whether to prosecute or otherwise dispose of the case. Europol should, without undue delay, report to the EPPO any criminal conduct in respect of which the EPPO could exercise its competence. To enhance operational cooperation between Europol and the EPPO, Europol should enable the EPPO to have access, on the basis of a hit/no hit system, to data available at Europol, in accordance with the safeguards and data protection guarantees provided for in this Regulation. The rules on the transmission *of operational personal data* to Union *institutions, bodies, offices and agencies* set out in Regulation (EU) 2017/1939 should apply to Europol's cooperation with the EPPO. Europol should also be able to support criminal investigations by the EPPO by way of analysis of large and complex datasets *in accordance with the safeguards and data protection guarantees provided for in this Regulation.*

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<sup>58</sup> Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1–71).

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<sup>58</sup> Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1–71).

Or. en

## **Amendment 182**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

### **Proposal for a regulation**

#### **Recital 24**

*Text proposed by the Commission*

(24) Serious crime and terrorism often have links beyond the territory of the Union. Europol can exchange personal data

*Amendment*

(24) Serious crime and terrorism often have links beyond the territory of the Union. Europol can exchange personal data

with third countries *while safeguarding* the protection of privacy and fundamental rights and freedoms of the data subjects. *To reinforce cooperation with third countries in preventing and countering crimes falling within the scope of Europol's objectives, the Executive Director of Europol should be allowed to authorise categories of transfers of personal data to third countries in specific situations and on a case-by-case basis, where such a group of transfers related to a specific situation are necessary and meet all the requirements of this Regulation.*

with third countries, *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 Union pursuant to Article 218 TFEU that includes the transfer of personal data for law enforcement purposes, 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, as well as the protection of privacy and fundamental rights and freedoms of the data subjects is safeguarded.*

Or. en

### Amendment 183

Dragoş Tudorache, Michal Šimečka, Fabienne Keller

### Proposal for a regulation

#### Recital 24

#### *Text proposed by the Commission*

(24) Serious crime and terrorism often have links beyond the territory of the Union. Europol can exchange personal data with third countries while safeguarding the protection of privacy and fundamental rights and freedoms of the data subjects. To reinforce cooperation with third countries in preventing and countering crimes falling within the scope of Europol's objectives, the Executive Director of Europol should be allowed to authorise categories of transfers of personal data to third countries in specific situations **and** on a case-by-case basis, where such a group of transfers related to a specific situation are necessary and meet all the requirements of this Regulation.

#### *Amendment*

(24) Serious crime and terrorism often have links beyond the territory of the Union. Europol can exchange personal data with third countries while safeguarding the protection of privacy and fundamental rights and freedoms of the data subjects. To reinforce cooperation with third countries in preventing and countering crimes falling within the scope of Europol's objectives, the Executive Director of Europol should be allowed to authorise categories of transfers of personal data to third countries in specific situations, on a case-by-case basis, **and after consulting with the Commission**, where such a group of transfers related to a specific situation are **strictly** necessary and meet all the requirements of this



**Amendment 184**

**Clare Daly**

**Proposal for a regulation**

**Recital 24**

*Text proposed by the Commission*

(24) Serious crime and terrorism often have links beyond the territory of the Union. Europol can exchange personal data with third countries while safeguarding the protection of privacy and fundamental rights and freedoms of the data subjects. ***To reinforce cooperation with third countries in preventing and countering*** crimes falling within the scope of Europol's objectives, the Executive Director of Europol should be allowed to authorise ***categories of*** transfers of personal data to third countries in specific situations and on a case-by-case basis, where such a ***group of transfers*** related to a specific situation ***are*** necessary and ***meet*** all the requirements of this Regulation.

*Amendment*

(24) Serious crime and terrorism often have links beyond the territory of the Union. Europol can exchange personal data with third countries while safeguarding the protection of privacy and fundamental rights and freedoms of the data subjects. ***In circumstances where it is essential to the investigation of*** crimes falling within the scope of Europol's objectives, the Executive Director of Europol should be allowed to authorise transfers of personal data to third countries in specific situations and on a case-by-case basis, where such a ***transfer*** related to a specific situation ***is proportionate, necessary and meets*** all the requirements of this Regulation.

**Amendment 185**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Recital 25**

*Text proposed by the Commission*

(25) ***To support Member States in cooperating with private parties providing cross-border services where those private parties hold information relevant for preventing and combatting crime, Europol should be able to receive, and in***

*Amendment*

***deleted***

*specific circumstances, exchange personal data with private parties.*

Or. en

**Amendment 186**  
**Fabienne Keller**

**Proposal for a regulation**  
**Recital 25**

*Text proposed by the Commission*

(25) To support Member States in cooperating with private parties providing cross-border services where those private parties hold information relevant for preventing and combatting crime, Europol should be able to receive, and in specific circumstances, exchange personal data with private parties.

*Amendment*

(25) To support Member States in cooperating with private parties providing cross-border services where those private parties hold information relevant for preventing and combatting crime **and terrorism**, Europol should be able to receive, and in specific circumstances, exchange personal data with private parties.

Or. fr

**Amendment 187**  
**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**  
**Recital 25**

*Text proposed by the Commission*

(25) To support Member States in cooperating with private parties providing cross-border services where those private parties hold information relevant for preventing and combatting crime, Europol should be able to receive, and in **specific** circumstances, exchange personal data with private parties.

*Amendment*

(25) To support Member States in cooperating with private parties providing cross-border services where those private parties hold information relevant for preventing and combatting **serious** crime, Europol should be able to receive, and in **exceptional** circumstances, exchange personal data with private parties.

Or. en

## Amendment 188

Clare Daly

### Proposal for a regulation

#### Recital 25

*Text proposed by the Commission*

(25) To support Member States in cooperating with private parties providing cross-border services where those private parties hold information relevant for preventing and combatting crime, Europol should be able to receive, and in specific circumstances, exchange personal data with private parties.

*Amendment*

(25) To support Member States in cooperating with private parties providing cross-border services where those private parties hold information relevant for preventing and combatting crime, Europol should be able to ***indirectly*** receive, and in specific circumstances, exchange personal data with private parties.

Or. en

## Amendment 189

Saskia Bricmont, Tineke Strik, Patrick Breyer

### Proposal for a regulation

#### Recital 26

*Text proposed by the Commission*

(26) ***Criminals*** increasingly use cross-border services of private parties to communicate and carry out illegal activities. Sex offenders abuse children and share pictures and videos world-wide using online platforms on the internet. Terrorists abuse cross-border services by online service providers to recruit volunteers, plan and coordinate attacks, and disseminate propaganda. Cyber criminals profit from the digitalisation of our societies using phishing and social engineering to commit other types of cybercrime such as online scams, ransomware attacks or payment fraud. As a result from the increased use of online services by ***criminals***, private parties hold increasing amounts of personal data that may be relevant for criminal investigations.

*Amendment*

(26) ***People engaged in criminal activities*** increasingly use cross-border services of private parties to communicate and carry out illegal activities. Sex offenders ***may*** abuse children and share pictures and videos world-wide using online platforms on the internet. Terrorists ***may*** abuse cross-border services by online service providers to recruit volunteers, plan and coordinate attacks, and disseminate propaganda. Cyber criminals profit from the digitalisation of our societies ***and from the lack of digital literacy and skills of the general population*** using phishing and social engineering to commit other types of cybercrime such as online scams, ransomware attacks or payment fraud. As a result from the increased use of online services by ***people engaged in criminal activities***, private parties hold increasing amounts of personal data that may be

relevant for criminal investigations.

Or. en

## **Amendment 190**

**Fabienne Keller**

### **Proposal for a regulation**

#### **Recital 26**

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

(26) Criminals increasingly use cross-border services of private parties to communicate and carry out illegal activities. Sex offenders abuse children and share pictures and videos world-wide using online platforms on the internet. Terrorists abuse cross-border services by online service providers to recruit volunteers, plan and coordinate attacks, and disseminate propaganda. Cyber criminals profit from the digitalisation of our societies using phishing and social engineering to commit other types of cybercrime such as online scams, ransomware attacks or payment fraud. As a result from the increased use of online services by criminals, private parties hold increasing amounts of personal data that may be relevant for criminal investigations.

##### *Amendment*

(26) Criminals increasingly use cross-border services of private parties to communicate and carry out illegal activities. Sex offenders abuse children and share pictures and videos - ***child pornography content*** - world-wide using online platforms on the internet. Terrorists abuse cross-border services by online service providers to recruit volunteers, plan and coordinate attacks, and disseminate propaganda. Cyber criminals profit from the digitalisation of our societies using phishing and social engineering to commit other types of cybercrime such as online scams, ransomware attacks or payment fraud. As a result from the increased use of online services by criminals, private parties hold increasing amounts of personal data that may be relevant for criminal investigations.

Or. fr

## **Amendment 191**

**Clare Daly**

### **Proposal for a regulation**

#### **Recital 26**

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

(26) Criminals increasingly use cross-border services of private parties to communicate and carry out illegal

##### *Amendment*

(26) Criminals increasingly use cross-border services of private parties to communicate and carry out illegal

activities. Sex offenders **abuse** children and share pictures and videos world-wide using online platforms on the internet. Terrorists **abuse** cross-border services by online service providers to recruit volunteers, plan and coordinate attacks, and disseminate propaganda. Cyber criminals profit from the digitalisation of our societies using phishing and social engineering to commit other types of cybercrime such as online scams, ransomware attacks or payment fraud. As a result from the increased use of online services **by criminals**, private parties hold increasing amounts of personal data that may be relevant for criminal investigations.

activities. Sex offenders **exploit** children and share pictures and videos world-wide using online platforms on the internet. Terrorists **utilise** cross-border services by online service providers to recruit volunteers, plan and coordinate attacks, and disseminate propaganda. Cyber criminals profit from the digitalisation of our societies using phishing and social engineering to commit other types of cybercrime such as online scams, ransomware attacks or payment fraud. As a result from the increased use of online services, private parties hold increasing amounts of personal data that may be relevant for criminal investigations.

Or. en

## **Amendment 192**

**Clare Daly**

### **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***

#### *Amendment*

(27) Given the borderless nature of the internet, 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.

*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.*

Or. en

## **Amendment 193**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

### **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.

##### *Amendment*

(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 **may** contain personal data with links to multiple jurisdictions as well as personal data which cannot easily be attributed to any specific jurisdiction. National authorities **of Member States may** 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 **competent** law enforcement authorities of different countries.

Or. en

**Amendment 194**

**Clare Daly**

**Proposal for a regulation**

**Recital 28**

*Text proposed by the Commission*

*Amendment*

**(28) To ensure that private parties have a point of contact at Union level to lawfully share multi-jurisdictional data sets or data sets that could not be easily attributed so far to one or several specific jurisdictions, Europol should be able to receive personal data directly from private parties.** **deleted**

Or. en

**Amendment 195**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Recital 28**

*Text proposed by the Commission*

*Amendment*

**(28) To ensure that private parties have a point of contact at Union level to lawfully share multi-jurisdictional data sets or data sets that could not be easily attributed so far to one or several specific jurisdictions, Europol should be able to receive personal data directly from private parties.** **deleted**

Or. en

**Amendment 196**

**Dragoş Tudorache, Michal Šimečka, Fabienne Keller**

**Proposal for a regulation**

**Recital 28**

*Text proposed by the Commission*

*Amendment*

(28) To ensure that private parties have a point of contact at Union level to lawfully share multi-jurisdictional data sets or data sets that could not be easily attributed so far to one or several specific jurisdictions, Europol should be able to receive personal data directly from private parties.

(28) To ensure that private parties have a point of contact at Union level to lawfully share multi-jurisdictional data sets or data sets that could not be easily attributed so far to one or several specific jurisdictions, Europol should be able to receive personal data directly from private parties. ***Private parties legally obligated to remove illegal content should also be able to send Europol and Europol should be able to receive reports and non-personal data on moderated content that can reasonably be assumed to be linked to the criminal activities within the remit of Europol.***

Or. en

#### **Amendment 197**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

##### **Recital 28**

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

(28) To ensure that private parties have a point of contact at Union level to lawfully share multi-jurisdictional data sets or data sets that could not be easily attributed so far to one or several specific jurisdictions, Europol should be able to receive personal data directly from private parties.

###### *Amendment*

(28) To ensure that private parties have a point of contact at Union level to lawfully ***and voluntarily*** share multi-jurisdictional data sets or data sets that could not be easily attributed so far to one or several specific jurisdictions, Europol should be able to receive personal data directly from private parties ***for the sole purpose to establish jurisdiction, in accordance with the safeguards and data protection guarantees provided for in this Regulation.***

Or. en

#### **Amendment 198**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

##### **Recital 29**



*Text proposed by the Commission*

*Amendment*

**(29)** *To ensure that Member States receive quickly the relevant information necessary to initiate investigations to prevent and combat serious crime and terrorism, Europol should be able to process and analyse such data sets in order to identify the relevant Member States and forward to the national law enforcement authorities concerned the information and analysis necessary to investigate these crimes under their respective jurisdictions.*

*deleted*

Or. en

#### **Amendment 199**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

#### **Recital 29**

*Text proposed by the Commission*

*Amendment*

**(29)** To ensure that Member States receive **quickly** the relevant information necessary to initiate investigations to prevent and combat serious crime and terrorism, Europol should be able to process and analyse such data sets in order to identify the relevant Member States and forward **to the national law enforcement authorities concerned** the information and analysis necessary to investigate these crimes under their respective jurisdictions.

**(29)** To ensure that Member States receive **without undue delay** the relevant information necessary to initiate investigations to prevent and combat serious crime and terrorism, Europol should be able to process and analyse such data sets in order to identify the relevant Member States' **national units concerned** and forward **them** the information and analysis necessary to investigate these crimes under their respective jurisdictions, **in accordance with the safeguards and data protection guarantees provided for in this Regulation.**

Or. en

#### **Amendment 200**

**Clare Daly**

**Proposal for a regulation**  
**Recital 29**

*Text proposed by the Commission*

(29) To ensure that Member States receive quickly the relevant information necessary to initiate investigations to prevent and combat serious crime and terrorism, Europol should be able to process and analyse such data sets in order to identify the relevant Member States and forward to the national law enforcement authorities concerned the information and analysis necessary to investigate these crimes under their respective jurisdictions.

*Amendment*

(29) To ensure that Member States receive quickly the relevant information necessary to initiate investigations to prevent and combat serious crime and terrorism, Europol should be able to process and analyse such data sets, ***which have been transmitted to Europol by Member States***, in order to identify the relevant Member States and forward to the national law enforcement authorities concerned the information and analysis necessary to investigate these crimes under their respective jurisdictions.

Or. en

**Amendment 201**  
**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**  
**Recital 30**

*Text proposed by the Commission*

***(30) To ensure that it can identify all relevant national law enforcement authorities concerned, Europol should be able to inform private parties when the information received from them is insufficient to enable Europol to identify the law enforcement authorities concerned. This would enable private parties which have shared information with Europol to decide whether it is in their interest to share additional information with Europol and whether they can lawfully do so. To this end, Europol can inform private parties of missing information, as far as this is strictly necessary for the identification of the relevant law enforcement authorities. Special safeguards should apply to such transfers in particular when the private***

*Amendment*

***deleted***

*party concerned is not established within the Union or in a third country with which Europol has a cooperation agreement allowing for the exchange of personal data, or with which the Union has concluded an international agreement pursuant to Article 218 TFEU providing for appropriate safeguards, or which is the subject of an adequacy decision by the Commission, finding that the third country in question ensures an adequate level of data protection.*

Or. en

## Amendment 202

Clare Daly

### Proposal for a regulation

#### Recital 30

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

(30) To ensure that it can identify all relevant national law enforcement authorities concerned, Europol should be able to inform private parties when the information received from them is insufficient to enable Europol to identify the law enforcement authorities concerned. ***This would enable private parties which have shared information with Europol to decide whether it is in their interest to share additional information with Europol and whether they can lawfully do so.*** To this end, Europol can inform private parties of missing information, as far as this is strictly necessary for the identification of the relevant law enforcement authorities. Special safeguards should apply to such transfers in particular when the private party concerned is not established within the Union or in a third country with which Europol has a cooperation agreement allowing for the exchange of personal data, or with which the Union has concluded an international agreement pursuant to Article 218 TFEU

##### *Amendment*

(30) To ensure that it can identify all relevant national law enforcement authorities concerned, Europol should be able to inform private parties when the information received from them is insufficient to enable Europol to identify the law enforcement authorities concerned. To this end, ***on a case-by-case basis***, Europol can inform private parties of missing information, as far as this is strictly necessary for the identification of the relevant law enforcement authorities. Special safeguards should apply to such transfers in particular when the private party concerned is not established within the Union or in a third country with which Europol has a cooperation agreement allowing for the exchange of personal data, or with which the Union has concluded an international agreement pursuant to Article 218 TFEU providing for appropriate safeguards, or which is the subject of an adequacy decision by the Commission, finding that the third country in question ensures an adequate level of data

providing for appropriate safeguards, or which is the subject of an adequacy decision by the Commission, finding that the third country in question ensures an adequate level of data protection.

protection.

Or. en

### Amendment 203

Saskia Bricmont, Tineke Strik, Patrick Breyer

### Proposal for a regulation

#### Recital 30

#### *Text proposed by the Commission*

(30) To ensure that *it* can identify all relevant national **law enforcement authorities** concerned, **Europol** should be able to inform private parties when the information received from them is insufficient to enable Europol to **identify the law enforcement authorities concerned**. This would enable private parties which have shared information with Europol to decide whether it is in their interest to share additional information with Europol and whether they can lawfully do so. To this end, Europol can inform private parties of missing information, as far as this is strictly necessary for the **identification of the relevant law enforcement authorities**. **Special safeguards should apply to such transfers in particular** when the private party concerned is not established within the Union or in a third country with which Europol has a cooperation agreement allowing for the exchange of personal data, or with which the Union has concluded an international agreement pursuant to Article 218 TFEU providing for appropriate safeguards, or which is the subject of an adequacy decision by the Commission, **finding that the third country in question ensures an adequate level of data protection**.

#### *Amendment*

(30) To ensure that **Europol** can identify all relevant national **units** concerned, *it* should be able to inform private parties when the information received from them is insufficient to enable Europol to **establish jurisdiction**. This would enable private parties which have shared information with Europol to decide whether it is in their interest to share additional information with Europol and whether they can lawfully do so. To this end, Europol can inform private parties of missing information, as far as this is strictly necessary for the **sole purpose of identifying the relevant Member States' national units concerned**. When the private party concerned is not established within the Union or in a third country with which Europol has a cooperation agreement allowing for the exchange of personal data, or with which the Union has concluded an international agreement pursuant to Article 218 TFEU providing for appropriate safeguards, or which is the subject of an adequacy decision by the Commission, **such exchanges of information should not take place**.

**Amendment 204****Saskia Bricmont, Tineke Strik, Patrick Breyer****Proposal for a regulation****Recital 31***Text proposed by the Commission*

(31) Member States, third countries, ***international organisation, including the International Criminal Police Organisation (Interpol), or private parties*** may share multi-jurisdictional data sets or data sets that cannot be attributed to one or several specific jurisdictions with Europol, where those data sets contain links to personal data held by private parties. Where it is necessary to obtain additional information from such private parties to identify all relevant Member States concerned, Europol should be able to ask Member States, via their national units, to request private parties which are established or have a legal representative in their territory to share personal data with Europol in accordance with those Member States' ***applicable laws***. In many cases, these Member States may not be able to establish a link to their jurisdiction other than the fact that the private party holding the relevant data is established under their jurisdiction. Irrespective of their jurisdiction with regard the specific criminal activity subject to the request, Member States should therefore ensure that their competent national authorities can obtain personal data from private parties for the purpose of supplying Europol with the information necessary for it to fulfil its objectives, in full compliance with procedural guarantees under their national laws.

*Amendment*

(31) Member States ***or*** third countries, ***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 Union pursuant to Article 218 TFEU that includes the transfer of personal data for law enforcement purposes, 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,*** may share multi-jurisdictional data sets or data sets that cannot be attributed to one or several specific jurisdictions with Europol, where those data sets contain links to personal data held by private parties ***and is linked to a specific criminal activity falling within the scope of Europol's objectives set out in Article 3.*** Where it is necessary to obtain additional information from such private parties to identify all relevant Member States concerned, Europol should be able to ask Member States, via their national units, to request private parties which are ***legally*** established or have a legal representative in their territory to share personal data with Europol ***that are linked to a specific criminal activity falling within the scope of Europol's objectives***

*set out in Article 3*, in accordance with those Member States' *national law in compliance with Union law. Under the jurisprudence of the Court of Justice of the European Union, prior authorisation from a court or an independent administrative authority is generally required for private parties to disclose personal data to Member States national competent authorities, except in duly justified emergency situations*. In many cases, these Member States may not be able to establish a link to their jurisdiction other than the fact that the private party holding the relevant data is established under their jurisdiction. Irrespective of their jurisdiction with regard the specific criminal activity *under the scope of Europol's objectives* subject to the request, Member States should therefore ensure that their competent national authorities can obtain personal data from private parties for the purpose of supplying Europol with the information necessary for it to fulfil its objectives *set out in Article 3 of this Regulation*, in full compliance with procedural guarantees under their national laws.

Or. en

## Amendment 205 Clare Daly

### Proposal for a regulation Recital 31

#### *Text proposed by the Commission*

(31) Member States, third countries, international organisation, including the International Criminal Police Organisation (Interpol), *or private parties* may share multi-jurisdictional data sets or data sets that cannot be attributed to one or several specific jurisdictions with Europol, where those data sets contain links to personal data held by private parties. Where it is

#### *Amendment*

(31) Member States, third countries, *or* international organisation, including the International Criminal Police Organisation (Interpol), may share multi-jurisdictional data sets or data sets that cannot be attributed to one or several specific jurisdictions with Europol, where those data sets contain links to personal data held by private parties. Where it is necessary to

necessary to obtain additional information from such private parties to identify all relevant Member States concerned, Europol should be able to ask Member States, via their national units, to request private parties which are established or have a legal representative in their territory to share personal data with Europol in accordance with those Member States' applicable laws. In many cases, these Member States may not be able to establish a link to their jurisdiction other than the fact that the private party holding the relevant data is established under their jurisdiction. Irrespective of their jurisdiction with regard the specific criminal activity subject to the request, Member States should therefore ensure that their competent national authorities can obtain personal data from private parties for the purpose of supplying Europol with the information necessary for it to fulfil its objectives, in full compliance with procedural guarantees under their national laws.

obtain additional information from such private parties to identify all relevant Member States concerned, Europol should be able to ask Member States, via their national units, to request private parties which are established or have a legal representative in their territory to share personal data with Europol in accordance with those Member States' applicable laws. In many cases, these Member States may not be able to establish a link to their jurisdiction other than the fact that the private party holding the relevant data is established under their jurisdiction. Irrespective of their jurisdiction with regard the specific criminal activity subject to the request, Member States should therefore ensure that their competent national authorities can obtain personal data from private parties for the purpose of supplying Europol with the information necessary for it to fulfil its objectives, in full compliance with procedural guarantees under their national laws.

Or. en

**Amendment 206**  
**Clare Daly**

**Proposal for a regulation**  
**Recital 32**

*Text proposed by the Commission*

(32) To ensure that Europol does not keep the data longer than necessary to identify the Member States concerned, time limits for the storage of personal data by Europol should apply. Once Europol has exhausted all means at its disposal to identify all Member States concerned, and cannot reasonably expect to identify further Member States concerned, the storage of this personal data is no longer necessary and proportionate for identifying the Member States concerned. Europol should

*Amendment*

(32) To ensure that Europol does not keep the data longer than necessary to identify the Member States concerned, time limits for the storage of personal data by Europol should apply. Once Europol has exhausted all means at its disposal to identify all Member States concerned, and cannot reasonably expect to identify further Member States concerned, the storage of this personal data is no longer necessary and proportionate for identifying the Member States concerned. Europol should

erase the personal data *within four months* after the last transmission has taken place, unless a national unit, contact point or authority concerned resubmits the personal data as their data to Europol within this period. If the resubmitted personal data has been part of a larger set of personal data, Europol should only keep the personal data if and in so far as it has been resubmitted by a national unit, contact point or authority concerned.

erase the personal data *immediately* after the last transmission has taken place, unless a national unit, contact point or authority concerned resubmits, *on duly justified grounds, in compliance with national and Union law*, the personal data as their data to Europol within this period. If the resubmitted personal data has been part of a larger set of personal data, Europol should only keep the personal data if and in so far as it has been resubmitted by a national unit, contact point or authority concerned.

Or. en

## Amendment 207

Saskia Bricmont, Tineke Strik, Patrick Breyer

### Proposal for a regulation

#### Recital 32

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

(32) To ensure that Europol does not keep the data longer than necessary to identify the Member States concerned, time limits for the storage of personal data by Europol should apply. Once Europol has exhausted all means at its disposal to identify all Member States concerned, and cannot reasonably expect to identify further Member States concerned, the storage of this personal data is no longer necessary and proportionate for identifying the Member States concerned. Europol should erase the personal data within *four months* after the last transmission has taken place, unless *a national unit, contact point or authority concerned resubmits the personal data as their data to Europol within this period*. If the resubmitted personal data has been part of a larger set of personal data, Europol should only keep the personal data if *and in so far as* it has been resubmitted by a national unit, *contact point or authority concerned*.

##### *Amendment*

(32) To ensure that Europol does not keep the data longer than necessary to identify the Member States concerned, time limits for the storage of personal data by Europol *in accordance with Regulation (EU) 2018/1725* should apply. Once Europol has exhausted all means at its disposal to identify all Member States concerned, and cannot reasonably expect to identify further Member States' *national units* concerned, the storage of this personal data is no longer necessary and proportionate for identifying the Member States concerned. Europol should erase the personal data within *one month* after the last transmission has taken place, unless *it is resubmitted by a Member State's national unit as its data to Europol while complying with Regulation (EU) 2018/1725*. If the resubmitted personal data has been part of a larger set of personal data, Europol should only keep the personal data if it has been resubmitted by a *Member State's* national unit *and where*



*it is strictly necessary.*

Or. en

## **Amendment 208**

**Franco Roberti, Sabrina Pignedoli**

### **Proposal for a regulation**

#### **Recital 33**

*Text proposed by the Commission*

*Amendment*

**(33) Any cooperation of Europol with private parties should neither duplicate nor interfere with the activities of the Financial Intelligence Units ('FIUs'), and should only concern information that is not already to be provided to FIUs in accordance with Directive 2015/849 of the European Parliament and of the Council<sup>59</sup>. Europol should continue to cooperate with FIUs in particular via the national units.** *deleted*

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<sup>59</sup> *Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73).*

Or. en

#### *Justification*

*Its possible ambiguity could lead to a misinterpretation, which would be detrimental to Europol's support to Member States in fighting money laundering and terrorism financing and to Europol's role in this area. The cooperation currently existing between Europol and private parties ("PP") in the field of financial crime is quite advanced. It is necessary not to create a specific status for financial information as financial crime would become the only crime area where PP (obliged entities) and Europol might not be able to exchange personal*

*data. These provisions would create an exceptional situation for one type of competent authority amongst all competent authorities being able to use the services of Europol.*

#### **Amendment 209**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

##### **Recital 33**

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

(33) Any cooperation of Europol with private parties should neither duplicate nor interfere with the activities of the Financial Intelligence Units ('FIUs'), and should only concern information that is not already to be provided to FIUs in accordance with Directive 2015/849 of the European Parliament and of the Council<sup>59</sup>. Europol should continue to cooperate with FIUs *in particular* via the national units.

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<sup>59</sup> Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73).

###### *Amendment*

(33) Any cooperation of Europol with private parties should neither duplicate nor interfere with the activities of the Financial Intelligence Units ('FIUs'), and should only concern information that is not already to be provided to FIUs in accordance with Directive 2015/849 of the European Parliament and of the Council<sup>59</sup>. Europol should continue to cooperate with FIUs via the national units.

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<sup>59</sup> Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73).

Or. en

#### **Amendment 210**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

##### **Recital 33 a (new)**

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

###### *Amendment*

*(33 a) Private parties that cooperate with Europol should not transmit or transfer the data received from Europol to any other party. The Data Protection Officer and the Fundamental Rights Officer should be informed and involved in all data exchanges between Europol and private parties*

Or. en

**Amendment 211**

**Clare Daly**

**Proposal for a regulation**

**Recital 34**

*Text proposed by the Commission*

*Amendment*

*(34) Europol should be able to provide the necessary support for national law enforcement authorities to interact with private parties, in particular by providing the necessary infrastructure for such interaction, for example, when national authorities refer terrorist content online to online service providers or exchange information with private parties in the context of cyber attacks. Where Member States use the Europol infrastructure for exchanges of personal data on crimes falling outside the scope of the objectives of Europol, Europol should not have access to that data.*

*deleted*

Or. en

**Amendment 212**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Recital 34**

*Text proposed by the Commission*

*Amendment*

*(34) Europol should be able to provide*

*deleted*

*the necessary support for national law enforcement authorities to interact with private parties, in particular by providing the necessary infrastructure for such interaction, for example, when national authorities refer terrorist content online to online service providers or exchange information with private parties in the context of cyber attacks. Where Member States use the Europol infrastructure for exchanges of personal data on crimes falling outside the scope of the objectives of Europol, Europol should not have access to that data.*

Or. en

**Amendment 213**  
**Clare Daly**

**Proposal for a regulation**  
**Recital 35**

*Text proposed by the Commission*

*Amendment*

**(35)** *Terrorist attacks trigger the large scale dissemination of terrorist content via online platforms depicting harm to life or physical integrity, or calling for imminent harm to life or physical integrity. To ensure that Member States can effectively prevent the dissemination of such content in the context of such crisis situations stemming from ongoing or recent real-world events, Europol should be able to exchange personal data with private parties, including hashes, IP addresses or URLs related to such content, necessary in order to support Member States in preventing the dissemination of such content, in particular where this content aims at or has the effect of seriously intimidating a population, and where there is an anticipated potential for exponential multiplication and virality across multiple online service providers.* **deleted**

Or. en

## Amendment 214

Saskia Bricmont, Tineke Strik, Patrick Breyer

### Proposal for a regulation

#### Recital 35

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

(35) Terrorist attacks trigger the **large scale** dissemination of terrorist content via online platforms depicting harm to life or physical integrity, or calling for imminent harm to life or physical integrity. To ensure that Member States can effectively **prevent** the dissemination of such content in the context of such crisis situations stemming from ongoing or recent real-world events, Europol should be able to exchange personal data with private parties, **including hashes**, IP addresses or URLs related to such content, necessary in order to support Member States in **preventing** the dissemination of such content, in particular where this content aims at or has the effect of seriously intimidating a population, and where there is an anticipated potential for exponential multiplication and virality across multiple online service providers.

##### *Amendment*

(35) Terrorist attacks **may** trigger the dissemination of terrorist content via online platforms depicting harm to life or physical integrity, or calling for imminent harm to life or physical integrity. To ensure that Member States can effectively **address** the dissemination of such content in the context of such crisis situations stemming from ongoing or recent real-world events, Europol should be able to exchange personal data with private parties **which are established in a Member State or in 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 Union pursuant to Article 218 TFEU that includes the transfer of personal data for law enforcement purposes, 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, limited to IP addresses or URLs related to such content, and where it is strictly necessary and proportionate** in order to support Member States in **addressing** the dissemination of such content, in particular where this content aims at or has the effect of seriously intimidating a population, and where there is an anticipated potential for exponential multiplication and virality across multiple online service providers.

Or. en

## Amendment 215

Fabienne Keller

### Proposal for a regulation

#### Recital 35

*Text proposed by the Commission*

(35) Terrorist attacks trigger the large scale dissemination of terrorist content via online platforms depicting harm to life or physical integrity, or calling for imminent harm to life or physical integrity. To ensure that Member States can effectively prevent the dissemination of such content in the context of such crisis situations stemming from ongoing or recent real-world events, Europol should be able to exchange personal data with private parties, including hashes, IP addresses or URLs related to such content, necessary in order to support Member States in preventing the dissemination of such content, in particular where this content aims at or has the effect of seriously intimidating a population, and where there is an anticipated potential for exponential multiplication and virality across multiple online service providers.

*Amendment*

(35) Terrorist attacks trigger the large scale dissemination of terrorist content via online platforms depicting harm to life or physical integrity, or calling for imminent harm to life or physical integrity. ***Much illegal online content, such as online child pornography, also undermines citizens' integrity and security.*** To ensure that Member States can effectively prevent the dissemination of such content, ***particularly*** in the context of such crisis situations stemming from ongoing or recent real-world events, Europol should be able to exchange personal data with private parties, including hashes, IP addresses or URLs related to such content, necessary in order to support Member States in preventing the dissemination of such content ***or enabling their removal***, in particular where this content aims at or has the effect of seriously intimidating a population, and where there is an anticipated potential for exponential multiplication and virality across multiple online service providers.

Or. fr

## Amendment 216

Saskia Bricmont, Tineke Strik, Patrick Breyer

### Proposal for a regulation

#### Recital 36

*Text proposed by the Commission*

(36) Regulation (EU) 2018/1725 of the European Parliament and of the Council<sup>60</sup>

*Amendment*

(36) Regulation (EU) 2018/1725 of the European Parliament and of the Council<sup>60</sup>

<sup>61</sup> sets out rules on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies **but it** did not apply to Europol. To ensure uniform and consistent protection of natural persons with regard to the processing of personal data, Regulation (EU) 2018/1725 should **be made applicable** to Europol in accordance with Article 2(2) of that Regulation, **and should be complemented by specific provisions for the specific processing operations that Europol should perform to accomplish its tasks.**

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<sup>60</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

<sup>61</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

<sup>61</sup> **that** sets out rules on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies, did not apply to Europol. To ensure uniform and consistent protection of natural persons with regard to the processing of personal data, Regulation (EU) 2018/1725 should **directly apply** to Europol in accordance with Article 2(2) of that Regulation.

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<sup>60</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

<sup>61</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

Or. en

## **Amendment 217**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

### **Proposal for a regulation**

#### **Recital 37**

*Text proposed by the Commission*

*Amendment*

**(37) Given the challenges that the use of new technologies by criminals pose to the Union's security, law enforcement authorities are required to strengthen their technological capacities. To that end, Europol should support Member States in the use of emerging technologies in preventing and countering crimes falling within the scope of Europol's objectives. To explore new approaches and develop common technological solutions for Member States to prevent and counter crimes falling within the scope of Europol's objectives, Europol should be able to conduct research and innovation activities regarding matters covered by this Regulation, including with the processing of personal data where necessary and whilst ensuring full respect for fundamental rights. The provisions on the development of new tools by Europol should not constitute a legal basis for their deployment at Union or national level.**

*deleted*

Or. en

**Amendment 218**  
**Clare Daly**

**Proposal for a regulation**  
**Recital 37**

*Text proposed by the Commission*

(37) Given the challenges that the use of new technologies by criminals pose to the Union's security, law enforcement authorities are required to strengthen their technological capacities. To that end, Europol should support Member States in the use of emerging technologies in preventing and countering crimes falling within the scope of Europol's objectives. **To explore new approaches and develop common technological solutions for Member States to prevent and counter crimes falling within the scope of**

*Amendment*

(37) Given the challenges that the use of new technologies by criminals pose to the Union's security, law enforcement authorities are required to strengthen their technological capacities. To that end, Europol should support Member States in the use of emerging technologies in preventing and countering crimes falling within the scope of Europol's objectives.



*Europol's objectives, Europol should be able to conduct research and innovation activities regarding matters covered by this Regulation, including with the processing of personal data where necessary and whilst ensuring full respect for fundamental rights. The provisions on the development of new tools by Europol should not constitute a legal basis for their deployment at Union or national level.*

Or. en

#### Amendment 219

Saskia Bricmont, Tineke Strik, Patrick Breyer

#### Proposal for a regulation

#### Recital 37

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

(37) Given the challenges that the use of new technologies by **criminals** pose to the Union's security, law enforcement authorities **are** required to strengthen their technological capacities. To that end, Europol **should** support Member States in the use of emerging technologies in preventing and countering crimes falling within the scope of Europol's objectives. To explore new approaches and develop common technological solutions for Member States to prevent and counter crimes falling within the scope of Europol's objectives, Europol **should be able to** conduct research and innovation activities **regarding matters covered by this Regulation, including with the processing of personal data where necessary and whilst ensuring full respect for** fundamental rights. **The provisions on the development of new tools by Europol** should **not constitute a legal basis for their deployment at Union or national level.**

##### *Amendment*

(37) Given the challenges that the use of new technologies by **people engaged in criminal activities may** pose to the Union's security, law enforcement authorities **may be** required to strengthen their technological capacities. To that end, Europol **may** support Member States in the use of emerging technologies in preventing and countering crimes falling within the scope of Europol's objectives **set out in Article 3, while ensuring that the development, use and deployment of new technologies is guided by the ethical principles of transparency, explainability, fairness, accountability and responsibility, and do not undermine fundamental rights and freedoms or are discriminatory in any form.** To explore new approaches and develop common technological solutions for Member States to prevent and counter crimes falling within the scope of Europol's objectives **set out in Article 3 and that ensure full respect for fundamental rights and freedoms**, Europol **may** conduct research and innovation activities **or projects that are deemed**

*strictly necessary to achieve the objectives set out in Article 3. To this end, Europol should only process anonymised data for any research and innovation activity or project. The Data Protection Officer and Fundamental Rights Officer should be involved in all research and innovation activities or projects.*

Or. en

**Amendment 220**  
**Fabienne Keller**

**Proposal for a regulation**  
**Recital 37**

*Text proposed by the Commission*

(37) Given the challenges that the use of new technologies by criminals pose to the Union's security, law enforcement authorities are required to strengthen their technological capacities. To that end, Europol should support Member States in the use of emerging technologies in preventing and countering crimes falling within the scope of Europol's objectives. To explore new approaches and develop common technological solutions for Member States to prevent and counter crimes falling within the scope of Europol's objectives, Europol should be able to conduct research and innovation activities regarding matters covered by this Regulation, including with the processing of personal data where necessary and whilst ensuring full respect for fundamental rights. The provisions on the development of new tools by Europol should not constitute a legal basis for their deployment at Union or national level.

*Amendment*

(37) Given the challenges that the use of new technologies by criminals pose to the Union's security, law enforcement authorities are required to strengthen their technological capacities. To that end, Europol should support Member States in the use of emerging technologies in preventing and countering crimes falling within the scope of Europol's objectives. To explore new approaches and develop common technological solutions for Member States to prevent and counter crimes **and terrorist acts** falling within the scope of Europol's objectives, Europol should be able to conduct research and innovation activities regarding matters covered by this Regulation, including with the processing of personal data where necessary and whilst ensuring full respect for fundamental rights. **To this end, Europol should step up its cooperation with the relevant EU agencies in these areas in order to reinforce synergies in research and innovation work.** The provisions on the development of new tools by Europol should not constitute a legal basis for their deployment at Union or national level.

**Amendment 221**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Recital 38**

*Text proposed by the Commission*

*Amendment*

**(38) *Europol should play a key role in assisting Member States to develop new technological solutions based on artificial intelligence, which would benefit national law enforcement authorities throughout the Union. Europol should play a key role in promoting ethical, trustworthy and human centric artificial intelligence subject to robust safeguards in terms of security, safety and fundamental rights.*** ***deleted***

Or. en

**Amendment 222**

**Clare Daly**

**Proposal for a regulation**

**Recital 38**

*Text proposed by the Commission*

*Amendment*

**(38) *Europol should play a key role in assisting Member States to develop new technological solutions based on artificial intelligence, which would benefit national law enforcement authorities throughout the Union. Europol should play a key role in promoting ethical, trustworthy and human centric artificial intelligence subject to robust safeguards in terms of security, safety and fundamental rights.*** ***deleted***

Or. en

## Amendment 223

Saskia Bricmont, Tineke Strik, Patrick Breyer

### Proposal for a regulation

#### Recital 38

*Text proposed by the Commission*

(38) Europol ***should play a key role in assisting*** Member States to develop new technological solutions based on artificial intelligence, which would benefit national law enforcement authorities throughout the Union. Europol should play a key role in ***promoting*** ethical, trustworthy and human centric artificial intelligence subject to robust safeguards in terms of security, safety and fundamental rights.

*Amendment*

(38) Europol ***may assist*** Member States to develop new technological solutions based on artificial intelligence ***that do not undermine fundamental rights and freedoms or are discriminatory in any form***, which would benefit national law enforcement authorities throughout the Union. Europol should play a key role in ***ensuring*** ethical, trustworthy and human centric artificial intelligence subject to robust safeguards in terms of security, safety and fundamental rights. ***To this end, Europol should ensure that independent audits are carried out to ensure that all technological solutions based on artificial intelligence do not undermine fundamental rights and freedoms or are discriminatory in any form. Independent audits should be carried out before and after the deployment of any technological solution. The Data Protection Officer and Fundamental Rights Officer should be involved in all research and innovation projects and activities, in particular those based on artificial intelligence, as well as the EDPS if he or she deems it necessary.***

Or. en

## Amendment 224

Saskia Bricmont, Tineke Strik, Patrick Breyer

### Proposal for a regulation

#### Recital 39

*Text proposed by the Commission*

(39) ***Europol should inform the European Data Protection Supervisor prior to the launch of its research and***

*Amendment*

***deleted***

*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.*

Or. en

#### **Amendment 225**

**Dragoș Tudorache, Michal Šimečka, Fabienne Keller**

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

#### **Recital 39**

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

(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

##### *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.

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. *In those instances where closer cooperation between the EDPS and Europol is required for the development of innovative law enforcement tools in full respect of data protection acquis, the EDPS should establish regulatory sandboxes for the joint development of such tools. Such regulatory sandboxes should provide a controlled environment that facilitates the development, testing and validation of innovative law enforcement tools by Europol under the guidance of the EDPS, with a view to ensuring compliance with data protection obligations.*

Or. en

## Amendment 226

Clare Daly

### Proposal for a regulation

#### Recital 39

*Text proposed by the Commission*

(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

*Amendment*

(39) Europol should inform the European Data Protection Supervisor prior to the launch of 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

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.***

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.

Or. en

#### **Amendment 227**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

##### **Recital 39**

*Text proposed by the Commission*

(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***

*Amendment*

(39) Europol should inform the European Data Protection Supervisor ***and the JPSG*** prior to the launch of ***any*** research and innovation ***project or activity***. For each ***research and innovation*** project ***or activity***, Europol should carry out, prior to the processing, ***a data protection and fundamental rights impact assessment to ensure full respect with*** fundamental rights ***and data protection before and after the deployment of the research and innovation projects or activities***, including ***the prevention*** of any ***potential*** bias in the outcome. Such an assessment would facilitate the role of the European Data Protection Supervisor ***in accordance with Regulation (EU) 2018/1725, which may include*** the exercise of its corrective powers ***and may*** lead to a ban on processing ***or on the launch of a research and innovation project or activity.*** ***Europol should only use anonymized data***

*processing the personal data concerned, that would subsequently be required for their deployment at Union or national level.*

*for the development of research and innovation projects or activities. The management board should adopt a separate binding document for each research and innovation project or activity which should contain all the information related to the research innovation project or activity, and it should be available to the EDPS.*

Or. en

#### **Amendment 228**

**Dragoş Tudorache, Michal Šimečka, Fabienne Keller**

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

#### **Recital 39 a (new)**

*Text proposed by the Commission*

*Amendment*

*(39 a) Expanding the mandate of Europol and the scope of its data processing activities will require the EDPS to dedicate additional financial and human resources to exercise its supervisory role in regards Europol. EDPS resources, financial allocation, and human resources at skill levels commensurate with the complexity of data processing undertaken by Europol should be adjusted accordingly and proportionally to the increased responsibilities.*

Or. en

#### **Amendment 229**

**Clare Daly**

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

#### **Recital 40**

*Text proposed by the Commission*

*Amendment*

(40) Providing Europol with additional tools and capabilities requires reinforcing

(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.

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. ***The JPSG should also be furnished with all documentation provided to the Management Board as part of its functions. The JPSG should be empowered to conduct on-site visits and to convene emergency hearings with the Executive Director and/or any other representatives of Europol in circumstances where it is concerned that fundamental rights may have been breached by Europol activities or operations, and should be empowered to request that the Management Board order the suspension of a project or activity, as well empowered to request that the Management Board propose to the Council the dismissal of the Executive Director.***

Or. en

#### **Amendment 230**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

#### **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

*Amendment*

(40) Providing Europol with additional **powers** and capabilities requires reinforcing the democratic oversight, **transparency** and accountability of Europol. **The Joint Parliamentary Scrutiny Group** constitutes an important element of political monitoring of Europol's activities, **and thus its powers need to be reinforced.**

*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.

To enable effective political monitoring of Europol, Europol should provide the Joint Parliamentary Scrutiny Group with *quarterly* information on the *powers* and capabilities *of Europol* and the result thereof *concerning matters related to this Regulation, particularly with regards to research and innovation. The JPSG should be informed and consulted before the launch of any research and innovation project or activity as well as about the intention to develop new activities or set up any new specialized unit in Europol. The JPSG should be represented in the management board by two representatives appointed by the members of the JPSG. The two representatives of the JPSG should have the same rights than the other members in the management board.*

Or. en

#### Amendment 231

Dragoş Tudorache, Michal Šimečka, Fabienne Keller

#### 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 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 *detailed* annual information on the *development, deployment, use, and effectiveness* of these tools and capabilities and the result thereof.

Or. en

**Amendment 232**

**Fabienne Keller**

**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 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 ***detailed*** annual information on the use of these tools and capabilities and the result thereof.

Or. fr

**Amendment 233**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Recital 40 a (new)**

*Text proposed by the Commission*

*Amendment*

***(40 a) Europol's functioning should be transparent in accordance with Article 15(3) TFEU. Nothing in this Regulation is intended to restrict the right of public access to documents in so far as it is guaranteed in the Union and in the Member States, in particular under Article 42 of the Charter. The general rules on transparency that apply to Union agencies should also apply to Europol.***

Or. en

**Amendment 234**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Recital 40 b (new)**

*Text proposed by the Commission*

*Amendment*

***(40 b) This Regulation should establish the fundamental rights officer who should be responsible to monitor that Europol safeguards the respect for fundamental rights in all its activities and tasks. The fundamental rights officer should be provided with the resources and staff necessary to enable him or her to effectively perform all his or her tasks in accordance with this Regulation. This Regulation should also establish a consultative forum to provide independent advice in fundamental rights matters. The fundamental rights officer and the consultative forum should cooperate closely. In the performance of its tasks, Europol should take into account the reports and advice of the consultative forum referred to in Article 52a and of the fundamental rights officer referred to in Article 41c; reports and advice of the consultative Forum shall be immediately sent and presented to the JPSG.***

Or. en

**Amendment 235**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Recital 41**

*Text proposed by the Commission*

*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*** ***deleted***

*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.*

Or. en

#### Amendment 236

Saskia Bricmont, Tineke Strik, Patrick Breyer

#### 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 *support in accordance with this Regulation* provide added value to Member States, *including* 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, and third countries *that are subject to an adequacy decision as referred to in point (a) of Article 25(1) of this Regulation or with which the Union has concluded an international agreement pursuant to Article 218 TFEU that includes the transfer of personal data for law enforcement purposes*. Member States may contribute to Europol's budget *on a voluntary basis* based on separate *financial* agreements *which should include the amount and purpose for which the financial contributions will be allocated, including a clearly description of the tasks to achieve this purpose*. Europol should therefore be able to receive contributions from Member States on the basis of financial agreements within the scope of *Europol's* objectives and tasks *set out in articles 3 and 4 respectively of this Regulation*. *The amount, origin and*

*purpose of the financial contributions to Europol's budget should be published and included in Europol's multiannual programming and annual work programme referred in Article 12.*

Or. en

#### **Amendment 237**

**Clare Daly**

#### **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 may contribute to Europol's budget based on separate agreements. Europol should therefore be able to receive contributions from Member States on the basis of financial agreements within the scope of its objectives and tasks.

Or. en

#### **Amendment 238**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

#### **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

###### *Amendment*

(46) This Regulation *fully* respects the fundamental rights *and safeguards*, 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

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.

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 **enhanced** safeguards, **democratic oversight and accountability mechanisms**, to ensure **that the activities and tasks of Europol are carried out in** full compliance with fundamental rights as enshrined in the Charter of Fundamental Rights, **including protections ensured by title III especially by article 20 on equality before the law and article 21 on non-discrimination, and that the right to obtain effective administrative or judicial redress is guaranteed in the event of non-compliance. The right to an effective remedy is enshrined in Article 19 TEU and Article 47 of the Charter of Fundamental Rights of the European Union. Each natural or legal person has the right to an effective judicial remedy before the competent national court against any of the measures taken pursuant to this Regulation.** 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.

Or. en

#### **Amendment 239**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

#### **Recital 46 a (new)**

*Text proposed by the Commission*

*Amendment*

**(46 a) The extended tasks and competence of Europol shall be balanced with strengthened fundamental rights safeguards, increased accountability and**

*liability and increased oversight,  
including parliamentary oversight.*

Or. en

**Amendment 240**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Recital 46 b (new)**

*Text proposed by the Commission*

*Amendment*

*(46 b) Europol should ensure compliance with the fundamental rights and freedoms enshrined in the Charter and the data protection rules in accordance with Regulation 2018/1725 in the performance of its tasks and duties.*

Or. en

**Amendment 241**

**Franco Roberti**

**Proposal for a regulation**

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

Regulation (EU) 2016/794

Article 2 – paragraph 1 – point p

*Text proposed by the Commission*

*Amendment*

(p) ‘administrative personal data’ means all personal data processed by Europol apart from operational data;;

(p) ‘administrative personal data’ means all personal data processed by Europol apart from operational *personal* data;;

Or. en

**Amendment 242**

**Clare Daly**

**Proposal for a regulation**

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



Regulation (EU) 2016/794  
Article 2 – paragraph 1 – point q

*Text proposed by the Commission*

*Amendment*

**(c) the following point (q) is added:** **deleted**

***‘(q) ‘investigative case file’ means a dataset or multiple datasets that a Member State, the EPPO or a third country acquired in the context of an on-going criminal investigation, in accordance with procedural requirements and safeguards under the applicable national criminal law, and submitted to Europol in support of that criminal investigation.’***

Or. en

**Amendment 243**  
**Franco Roberti, Birgit Sippel**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 1 – point c – introductory part**  
Regulation (EU) 2016/794  
Article 2 – paragraph 1 – point q

*Text proposed by the Commission*

*Amendment*

**(c) the following point (q) is added:**

**(c) the following point (q) *and (qa)* are added:**

Or. en

**Amendment 244**  
**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

*Text proposed by the Commission*

*Amendment*

**(q) ‘investigative case file’ means a dataset or multiple datasets that a Member**

**(q) ‘investigative case file’ means a dataset or multiple datasets that a Member**

State, the EPPO or a third country acquired in the context of an on-going criminal investigation, in accordance with procedural requirements and safeguards under the applicable national criminal law, and submitted to Europol in support of that criminal investigation.

State, the EPPO or a third country ***that is the subject of an adequacy decision as referred to in point (a) of Article 25(1) of this Regulation or with which the Union has concluded an international agreement pursuant to Article 218 TFEU that includes the transfer of personal data for law enforcement purposes,*** acquired in the context of an on-going criminal investigation, in accordance with ***fundamental and procedural rights, as well as*** procedural requirements and safeguards under the applicable national criminal law, and submitted to Europol in support of that criminal investigation.

Or. en

**Amendment 245**  
**Franco Roberti**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 1 – point c**  
Regulation (EU) 2016/794  
Article 2 – paragraph 1 – point q a (new)

*Text proposed by the Commission*

*Amendment*

***(q a) ‘crisis situation’ means an ongoing or recent real-world event relating to terrorism or violent extremism, where online material is created depicting harm to life or to physical integrity, or calls for imminent harm to life or physical integrity, and aims at, or has the effect of seriously intimidating a population, and where there is an anticipated potential of exponential multiplication and virality across multiple online services.’***

Or. en

**Amendment 246**  
**Clare Daly**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point a – point i**  
Regulation (EU) 2016/794  
Article 4 – paragraph 1 – point h

*Text proposed by the Commission*

*Amendment*

**(i) point (h) is replaced by the following:** **deleted**

**‘(h) support Member States’ cross-border information exchange activities, operations and investigations, as well as joint investigation teams, and special intervention units, including by providing operational, technical and financial support;;’**

Or. en

**Amendment 247**  
**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

*Text proposed by the Commission*

*Amendment*

**(h) support Member States’ cross-border information exchange activities, operations and investigations, as well as joint investigation teams, *and special intervention units*, including by providing operational, technical *and financial* support;;**

**(h) support Member States’ cross-border information exchange activities, operations and investigations, as well as joint investigation teams, including by providing operational *and* technical support;;**

Or. en

**Amendment 248**  
**Franco Roberti**

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

*Text proposed by the Commission*

(j) cooperate with the Union bodies established on the basis of Title V of the TFEU **and** with OLAF and ENISA, in particular through exchanges of information and by providing them with analytical support in **the** areas **that fall** within their competence;;

*Amendment*

(j) cooperate with the Union bodies established on the basis of Title V of the TFEU, **as well as** with OLAF and ENISA, in particular through exchanges of information and by providing them with analytical support in areas **falling**, within their competence;

Or. en

**Amendment 249**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point a – point ii**

Regulation (EU) 2016/794

Article 4 – paragraph 1 – point j

*Text proposed by the Commission*

(j) cooperate with the Union bodies established on the basis of Title V of the TFEU and with OLAF **and ENISA**, in particular through exchanges of information and by providing them with analytical support in the areas that fall within their competence;;

*Amendment*

(j) cooperate with the Union bodies established on the basis of Title V of the TFEU and with OLAF, in particular through exchanges of information and by providing them with analytical support in the areas that fall within their competence;

Or. en

**Amendment 250**

**Franco Roberti, Sabrina Pignedoli**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point a – point ii**

Regulation (EU) 2016/794

Article 4 – paragraph 1 – point j a – new

*Text proposed by the Commission*

*Amendment*

**(j a) cooperate with Financial Intelligence Units regulated by Directive 2015/849 of the European Parliament and of the Council on the basis of Article 114**

***TFEU, in particular through exchanges of information and by providing them with analytical support to combat money laundering and terrorism financing***

Or. en

*Justification*

*Money laundering and terrorism financing should be tackled in a comprehensive way by the European Union. Given Europol's experience in this field, the Agency should be recognised as having a key role in this consolidated approach.*

**Amendment 251**

**Clare Daly**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point a – point iii**

Regulation (EU) 2016/794

Article 4 – paragraph 1 – point m

*Text proposed by the Commission*

(m) support Member States' actions in preventing and combating forms of crime listed in Annex I which are facilitated, promoted or committed using the internet, including, in cooperation with Member States, the coordination of law enforcement authorities' response to cyberattacks, ***the taking down of terrorist content online, and the making of referrals of internet content, by which such forms of crime are facilitated, promoted or committed, to the online service providers concerned for their voluntary consideration of the compatibility of the referred internet content with their own terms and conditions;;***

*Amendment*

(m) support Member States' actions in preventing and combating forms of crime listed in Annex I which are facilitated, promoted or committed using the internet, including, in cooperation with Member States, ***and*** the coordination of law enforcement authorities' response to cyberattacks;;

Or. en

**Amendment 252**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point a – point iii**

Regulation (EU) 2016/794

Article 4 – paragraph 1 – point m

*Text proposed by the Commission*

(m) support Member States' actions in **preventing** and combating forms of crime listed in Annex I which are facilitated, promoted or committed using the internet, including, in cooperation with Member States, the coordination of law enforcement authorities' response to cyberattacks, **the taking down** of terrorist content online, and the making of referrals of internet content, by which such forms of crime are facilitated, promoted or committed, to the online service providers concerned for their voluntary consideration of the compatibility of the referred internet content with their own terms and conditions;

*Amendment*

(m) support Member States' actions in **addressing** and combating forms of crime listed in Annex I which are facilitated, promoted or committed using the internet, including, in cooperation with Member States, **supporting** the coordination of **Member States** law enforcement authorities' response to cyberattacks, **address the dissemination** of terrorist content online, and the making of referrals of internet content **without affecting the right to privacy and the protection of personal data**, by which such forms of crime are facilitated, promoted or committed, to the online service providers concerned for their voluntary consideration of the compatibility of the referred internet content with their own terms and conditions;

Or. en

**Amendment 253**

**Franco Roberti**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point a – point iii**

Regulation (EU) 2016/794

Article 4 – paragraph 1 – point m

*Text proposed by the Commission*

(m) support Member States' actions in preventing and combating forms of crime listed in Annex I which are facilitated, promoted or committed using the internet, including, in cooperation with Member States, the coordination of law enforcement authorities' response to cyberattacks, the taking down of terrorist content online, and the making of referrals of internet content, **by which such** forms of crime are

*Amendment*

(m) support Member States' actions in preventing and combating forms of crime listed in Annex I which are facilitated, promoted or committed using the internet, including, in cooperation with Member States, the coordination of law enforcement authorities' response to cyberattacks, the taking down of terrorist content online, and the making of referrals of internet content **to the online service providers concerned,**

facilitated, promoted or committed, ***to the online service providers concerned*** for their voluntary consideration of the compatibility of the referred internet content with their own terms and conditions;;

***of content whereby these*** forms of crime are facilitated, promoted or committed, for their voluntary consideration of the compatibility of the referred internet content with their own terms and conditions;

Or. en

#### **Amendment 254**

**Dragoş Tudorache, Michal Šimečka**

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

**Article 1 – paragraph 1 – point 2 – point a – point iv – introductory part**

Regulation (EU) 2016/794

Article 4 – paragraph 1 – point m – point iv

*Text proposed by the Commission*

*Amendment*

(iv) the following points (q) to ***(r)*** are added:

(iv) the following points (q) to ***(w)*** are added:

Or. en

#### **Amendment 255**

**Clare Daly**

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

**Article 1 – paragraph 1 – point 2 – point a – point iv – introductory part**

Regulation (EU) 2016/794

Article 4 – paragraph 1 – point m – point iv

*Text proposed by the Commission*

*Amendment*

(iv) the following ***points (q) to (r) are*** added:

(iv) the following ***point is*** added:

Or. en

#### **Amendment 256**

**Clare Daly**

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

**Article 1 – paragraph 1 – point 2 – point a – point iv**

*Text proposed by the Commission*

*Amendment*

**(q) support Member States in identifying persons whose involvement in crimes falling within the scope of Europol’s mandate, as listed in Annex I, constitute a high risk for security, and facilitate joint, coordinated and prioritised investigations;**

**deleted**

Or. en

#### **Amendment 257**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

**Article 1 – paragraph 1 – point 2 – point a – point iv**

Regulation (EU) 2016/794

Article 4 – paragraph 1 – point q

*Text proposed by the Commission*

*Amendment*

(q) support Member States in identifying persons **whose involvement in** crimes falling within the scope of Europol’s mandate, as listed in Annex I, constitute a high risk for security, and facilitate joint, coordinated and prioritised investigations;

(q) support Member States in identifying persons **suspected of having committed** crimes falling within the scope of Europol’s mandate, as listed in Annex I, **and that** constitute a high risk for security, and facilitate joint, coordinated and prioritised investigations;

Or. en

#### **Amendment 258**

**Clare Daly**

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

**Article 1 – paragraph 1 – point 2 – point a – point iv**

Regulation (EU) 2016/794

Article 4 – paragraph 1 – point r

*Text proposed by the Commission*

*Amendment*

**(r) enter data into the Schengen**

**deleted**



*Information System, in accordance with Regulation (EU) 2018/1862 of the European Parliament and of the Council\*, following consultation with the Member States in accordance with Article 7 of this Regulation, and under authorisation by the Europol Executive Director, on the suspected involvement of a third country national in an offence in respect of which Europol is competent and of which it is aware on the basis of information received from third countries or international organisations within the meaning of Article 17(1)(b);*

Or. en

#### **Amendment 259**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

**Article 1 – paragraph 1 – point 2 – point a – point iv**

Regulation (EU) 2016/794

**Article 4 – paragraph 1 – point r**

*Text proposed by the Commission*

*Amendment*

<p><b>(r) enter data into the Schengen Information System, in accordance with Regulation (EU) 2018/1862 of the European Parliament and of the Council*, following consultation with the Member States in accordance with Article 7 of this Regulation, and under authorisation by the Europol Executive Director, on the suspected involvement of a third country national in an offence in respect of which Europol is competent and of which it is aware on the basis of information received from third countries or international organisations within the meaning of Article 17(1)(b);</b></p>	<p><i>deleted</i></p>
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Or. en

#### **Amendment 260**

**Dragoş Tudorache, Michal Šimečka**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point a – point iv**

Regulation (EU) 2016/794

Article 4 – paragraph 1 – point r

*Text proposed by the Commission*

(r) enter data into the Schengen Information System, in accordance with Regulation (EU) 2018/1862 of the European Parliament and of the Council\*, following consultation with the Member States in accordance with Article 7 of this Regulation, and under authorisation by the Europol Executive Director, on the suspected involvement of a third country national in an offence in respect of which Europol is competent and of which it is aware on the basis of information received from third countries or international organisations within the meaning of Article 17(1)(b);

*Amendment*

(r) enter data into the Schengen Information System, in accordance with Regulation (EU) 2018/1862 of the European Parliament and of the Council\*, following consultation with the Member States in accordance with Article 7 of this Regulation, and under authorisation by the Europol Executive Director, on the suspected involvement of a third country national in an offence in respect of which Europol is competent and of which it is aware on the basis of information received from third countries ***referred to in Article 25(1) of this regulation*** or international organisations within the meaning of Article 17(1)(b);

Or. en

**Amendment 261**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point a – point iv**

Regulation (EU) 2016/794

Article 4 – paragraph 1 – point r

*Text proposed by the Commission*

(r) enter ***data*** into the Schengen Information System, in accordance with Regulation (EU) 2018/1862 of the European Parliament and of the Council\*, following consultation with the Member States in accordance with Article 7 of this Regulation, and under authorisation by the Europol Executive Director, on the suspected involvement of a third country national in an offence in respect of which

*Amendment*

(r) ***propose Member States to*** enter ***alerts*** into the Schengen Information System, in accordance with Regulation (EU) 2018/1862 of the European Parliament and of the Council\*, following consultation with the Member States in accordance with Article 7 of this Regulation, and under authorisation by the Europol Executive Director, on the suspected involvement of a third country

Europol is competent and of which it is aware on the basis of information received from third countries or international organisations within the meaning of Article 17(1)(b);

national in an offence in respect of which Europol is competent and of which it is aware on the basis of information received from third countries or international organisations within the meaning of Article 17(1)(b);

Or. en

## **Amendment 262**

**Franco Roberti**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 2 – point a – point iv**

Regulation (EU) 2016/794

Article 4 – paragraph 1 – point r

#### *Text proposed by the Commission*

(r) enter data into the Schengen Information System, in accordance with Regulation (EU) 2018/1862 of the European Parliament and of the Council\*, following consultation with the Member States in accordance with Article 7 of this Regulation, and under authorisation by the Europol Executive Director, on the suspected involvement of a third country national in an offence in respect of which Europol is competent and of which it is aware on the basis of information received from third countries or international organisations within the meaning of Article 17(1)(b);

#### *Amendment*

(r) enter ***alerts containing personal*** data into the Schengen Information System, in accordance with Regulation (EU) 2018/1862 of the European Parliament and of the Council\*, following consultation with the Member States in accordance with Article 7 of this Regulation, and under authorisation by the Europol Executive Director, on the suspected involvement of a third country national in an offence in respect of which Europol is competent and of which it is aware on the basis of information received from third countries or international organisations within the meaning of Article 17(1)(b);

Or. en

## **Amendment 263**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 2 – point a – point iv**

Regulation (EU) 2016/794

Article 4 – paragraph 1 – point s

*Text proposed by the Commission*

*Amendment*

(s) ***support the implementation of the evaluation and monitoring mechanism under Regulation (EU) No 1053/2013 within the scope of Europol's objectives as set out in Article 3;*** ***deleted***

Or. en

#### **Amendment 264**

**Clare Daly**

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

**Article 1 – paragraph 1 – point 2 – point a – point iv**

Regulation (EU) 2016/794

Article 4 – paragraph 1 – point s

*Text proposed by the Commission*

*Amendment*

(s) support the implementation of the evaluation and monitoring mechanism under Regulation (EU) No 1053/2013 within the scope of Europol's objectives as set out in Article 3;

(s) support, ***through the provision of expertise and analyses upon request***, the implementation of the evaluation and monitoring mechanism under Regulation (EU) No 1053/2013 within the scope of Europol's objectives as set out in Article 3;

Or. en

#### **Amendment 265**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

**Article 1 – paragraph 1 – point 2 – point a – point iv**

Regulation (EU) 2016/794

Article 4 – paragraph 1 – point t

*Text proposed by the Commission*

*Amendment*

(t) ***proactively monitor and contribute to research and innovation activities relevant to achieve the objectives set out in Article 3, support related activities of Member States, and implement its research and innovation activities regarding matters covered by this*** ***deleted***

***Regulation, including the development, training, testing and validation of algorithms for the development of tools.***

Or. en

#### **Amendment 266**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

**Article 1 – paragraph 1 – point 2 – point a – point iv**

**Regulation (EU) 2016/794**

**Article 4 – paragraph 1 – point t**

#### *Text proposed by the Commission*

(t) ***proactively monitor and contribute to*** research and innovation activities ***relevant to achieve the objectives set out in Article 3, support related activities of Member States, and implement its research and innovation activities regarding matters covered by this Regulation, including*** the development, training, testing and validation of algorithms ***for the development of tools.***

#### *Amendment*

(t) ***carry out*** research and innovation activities ***and projects for*** the development, training, testing and validation of algorithms, ***which are relevant and strictly necessary to achieve Europol's objectives set out in Article 3 and that shall be guided by the ethical principles of transparency, explainability, fairness, accountability and responsibility, as well as accompanied by independent assessments and audits to ensure compliance with the fundamental rights and freedoms enshrined in the Charter and that the results of the research and innovation activities or projects are not discriminatory in any form and do not contribute to mass surveillance.***

Or. en

#### **Amendment 267**

**Clare Daly**

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

**Article 1 – paragraph 1 – point 2 – point a – point iv**

**Regulation (EU) 2016/794**

**Article 4 – paragraph 1 – point t**

#### *Text proposed by the Commission*

#### *Amendment*

(t) proactively monitor ***and contribute to*** research and innovation activities relevant to achieve the objectives set out in Article 3, ***support related activities of Member States, and implement its research and innovation activities regarding matters covered by this Regulation, including the development, training, testing and validation of algorithms for the development of tools.***

(t) proactively monitor research and innovation activities relevant to achieve the objectives set out in Article 3.

Or. en

#### **Amendment 268** **Franco Roberti**

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

**Article 1 – paragraph 1 – point 2 – point a – point iv**

Regulation (EU) 2016/794

Article 4 – paragraph 1 – point t

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

(t) proactively monitor and contribute to research and innovation activities relevant to ***achieve*** the objectives set out in Article 3, ***support*** related activities of Member States, and ***implement*** its research and innovation activities regarding matters covered by this Regulation, including the development, training, testing and validation of algorithms for the development of tools.

##### *Amendment*

(t) proactively monitor and contribute to research and innovation activities relevant to ***achieving*** the objectives set out in Article 3 ***by supporting*** related activities of Member States, and ***implementing*** its research and innovation activities regarding matters covered by this Regulation, including the development, training, testing and validation of algorithms for the development of ***specific tools for the use of law enforcement.***

Or. en

#### **Amendment 269** **Dragoș Tudorache, Michal Šimečka, Fabienne Keller**

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

**Article 1 – paragraph 1 – point 2 – point a – point iv**

Regulation (EU) 2016/794

Article 4 – paragraph 1 – point t a (new)

***(t a) where appropriate and without prejudice to the provisions of this Regulation, cooperate with the JRC on defining and conceptualizing research and innovation activities regarding matters covered by this Regulation.***

Or. en

**Amendment 270**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point a – point iv**

Regulation (EU) 2016/794

Article 4 – paragraph 1 – point u

*Text proposed by the Commission*

*Amendment*

***(u) support Member States' actions in preventing the dissemination of online content related to terrorism or violent extremism in crisis situations, which stems from an ongoing or recent real-world event, depicts harm to life or physical integrity or calls for imminent harm to life or physical integrity, and aims at or has the effect of seriously intimidating a population, and where there is an anticipated potential for exponential multiplication and virality across multiple online service providers.*** ***deleted***

Or. en

**Amendment 271**

**Clare Daly**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point a – point iv**

Regulation (EU) 2016/794

Article 4 – paragraph 1 – point u

(u) support Member States' actions in preventing the dissemination of online content related to terrorism or violent extremism in crisis situations, *which stems from an ongoing or recent real-world event, depicts harm to life or physical integrity or calls for imminent harm to life or physical integrity, and aims at or has the effect of seriously intimidating a population, and where there is an anticipated potential for exponential multiplication and virality across multiple online service providers.* **deleted**

Or. en

**Amendment 272**  
**Franco Roberti**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point a – point iv**

Regulation (EU) 2016/794

Article 4 – paragraph 1 – point u

(u) support Member States' actions in preventing the dissemination of online content related to terrorism or violent extremism in crisis situations, ***which stems from an ongoing or recent real-world event, depicts harm to life or physical integrity or calls for imminent harm to life or physical integrity, and aims at or has the effect of seriously intimidating a population, and where there is an anticipated potential for exponential multiplication and virality across multiple online service providers.***

(u) support Member States' actions in preventing the dissemination of online content related to terrorism or violent extremism in crisis situations, ***as defined in Article 26a.***

Or. en

**Amendment 273**  
**Dragoş Tudorache, Michal Šimečka, Fabienne Keller**



**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point a – point iv**

Regulation (EU) 2016/794

Article 4 – paragraph 1 – point u a (new)

*Text proposed by the Commission*

*Amendment*

*(u a) monitor and evaluate red alerts issued by third countries in Interpol and notify Member States, the EEAS, and the Commission when there is reasonable suspicion that the alert was issued in violation of Article 3 of the Interpol constitution.*

Or. en

**Amendment 274**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point a a (new)**

Regulation (EU) 2016/794

Article 4 – paragraph 1 – point a a (new)

*Text proposed by the Commission*

*Amendment*

*(a a) The JPSG should be informed prior to the intention to develop any new activity referred to in this Article, in particular, about the intention to set up a new union centre of specialised expertise as referred in (l) and new research and innovation project as referred to (t).*

Or. en

**Amendment 275**

**Clare Daly**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point b**

Regulation (EU) 2016/794

Article 4 – paragraph 2

*Text proposed by the Commission*

Europol shall also assist in the operational implementation of those priorities, ***notably in the European Multidisciplinary Platform Against Criminal Threats, including*** by facilitating and providing ***administrative, logistical, financial and*** operational support to Member States-led operational and strategic activities.;

*Amendment*

Europol shall also assist in the operational implementation of those priorities, by facilitating and providing operational support to Member States-led operational and strategic activities.;

Or. en

**Amendment 276**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point b**

Regulation (EU) 2016/794

Article 4 – paragraph 2

*Text proposed by the Commission*

Europol ***shall*** also assist in the operational implementation of those priorities, ***notably*** in the European Multidisciplinary Platform Against Criminal Threats, ***including*** by facilitating and providing administrative, logistical, ***financial*** and operational support to Member States-led operational and strategic activities.;

*Amendment*

***The second sentence is replaced by the following:***

“Europol ***may*** also assist in the operational implementation of those priorities, ***including*** in the European Multidisciplinary Platform Against Criminal Threats, by facilitating and providing administrative, logistical and operational support to Member States-led operational and strategic activities.”

Or. en

**Amendment 277**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**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 supporting the Commission and the Member States in carrying out risk assessments, ***and shall make public its methodology, criteria and indicators used for the threat assessment analysis;***

Or. en

**Amendment 278**  
**Clare Daly**

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

*Text proposed by the Commission*

(d) the following ***paragraphs 4a and 4b are*** inserted:

*Amendment*

(d) the following ***paragraph 4a is*** inserted:

Or. en

**Amendment 279**  
**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

*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***

*Amendment*

***deleted***

*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.*

Or. en

**Amendment 280**  
**Patryk Jaki**

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

*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. ***that requires adequate human and financial support to Europol, given the significant expansion of its competences and tasks.*** 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 281**  
**Clare Daly**

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

*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 **whether security** research **and innovation projects carried out under** the Union framework programmes for research and innovation activities that are relevant to the objectives set out in Article 3 **are effective in reducing crime and making Europe safer and more secure.**

Or. en

**Amendment 282**

**Dragoş Tudorache, Michal Šimečka, Fabienne Keller**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point d**

Regulation (EU) 2016/794

Article 4 – paragraph 4a

*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 **and the Member States** 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 **actively** assists the Commission in **the design**, drawing up, **or implementation of** a Union framework programme, the Agency shall not receive funding from that programme.

Or. en

**Amendment 283**

**Patryk Jaki**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point d**

*Text proposed by the Commission*

*Amendment*

**4b. Europol shall support the screening of specific cases of foreign direct investments into the Union under Regulation (EU) 2019/452 of the European Parliament and of the Council\* that concern undertakings providing technologies used or being developed by Europol or by Member States for the prevention and investigation of crimes covered by Article 3 on the expected implications for security.** *deleted*

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**\* Regulation (EU) 2019/452 of the European Parliament and of the Council of 19 March 2019 establishing a framework for the screening of foreign direct investments into the Union (OJ L 79I, 21.3.2019, p. 1).**

Or. en

#### **Amendment 284**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

**Article 1 – paragraph 1 – point 2 – point d**

Regulation (EU) 2016/794

Article 4 – paragraph 4b

*Text proposed by the Commission*

*Amendment*

**4b. Europol shall support the screening of specific cases of foreign direct investments into the Union under Regulation (EU) 2019/452 of the European Parliament and of the Council\* that concern undertakings providing technologies used or being developed by Europol or by Member States for the prevention and investigation of crimes covered by Article 3 on the expected implications for security.** *deleted*

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***\* Regulation (EU) 2019/452 of the European Parliament and of the Council of 19 March 2019 establishing a framework for the screening of foreign direct investments into the Union (OJ L 79I, 21.3.2019, p. 1).***

Or. en

**Amendment 285**  
**Clare Daly**

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

*Text proposed by the Commission*

*Amendment*

**4b.      *Europol shall support the screening of specific cases of foreign direct investments into the Union under Regulation (EU) 2019/452 of the European Parliament and of the Council\* that concern undertakings providing technologies used or being developed by Europol or by Member States for the prevention and investigation of crimes covered by Article 3 on the expected implications for security.***      ***deleted***

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***\* Regulation (EU) 2019/452 of the European Parliament and of the Council of 19 March 2019 establishing a framework for the screening of foreign direct investments into the Union (OJ L 79I, 21.3.2019, p. 1).***

Or. en

**Amendment 286**  
**Dragoș Tudorache, Michal Šimečka, Fabienne Keller**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point d**  
Regulation (EU) 2016/794  
Article 4 – paragraph 4b

*Text proposed by the Commission*

4b. Europol shall support the screening of specific cases of foreign direct investments into the Union under Regulation (EU) 2019/452 of the European Parliament and of the Council\* that concern undertakings providing technologies used or being developed by Europol or by Member States for the prevention and investigation of crimes covered by Article 3 on the expected implications for security.

*Amendment*

4b. Europol shall support the screening of specific cases of foreign direct investments into the Union under Regulation (EU) 2019/452 of the European Parliament and of the Council\* that concern undertakings providing technologies used or being developed by Europol or by Member States for the prevention and investigation of crimes covered by Article 3 ***or critical technologies that could be used to facilitate terrorism*** on the expected implications for security.

Or. en

**Amendment 287**  
**Franco Roberti**

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

*Text proposed by the Commission*

4b. Europol shall support the screening of specific cases of foreign direct investments into the Union under Regulation (EU) 2019/452 of the European Parliament and of the Council\* that concern undertakings providing technologies used ***or being developed*** by Europol or by Member States for the prevention and investigation of crimes covered by Article 3 on the expected implications for security.

*Amendment*

4b. Europol shall support ***the Commission and the Member States in*** the screening of specific cases of foreign direct investments into the Union under Regulation (EU) 2019/452 of the European Parliament and of the Council\* that concern undertakings providing technologies used by Europol or by Member States for the prevention and investigation of crimes covered by Article 3 on the expected implications for security.

Or. en



## Amendment 288

Clare Daly

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 2 – point e

Regulation (EU) 2016/794

Article 4 – paragraph 5

#### *Text proposed by the Commission*

Europol staff may assist the competent authorities of the Member States, at their request and in accordance with their national law, in the taking of investigative measures.

#### *Amendment*

Europol staff may assist the competent authorities of the Member States, at their request and in accordance with their national law, in the taking of investigative measures ***that are not coercive***.

Or. en

## Amendment 289

Rob Rooken

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 2 – point e

Regulation (EU) 2016/794

Article 4 – paragraph 5

#### *Text proposed by the Commission*

Europol staff may assist the competent authorities of the Member States, at their request and in accordance with their national law, in the taking of investigative measures.

#### *Amendment*

Europol staff may assist the competent authorities of the Member States, at their request and in ***full*** accordance with their national law, in the taking of investigative measures.

*(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)*

Or. nl

## Amendment 290

Saskia Bricmont, Tineke Strik, Patrick Breyer

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 2 a (new)

Regulation (EU) 2016/794

Article 4 – paragraph 6 (new)

*Text proposed by the Commission*

*Amendment*

**(2 a) The following paragraph 6 is added:**

***"Europol should ensure compliance with the fundamental rights and freedoms enshrined in the Charter in the performance of its tasks and duties".***

Or. en

## **Amendment 291**

**Clare Daly**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 3**

Regulation (EU) 2016/794

Article 6 – paragraph 1

*Text proposed by the Commission*

*Amendment*

**(3) in Article 6, paragraph 1 is replaced by the following:**

***deleted***

***‘1. In specific cases where Europol considers that a criminal investigation should be initiated into a crime falling within the scope of its objectives, it shall request the competent authorities of the Member State or Member States concerned via the national units to initiate, conduct or coordinate such a criminal investigation.’***

Or. en

## **Amendment 292**

**Franco Roberti, Birgit Sippel**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 3**

Regulation (EU) 2016/794

Article 6 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. *In specific cases where Europol considers that a criminal investigation should be initiated into a crime falling within the scope of its objectives, it shall request the competent authorities of the Member State or Member States concerned via the national units to initiate, conduct or coordinate such a criminal investigation.* *deleted*

Or. en

#### **Amendment 293**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

#### **Article 1 – paragraph 1 – point 3**

Regulation (EU) 2016/794

Article 6 – paragraph 1

#### *Text proposed by the Commission*

1. In specific cases where Europol considers that a criminal investigation should be initiated into a crime falling within the scope of its objectives, it shall request the competent authorities of the Member State or Member States concerned via the national units to initiate, conduct or coordinate such a criminal investigation.

#### *Amendment*

1. In specific cases where Europol considers that a criminal investigation should be initiated into a crime falling within the scope of its objectives *set out in Article 3*, it shall request the competent authorities of the Member State or Member States concerned via the national units to initiate, conduct or coordinate such a criminal investigation *in accordance with national procedure, including prior judicial authorisation where applicable.*

Or. en

#### **Amendment 294**

**Rob Rooken**

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

#### **Article 1 – paragraph 1 – point 3**

Regulation (EU) 2016/794

Article 6 – paragraph 1

#### *Text proposed by the Commission*

#### *Amendment*

1. In specific cases where Europol **considers** that a criminal investigation should be initiated into a crime falling within the scope of its objectives, it shall request the competent authorities of the Member State or Member States concerned via the national units to initiate, conduct or coordinate such a criminal investigation.

1. In specific cases where Europol ***is of the opinion*** that a criminal investigation should be initiated into a crime falling within the scope of its objectives, it shall request the competent authorities of the Member State or Member States concerned via the national units to initiate, conduct or coordinate such a criminal investigation. ***In full compliance with Member State law, including criminal procedural law.***

*(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)*

Or. nl

#### **Amendment 295**

**Sophia in 't Veld, Michal Šimečka**

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

##### **Article 1 – paragraph 1 – point 3**

Regulation (EU) 2016/794

Article 6 – paragraph 1

#### *Text proposed by the Commission*

1. In specific cases where Europol considers that a criminal investigation should be initiated into a crime falling within the scope of its objectives, it shall ***request the competent authorities of the Member State or Member States concerned via the national units to*** initiate, conduct or coordinate such a criminal investigation.

#### *Amendment*

1. In specific cases where Europol considers that a criminal investigation should be initiated into a crime falling within the scope of its objectives, it shall initiate, conduct or coordinate such a criminal investigation.

Or. en

#### **Amendment 296**

**Dragoș Tudorache, Michal Šimečka**

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

##### **Article 1 – paragraph 1 – point 3**

Regulation (EU) 2016/794

Article 6 – paragraph 1

*Text proposed by the Commission*

1. In specific cases where Europol considers that a criminal investigation should be initiated into a crime falling within the scope of its objectives, it shall request the competent authorities of the Member State or Member States concerned via the national units to initiate, conduct or coordinate such a criminal investigation.

*Amendment*

1. In specific cases where Europol considers that a criminal investigation should be initiated into a crime falling within the scope of its objectives, it shall ***initiate, conduct, or coordinate or*** request the competent authorities of the Member State or Member States concerned via the national units to initiate, conduct or coordinate such a criminal investigation.

Or. en

**Amendment 297**

**Sophia in 't Veld, Michal Šimečka**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 3**

Regulation (EU) 2016/794

Article 6 – paragraph 2

*Text proposed by the Commission*

*Amendment*

***1 a. Paragraph 2 shall be deleted:***

***2. The national units shall inform Europol without delay of the decision of the competent authorities of the Member States concerning any request made pursuant to paragraph 1.***

Or. en

**Amendment 298**

**Sophia in 't Veld, Michal Šimečka**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 3**

Regulation (EU) 2016/794

Article 6 – paragraph 3

*Text proposed by the Commission*

*Amendment*

***1 b. Paragraph 3 will be replaced by:***

***3. The competent authorities of a Member***

*State shall cooperate with Europol pursuant to paragraph 1. Investigations by Europol shall be appropriately followed up by the competent authorities of the Member States.*

Or. en

#### **Amendment 299**

**Franco Roberti, Sabrina Pignedoli**

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

#### **Article 1 – paragraph 1 – point 4**

Regulation (EU) 2016/794

Article 7 – paragraph 8

#### *Text proposed by the Commission*

8. Member States shall ensure that their financial intelligence units established pursuant to Directive (EU) 2015/849 of the European Parliament and of the Council\* are allowed to cooperate with Europol in accordance with Article 12 of Directive (EU) 2019/1153 of the European Parliament and the Council\*\*, *in particular* via their national unit regarding financial information and analyses, within the limits of their mandate and competence.

#### *Amendment*

8. Member States shall ensure that *their competent authorities, particularly* their financial intelligence units established pursuant to Directive (EU) 2015/849 of the European Parliament and of the Council, are allowed to cooperate with Europol in accordance with *Article 11 and* Article 12 of Directive (EU) 2019/1153 of the European Parliament and the Council, via their national unit *or, if allowed by that Member State, by direct contact with Europol* regarding *bank account information*, financial information and analyses, within the limits of their mandate and competence.”

Or. en

#### **Amendment 300**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

#### **Article 1 – paragraph 1 – point 4**

Regulation (EU) 2016/794

Article 7 – paragraph 8

#### *Text proposed by the Commission*

#### *Amendment*

8. Member States shall ensure that their financial intelligence units established pursuant to Directive (EU) 2015/849 of the European Parliament and of the Council\* are allowed to ***cooperate with*** Europol in accordance with Article 12 of Directive (EU) 2019/1153 of the European Parliament and the Council\*\*, ***in particular*** via their national unit regarding financial information and analyses, within the limits of their mandate and competence.

8. Member States shall ensure that their financial intelligence units established pursuant to Directive (EU) 2015/849 of the European Parliament and of the Council\* are allowed to ***reply to duly justified requests made by*** Europol in accordance with Article 12 of Directive (EU) 2019/1153 of the European Parliament and the Council\*\* via their national unit regarding financial information and analyses, within the limits of their mandate and competence.

Or. en

### **Amendment 301**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

**Article 1 – paragraph 1 – point 4 a (new)**

Regulation (EU) 2016/794

Article 9 – paragraph 1

*Text proposed by the Commission*

*Amendment*

***(4 a) is replaced by the following:***

***The administrative and management structure of Europol shall comprise:***

***(a) a Management Board;***

***(b) an Executive Director;***

***(c) a Deputy Executive Director;***

***(d) a Data Protection Officer;***

***(e) a Fundamental Rights Officer;***

***(f) where appropriate, other advisory bodies established by the Management Board in accordance with point (s) of Article 11(1).***

***A consultative forum shall assist Europol as an advisory body.***

Or. en

**Amendment 302**

**Clare Daly**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 4 a (new)**

Regulation (EU) 2016/794

Article 12 – paragraph 1

*Present text*

*Amendment*

**(4 a) In Article 12, paragraph 1 is replaced by the following:**

"1. The Management Board shall, by 30 November each year, adopt a **single programming** document containing Europol's multiannual programming and annual work programme, based on a draft put forward by the Executive Director, taking into account the opinion of the Commission and the JPSG. **If the Management Board decides not to take into account elements of the opinion of the Commission and the JPSG, it shall provide a thorough justification. The same obligation shall apply to the elements raised by the JPSG in accordance with point (c) of Article 51(2).** The Management Board shall forward **the final single programming** document to the Council, the Commission and the JPSG"

Or. en

*(Regulation 2016/794)*

**Amendment 303**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 4 b (new)**

Regulation (EU) 2016/794

Article 10 – paragraph 1

*Text proposed by the Commission*

*Amendment*

**(4 b) is replaced by the following:**

**"1. The Management Board shall be**



*composed of:*

*(a) one representative from each Member State;*

*(b) one representative of the Commission;*

*(c) two representatives from the JPSG;*

*(d) one representative from the consultative forum;*

*(e) the independent experts of the experts panel;*

*Each representative shall have a voting right. The independent experts of the experts panel shall attend the meetings of the Management Board as observers.*

Or. en

#### **Amendment 304**

**Clare Daly**

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

**Article 1 – paragraph 1 – point 4 b (new)**

Regulation (EU) 2016/794

Article 14 – paragraph 4

*Present text*

*Amendment*

***(4 b) In Article 14, paragraph 4 is replaced by the following:***

***"4. The Management Board may invite any person whose opinion may be relevant for the discussion to attend its meeting as a non-voting observer. Two representatives of the JPSG shall be invited to all meetings of the Management Board as non-voting observers."***

Or. en

*(Regulation 2016/794)*

#### **Amendment 305**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 4 c (new)**

Regulation (EU) 2016/794

Article 11 – paragraph 1 – point v (new)

*Text proposed by the Commission*

*Amendment*

**(4 c) point (v) is inserted:**

***“appoint a Fundamental Rights Officer following the recommendation of the consultative forum, who shall be functionally independent in the performance of his or her duties;***

Or. en

**Amendment 306**

**Clare Daly**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 4 c (new)**

Regulation (EU) 2016/794

Article 16 – paragraph 3

*Present text*

*Amendment*

**(4 c) In Article 16, paragraph 3 is replaced by the following:**

***“3. The Council and the JPSG may invite the Executive Director to report on the performance of his or her duties.”***

Or. en

*(Regulation 2016/794)*

**Amendment 307**

**Clare Daly**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 4 d (new)**

Regulation (EU) 2016/794

Article 16 – paragraph 5 – point d

*Present text*

*Amendment*

**(4 d) In Article 16(5), point (d) is replaced by the following:**

**"“(d) preparing the draft *single programming document containing the* multiannual programming and annual work programmes and submitting *it* to the Management Board, after having consulted the Commission *and the JPSG*;”"**

Or. en

*(Regulation 2016/794)*

## **Amendment 308**

**Clare Daly**

### **Proposal for a regulation**

**Article 1 – paragraph 1 – point 5 – point a – point i**

Regulation (EU) 2016/794

Article 18 – paragraph 2 – point d

*Text proposed by the Commission*

*Amendment*

**(i) point (d) is replaced by the following wording:**

***deleted***

***‘(d) facilitating the exchange of information between Member States, Europol, other Union bodies, third countries, international organisations and private parties;’***

Or. en

## **Amendment 309**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

### **Proposal for a regulation**

**Article 1 – paragraph 1 – point 5 – point a – point i**

Regulation (EU) 2016/794

Article 18 – paragraph 2 – point d

*Text proposed by the Commission*

*Amendment*

**(d) facilitating the exchange of information between Member States,**

***deleted***

***Europol, other Union bodies, third countries, international organisations and private parties;***

Or. en

**Amendment 310**  
**Clare Daly**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 5 – point a – point ii – introductory part**

Regulation (EU) 2016/794

Article 18 – paragraph 2 – point e

*Text proposed by the Commission*

*Amendment*

(ii) the following ***points (e) and (f) are***  
added:

(ii) the following ***point (f) is*** added:

Or. en

**Amendment 311**  
**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 5 – point a – point ii**

Regulation (EU) 2016/794

Article 18 – paragraph 2 – point e

*Text proposed by the Commission*

*Amendment*

(e) ***research and innovation regarding*** ***deleted***  
***matters covered by this Regulation for the***  
***development, training, testing and***  
***validation of algorithms for the***  
***development of tools;***

Or. en

**Amendment 312**  
**Clare Daly**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 5 – point a – point ii**

*Text proposed by the Commission*

*Amendment*

**(e) research and innovation regarding matters covered by this Regulation for the development, training, testing and validation of algorithms for the development of tools;** **deleted**

Or. en

### **Amendment 313**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

#### **Article 1 – paragraph 1 – point 5 – point a – point ii**

Regulation (EU) 2016/794

Article 18 – paragraph 2 – point e

*Text proposed by the Commission*

*Amendment*

(e) research and innovation **regarding matters covered by this Regulation** for the development, training, testing and validation of algorithms **for the development of tools;**

(e) research and innovation **activities and projects** for the development, training, testing and validation of algorithms **which shall be relevant and strictly necessary to achieve Europol's objectives set out in Article 3 and that shall be guided by the ethical principles of transparency, explainability, fairness, accountability and responsibility, as well as accompanied by independent assessments and audits to ensure compliance with the fundamental rights and freedoms enshrined in the Charter, and that the results of the research and innovation activities and projects are not discriminatory in any form or do not contribute to mass surveillance;**

Or. en

### **Amendment 314**

**Sophia in 't Veld, Michal Šimečka, Olivier Chastel, Malik Azmani**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 5 – point a – point ii**

Regulation (EU) 2016/794

Article 18 – paragraph 2e

*Text proposed by the Commission*

*Amendment*

(e) research and innovation regarding matters covered by this Regulation for the development, training, testing and validation of algorithms for the development of tools;

(e) research and innovation regarding matters covered by this Regulation for the development, training, testing and validation of algorithms for the development of tools ***specifically and concretely related to the tasks of Europol;***

Or. en

**Amendment 315**

**Franco Roberti**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 5 – point a – point ii**

Regulation (EU) 2016/794

Article 18 – paragraph 2 – point e

*Text proposed by the Commission*

*Amendment*

(e) research and innovation regarding matters covered by this Regulation for the development, training, testing and validation of algorithms for the development of tools;

(e) research and innovation regarding matters covered by this Regulation for the development, training, testing and validation of algorithms for the development of ***specific tools for the use of law enforcement;***

Or. en

**Amendment 316**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 5 – point a – point ii**

Regulation (EU) 2016/794

Article 18 – paragraph 2 – point f

*Text proposed by the Commission*

*Amendment*

***(f) supporting Member States in***

***deleted***

*informing the public about suspects or convicted individuals who are wanted based on a national judicial decision relating to a criminal offence in respect of which Europol is competent, and facilitate the provision of information by the public on these individuals.*

Or. en

**Amendment 317**  
**Clare Daly**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 5 – point a – point ii**

Regulation (EU) 2016/794

Article 18 – paragraph 2 – point f

*Text proposed by the Commission*

(f) supporting Member States in informing the public about suspects or convicted individuals who are wanted based on a national judicial decision relating to a criminal offence in respect of which Europol is competent, *and facilitate the provision of information by the public on these individuals.*

*Amendment*

(f) supporting Member States in informing the public about suspects or convicted individuals who are wanted based on a national judicial decision relating to a criminal offence in respect of which Europol is competent.

Or. en

**Amendment 318**  
**Franco Roberti**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 5 – point a – point ii**

Regulation (EU) 2016/794

Article 18 – paragraph 2 – point f

*Text proposed by the Commission*

(f) supporting Member States in informing the public about suspects or convicted individuals who are wanted based on a national judicial decision relating to a criminal offence in respect of

*Amendment*

(f) supporting Member States in informing the public about suspects or convicted individuals who are wanted, based on a national judicial decision relating to a criminal offence in respect of

which Europol is competent, and *facilitate* the provision of information by the public on these individuals.

which Europol is competent, and *facilitating* the provision of information, *to the Member States and Europol*, by the public on these individuals.

Or. en

**Amendment 319**  
**Clare Daly**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 5 – point b**  
Regulation (EU) 2016/794  
Article 18 – paragraph 3a

*Text proposed by the Commission*

*Amendment*

**(b) the following paragraph 3a is inserted:** **deleted**

*‘3a. Processing of personal data for the purpose of research and innovation as referred to in point (e) of paragraph 2 shall be performed by means of Europol’s research and innovation projects with clearly defined objectives, duration and scope of the personal data processing involved, in respect of which the additional specific safeguards set out in Article 33a shall apply.’*

Or. en

**Amendment 320**  
**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 5 – point b**  
Regulation (EU) 2016/794  
Article 18 – paragraph 3a

*Text proposed by the Commission*

*Amendment*

**3a. Processing of personal data for the purpose of research and innovation as referred to in point (e) of paragraph 2 shall be performed by means of Europol’s** **deleted**



*research and innovation projects with clearly defined objectives, duration and scope of the personal data processing involved, in respect of which the additional specific safeguards set out in Article 33a shall apply.*

Or. en

#### **Amendment 321**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

**Article 1 – paragraph 1 – point 5 – point b**

Regulation (EU) 2016/794

Article 18 – paragraph 3a

*Text proposed by the Commission*

3a. ***Processing of personal data*** for the purpose of research and innovation as referred to in point (e) of paragraph 2 shall be performed by means of Europol's research and innovation projects with clearly defined objectives, duration and scope of the ***personal*** data processing involved, in respect of which the additional specific safeguards set out in Article 33a shall apply.

*Amendment*

3a. ***Only anonymized data can be used and processed*** for the purpose of research and innovation as referred to in point (e) of paragraph 2, ***and*** shall be performed by means of Europol's research and innovation ***activities and*** projects with clearly defined objectives, duration and scope of the ***anonymized*** data processing involved, in respect of which the additional specific safeguards set out in Article 33a shall apply.

Or. en

#### **Amendment 322**

**Franco Roberti, Birgit Sippel**

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

**Article 1 – paragraph 1 – point 5 – point b**

Regulation (EU) 2016/794

Article 18 – paragraph 3a

*Text proposed by the Commission*

3a. Processing of personal data for the purpose of research and innovation as referred to in point (e) of paragraph 2 shall

*Amendment*

3a. Processing of personal data for the purpose of research and innovation as referred to in point (e) of paragraph 2 shall

be performed by means of Europol's research and innovation projects with clearly defined objectives, ***duration and scope of the personal data processing involved, in respect of which*** the additional specific safeguards set out in Article 33a ***shall apply***.

be performed by means of Europol's research and innovation projects with clearly defined ***purpose and*** objectives, ***and shall be subject to*** the additional specific safeguards, ***as*** set out in Article 33a, ***in respect of the duration and scope of the necessary personal data processing***.

Or. en

## **Amendment 323** **Sabrina Pignedoli**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 5 – point c**

Regulation (EU) 2016/794

Article 18 – paragraph 5

#### *Text proposed by the Commission*

5. Without prejudice to Article 8(4) and Article 18a, categories of personal data and categories of data subjects whose data may be collected and processed for each purpose referred to in paragraph 2 are listed in Annex II.

#### *Amendment*

5. Without prejudice to Article 8(4), ***Article 18(2)(e)*** and Article 18a, categories of personal data and categories of data subjects whose data may be collected and processed for each purpose referred to in ***points (a) to (c) and (f)*** of paragraph 2 are listed in Annex II.

Or. en

#### *Justification*

*Removing the DSC requirement for cases falling under Article 18(2)(d), as the DSC requirement may be difficult to implement in such cases. This concerns situations where Europol processes data whilst acting as a service provider, e.g. when its infrastructure is used by Member States to exchange information with private parties (e.g. as regards ICANN requests). If Europol is to host a system to channel European requests to ICANN regarding WHOIS data, many of those requests would probably be related to individuals who do not (yet) qualify as suspects in the sense of criminal procedures.*

## **Amendment 324** **Saskia Bricmont, Tineke Strik, Patrick Breyer**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 5 – point c**

Regulation (EU) 2016/794

Article 18 – paragraph 5

*Text proposed by the Commission*

5. ***Without prejudice to Article 8(4) and Article 18a***, categories of personal data and categories of data subjects whose data may be collected and processed for each purpose referred to in paragraph 2 are listed in Annex II.

*Amendment*

5. Categories of personal data and categories of data subjects whose data may be collected and processed for each purpose referred to in paragraph 2 are listed in Annex II.

Or. en

**Amendment 325**

**Clare Daly**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 5 – point c**

Regulation (EU) 2016/794

Article 18 – paragraph 5

*Text proposed by the Commission*

5. Without prejudice to Article 8(4) ***and Article 18a***, categories of personal data and categories of data subjects whose data may be collected and processed for each purpose referred to in paragraph 2 are listed in Annex II.

*Amendment*

5. Without prejudice to Article 8(4), categories of personal data and categories of data subjects whose data may be collected and processed for each purpose referred to in paragraph 2 are listed in Annex II.

Or. en

**Amendment 326**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 5 – point d**

Regulation (EU) 2016/794

Article 18 – paragraph 5a

*Text proposed by the Commission*

***(d) the following paragraph 5a is inserted:***

***‘5a. Prior to the processing of data under paragraph 2 of this Article, Europol may***

*Amendment*

***deleted***

*temporarily process personal data received pursuant to Article 17(1) and (2) for the purpose of determining whether such data comply with the requirements of paragraph 5 of this Article, including by checking the data against all data that Europol already processes in accordance with paragraph 5.*

*The Management Board, acting on a proposal from the Executive Director and after consulting the EDPS, shall further specify the conditions relating to the processing of such data.*

*Europol may only process personal data pursuant to this paragraph for a maximum period of one year, or in justified cases for a longer period with the prior authorisation of the EDPS, where necessary for the purpose of this Article. Where the result of the processing indicates that personal data do not comply with the requirements of paragraph 5 of this Article, Europol shall delete that data and inform the provider of the data accordingly.'*

Or. en

#### **Amendment 327**

**Clare Daly**

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

**Article 1 – paragraph 1 – point 5 – point d**

Regulation (EU) 2016/794

Article 18 – paragraph 5a

*Text proposed by the Commission*

5a. Prior to the processing of data under paragraph 2 of this Article, Europol may temporarily process personal data received pursuant to Article 17(1) *and (2)* for the purpose of determining whether such data comply with the requirements of paragraph 5 of this Article, *including by checking the data against all data that Europol already processes in accordance*

*Amendment*

5a. Prior to the processing of data under paragraph 2 of this Article, Europol may *in exceptional cases, on objectively justified grounds, which are duly recorded*, temporarily process personal data received pursuant to Article 17(1) for the purpose of determining whether such data comply with the requirements of paragraph 5 of this Article, *where it is*

*with* paragraph 5.

*impossible for the provider of that data to separate relevant from non-relevant data.*

*Processing under this paragraph shall be separate from Europol's data processing for cross-checking, strategic analysis, operational analysis or exchange of information.*

*The Management Board, acting on a proposal from the Executive Director and after consulting the EDPS, shall further specify the conditions relating to the processing of such data. Europol may only process personal data pursuant to this paragraph for a maximum period of 3 months, or in justified cases for a longer period with the prior authorisation of the EDPS, where necessary for the purpose of this Article. Where the result of the processing indicates that personal data do not comply with the requirements of paragraph 5 of this Article, Europol shall delete that data and inform the provider of the data accordingly.*

Or. en

#### **Amendment 328**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

**Article 1 – paragraph 1 – point 5 – point d**

Regulation (EU) 2016/794

Article 18 – paragraph 5a

#### *Text proposed by the Commission*

5a. Prior to *the* processing of data under paragraph 2 of this Article, Europol may temporarily process personal data received pursuant to Article 17(1) and (2) for the purpose of determining whether such data comply with the *requirements of paragraph 5 of this Article, including by checking the data against all data that Europol already processes* in accordance with *paragraph 5*.

#### *Amendment*

5a. Prior to *any use and* processing of data under paragraph 2 of this Article *and in order to ensure that the processing of personal data by Europol is strictly necessary, proportionate, limited to the categories of data subjects listed in Annex II and that it complies with national and Union law when they submit an investigative case file*, Europol, in consultation with the *Fundamental Rights Officer and after receiving the*

*authorisation from the Data Protection Officer, may temporarily process personal data received pursuant to Article 17(1) and (2) for the purpose of determining whether such data falls into the categories of data subjects listed in Annex II. The EDPS shall be informed about all the temporary processing carried out by Europol.*

*The temporary processing of personal data shall comply with the principle of data minimisation in accordance with Regulation 2018/1725.*

Or. en

### **Amendment 329**

**Sophia in 't Veld, Michal Šimečka, Olivier Chastel, Malik Azmani**

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

**Article 1 – paragraph 1 – point 5 – point d**

Regulation (EU) 2016/794

Article 18 – paragraph 5a

#### *Text proposed by the Commission*

5a. Prior to the processing of data under paragraph 2 of this Article, Europol may temporarily process personal data received pursuant to Article 17(1) and (2) for the purpose of determining whether such data comply with the requirements of paragraph 5 of this Article, including by checking the data against all data that Europol already processes in accordance with paragraph 5.

#### *Amendment*

5a. Prior to the processing of data under paragraph 2 of this Article, Europol may ***exceptionally and*** temporarily process personal data received pursuant to Article 17(1) and (2) for the purpose of determining whether such data comply with the requirements of paragraph 5 of this Article, including by checking the data against all data that Europol already processes in accordance with paragraph 5.

Or. en

#### *Justification*

*The pre-analysis of data in order to determine whether datasets received fall into the categories of data subjects categories of personal data and categories of data subjects, should remain exceptional and only be done when necessary.*

## **Amendment 330**

**Dragoș Tudorache, Michal Šimečka**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 5 – point d**

Regulation (EU) 2016/794

Article 18 – paragraph 5a

#### *Text proposed by the Commission*

5a. Prior to the processing of data under paragraph 2 of this Article, Europol may temporarily process personal data received pursuant to Article 17(1) and (2) for the purpose of determining whether such data comply with the requirements of paragraph 5 of this Article, including by checking the data against all data that Europol already processes in accordance with paragraph 5.

#### *Amendment*

5a. Prior to the processing of data under paragraph 2 of this Article, Europol may temporarily process personal data received pursuant to Article 17(1) and (2) ***exclusively*** for the purpose of determining whether such data comply with the requirements of paragraph 5 of this Article, including by checking the data against all data that Europol already processes in accordance with paragraph 5.

Or. en

## **Amendment 331**

**Franco Roberti, Birgit Sippel**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 5 – point d**

Regulation (EU) 2016/794

Article 18 – paragraph 5a

#### *Text proposed by the Commission*

5a. Prior to the processing of data under paragraph 2 of this Article, Europol may temporarily process personal data received pursuant to Article 17(1) and (2) for the purpose of determining whether such data comply with the requirements of paragraph 5 of this Article, including by checking the data against all data that Europol already processes in accordance with paragraph 5.

#### *Amendment*

5a. Prior to the processing of data under paragraph 2 of this Article, Europol may temporarily process personal data received pursuant to Article 17(1) and (2) for the ***sole*** purpose of determining whether such data comply with the requirements of paragraph 5 of this Article, including by checking the data against all data that Europol already processes in accordance with paragraph 5.

Or. en

## Amendment 332

Saskia Bricmont, Tineke Strik, Patrick Breyer

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 5 – point d

Regulation (EU) 2016/794

Article 18 – paragraph 6

#### *Text proposed by the Commission*

The Management Board, acting on a proposal from the Executive Director and after consulting the EDPS, shall further specify the conditions relating to the processing of such data.

#### *Amendment*

The Management Board, acting on a proposal from the Executive Director and after consulting the EDPS, shall further specify the conditions relating to the **temporary processing and use** of such data.

Or. en

## Amendment 333

Franco Roberti, Birgit Sippel

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 5 – point d

Regulation (EU) 2016/794

Article 18 – paragraph 6

#### *Text proposed by the Commission*

Europol may only process personal data pursuant to this paragraph for a maximum period of one year, or in justified cases for a longer period with the prior authorisation of the EDPS, where necessary for the purpose of this Article. Where **the result** of the processing indicates that personal data do not comply with the requirements of paragraph 5 of this Article, Europol shall delete that **data** and inform the provider of the data accordingly.

#### *Amendment*

Europol may only process personal data pursuant to this paragraph for a maximum period of one year, or in **duly** justified cases for a longer period with the prior authorisation of the EDPS, where necessary **and proportionate** for the purpose of this Article. Where **such temporary processing is no longer necessary and proportionate, where the results** of the processing indicates that personal data do not comply with the requirements of paragraph 5 of this Article, **or in any case at the end of the processing period**, Europol shall **permanently** delete that **personal data and the results of the processing**, and inform the provider of the data accordingly.”

Or. en



## Amendment 334

Saskia Bricmont, Tineke Strik, Patrick Breyer

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 5 – point d

Regulation (EU) 2016/794

Article 18 – paragraph 6

#### *Text proposed by the Commission*

Europol **may only** process personal data pursuant to this paragraph **for a maximum period of one year, or in justified cases for a longer period with the prior authorisation of the EDPS, where necessary for the purpose of this Article.** Where the result of the processing indicates that personal data do not comply with the requirements of paragraph 5 of this Article, Europol shall delete that data and inform the provider of the data accordingly.

#### *Amendment*

Europol **shall not** process personal data pursuant to this paragraph **until the temporary processing is concluded and it determines whether the personal data falls into the categories of data subjects listed in Annex II. The processing of such personal data shall be strictly necessary and proportionate to achieve Europol's objectives set out in Article 3** . Where the result of the **temporary** processing indicates that personal data do not comply with the requirements of paragraph 5 of this Article, Europol shall delete that data and inform the provider of the data accordingly.

Or. en

## Amendment 335

Sophia in 't Veld, Michal Šimečka, Olivier Chastel, Malik Azmani

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 5 – point d

Regulation (EU) 2016/794

Article 18 – paragraph 6

#### *Text proposed by the Commission*

Europol may only process personal data pursuant to this paragraph for a maximum period of one year, or in justified cases for a longer period with the prior authorisation of the EDPS, where necessary for the purpose of this Article. Where the result of the processing indicates that personal data do not comply with the requirements of

#### *Amendment*

Europol may only process personal data pursuant to this paragraph for a maximum period of one year, or in **duly** justified cases for a longer period with the prior authorisation of the EDPS, where **strictly** necessary **and proportionate** for the purpose of this Article. Where the result of the processing indicates that personal data

paragraph 5 of this Article, Europol shall delete that data and inform the provider of the data accordingly.

do not comply with the requirements of paragraph 5 of this Article, Europol shall ***immediately*** delete that data and inform the provider of the data accordingly.

Or. en

#### **Amendment 336**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

#### **Article 1 – paragraph 1 – point 5 a (new)**

Regulation (EU) 2016/794

Article 18 – paragraph 6

*Text proposed by the Commission*

*Amendment*

***(5 a) is replaced by the following:***

***(6) Europol may temporarily process data for the purpose of determining whether such data are relevant to its tasks and, if so, for which of the purposes referred to in paragraph 2. The Management Board, acting on a proposal from the Executive Director and after consulting the EDPS, shall further specify the conditions relating to the processing of such data, in particular with respect to access to and use of the data, as well as time limits for the storage and deletion of the data, which may not exceed six months, pursuant to Article 27a.***

Or. en

#### **Amendment 337**

**Clare Daly**

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

#### **Article 1 – paragraph 1 – point 6**

Regulation (EU) 2016/794

Article 18a

*Text proposed by the Commission*

*Amendment*

[...]

*deleted*

Or. en

**Amendment 338**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 6**

Regulation (EU) 2016/794

Article 18a

*Text proposed by the Commission*

*Amendment*

[...]

*deleted*

Or. en

**Amendment 339**

**Franco Roberti**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 6**

Regulation (EU) 2016/794

Article 18a – Title

*Text proposed by the Commission*

*Amendment*

**Information** processing in support of a criminal investigation

Processing ***of personal data*** in support of a criminal investigation

Or. en

**Amendment 340**

**Sophia in 't Veld, Michal Šimečka, Olivier Chastel, Malik Azmani**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 6**

Regulation (EU) 2016/794

Article 18a – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. Where necessary for the support of

1. Where ***objectively*** necessary for the

a specific criminal investigation, Europol may process personal data outside the categories of data subjects listed in Annex II where:

support of a specific **ongoing** criminal investigation, Europol may **exceptionally** process personal data outside the categories of data subjects listed in Annex II where:

Or. en

#### Amendment 341

Saskia Bricmont, Tineke Strik, Patrick Breyer

#### Proposal for a regulation

##### Article 1 – paragraph 1 – point 6

Regulation (EU) 2016/794

Article 18a – paragraph 1

#### *Text proposed by the Commission*

1. ***Where necessary for the support of a specific criminal investigation***, Europol ***may*** process personal data ***outside*** the categories of data subjects listed in Annex II where:

#### *Amendment*

1. Europol ***shall only*** process personal data ***from an investigative case file that fall into*** the categories of data subjects listed in Annex II, ***including*** where:

Or. en

#### Amendment 342

Sophia in 't Veld, Michal Šimečka, Olivier Chastel, Malik Azmani

#### Proposal for a regulation

##### Article 1 – paragraph 1 – point 6

Regulation (EU) 2016/794

Article 18 a – paragraph 1 – point a

#### *Text proposed by the Commission*

(a) a Member State or the EPPO ***provides*** an investigative case file to Europol pursuant to point (a) of Article 17(1) for the purpose of operational analysis in support of that specific criminal investigation within the mandate of Europol pursuant to point (c) of Article 18(2); and

#### *Amendment*

(a) a Member State or the EPPO ***has established that it is strictly necessary and proportionate to provide*** an investigative case file to Europol pursuant to point (a) of Article 17(1) ***and in full compliance with national and Union law*** for the purpose of operational analysis in support of that specific ***ongoing*** criminal investigation within the mandate of Europol pursuant to point (c) of Article 18(2); and

**Amendment 343**  
**Sabrina Pignedoli**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 6**  
Regulation (EU) 2016/794  
Article 18a – paragraph 1 – point a

*Text proposed by the Commission*

(a) a Member State or the EPPO provides an investigative case file to Europol pursuant to point (a) of Article 17(1) for the purpose of **operational analysis** in support of that specific criminal investigation within the mandate of Europol **pursuant to point (c) of Article 18(2)**; and

*Amendment*

(a) a Member State or the EPPO provides an investigative case file to Europol pursuant to point (a) of Article 17(1) for the purpose of **processing in line with the purposes outlined in Article 18(2)** in support of that specific criminal investigation within the mandate of Europol; and

Or. en

*Justification*

*The current scope limits the processing of information in the context of Article 18a to operational analysis. It is proposed to extend the scope to all processing purposes under Art. 18(2).*

**Amendment 344**  
**Sophia in 't Veld, Michal Šimečka, Olivier Chastel, Malik Azmani**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 6**  
Regulation (EU) 2016/794  
Article 18a – paragraph 1 – point b

*Text proposed by the Commission*

(b) Europol **assesses** that it is not possible to carry out the operational analysis of the investigative case file without processing personal data that does not comply with the requirements of Article 18(5). This assessment shall be recorded.

*Amendment*

(b) Europol **has verified that it is objective necessary and proportionate and has assessed** that it is not possible to carry out the operational analysis of the **ongoing** investigative case file without processing personal data that does not comply with the requirements of Article 18(5). This assessment shall be recorded **in its entirety**

*and shall be sent to the EDPS.*

Or. en

**Amendment 345**

**Franco Roberti, Birgit Sippel**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 6**

Regulation (EU) 2016/794

Article 18a – paragraph 1 – point b

*Text proposed by the Commission*

(b) Europol assesses that it is not possible to carry out the operational analysis of the investigative case file without processing personal data that does not comply with the requirements of Article 18(5). This assessment shall be recorded.

*Amendment*

(b) Europol assesses that it is not possible to carry out the operational analysis of the investigative case file without processing personal data that does not comply with the requirements of Article 18(5). This assessment shall be recorded *and sent to the EDPS for their information.*

Or. en

**Amendment 346**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 6**

Regulation (EU) 2016/794

Article 18a – paragraph 1 – point b

*Text proposed by the Commission*

(b) Europol assesses that it is not possible to carry out the operational analysis of the investigative case file without processing personal data that does not comply with the requirements of Article 18(5). This assessment shall be recorded.

*Amendment*

(b) Europol assesses that it is not possible to carry out the operational analysis of the investigative case file without processing personal data that does not comply with the requirements of Article 18(5). This assessment shall be recorded *and sent to the EDPS for information.*

Or. en

**Amendment 347**

**Rob Rooken**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 6**

Regulation (EU) 2016/794

Article 18a – paragraph 1 – point b

*Text proposed by the Commission*

(b) Europol *assesses* that it is not possible to carry out the operational analysis of the investigative case file without processing personal data that does not comply with the requirements of Article 18(5). This assessment shall be recorded.

*Amendment*

(b) Europol *concludes* that it is not possible to carry out the operational analysis of the investigative case file without processing personal data that does not comply with the requirements of Article 18(5). This assessment shall be recorded.

Or. nl

**Amendment 348**

**Dragoş Tudorache, Michal Šimečka**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 6**

Regulation (EU) 2016/794

Article 18 – paragraph 1 – point b a (new)

*Text proposed by the Commission*

*Amendment*

*(b a) a Member State or a Union body requests an analysis of a strategic or thematic nature within the mandate of Europol pursuant to point(b) of Article 18(2).*

Or. en

**Amendment 349**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 6**

Regulation (EU) 2016/794

*Text proposed by the Commission*

*Amendment*

***1 a. The following subparagraph is inserted:***

***"Any processing of personal data in support of a criminal investigation shall take full account of the fundamental rights and freedoms enshrined in the Charter and shall be compliant with the general principles and obligations laid down in Chapter IX of Regulation 2018/1725 referred in Article 27a".***

Or. en

**Amendment 350**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 6**

Regulation (EU) 2016/794

Article 18a – paragraph 2

*Text proposed by the Commission*

*Amendment*

***2. Europol may process personal data contained in an investigative case for as long as it supports the on-going specific criminal investigation for which the investigative case file was provided by a Member State or the EPPO in accordance with paragraph 1, and only for the purpose of supporting that investigation.***

***deleted***

***The Management Board, acting on a proposal from the Executive Director and after consulting the EDPS, shall further specify the conditions relating to the processing of such data.***

***Without prejudice to the processing of personal data under Article 18(5a), personal data outside the categories of data subjects listed in Annex II shall be functionally separated from other data and may only be accessed where***



*necessary for the support of the specific criminal investigation for which they were provided.*

Or. en

#### **Amendment 351**

**Sophia in 't Veld, Michal Šimečka**

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

##### **Article 1 – paragraph 1 – point 6**

Regulation (EU) 2016/794

Article 18a – paragraph 2 – subparagraph 1

#### *Text proposed by the Commission*

2. Europol may process personal data contained in an investigative case for as long as it supports the on-going specific criminal investigation for which the investigative case file was provided by a Member State or the EPPO in accordance with paragraph 1, and only for the purpose of supporting that investigation.

#### *Amendment*

2. Europol may process personal data contained in an investigative case for as long as it supports the on-going specific criminal investigation for which the investigative case file was provided by a Member State or the EPPO in accordance with paragraph 1, and only for the purpose of supporting that investigation ***and where the scale, complexity, type or importance of the specific investigation requires to do so.***

Or. en

#### **Amendment 352**

**Franco Roberti, Birgit Sippel**

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

##### **Article 1 – paragraph 1 – point 6**

Regulation (EU) 2016/794

Article 18a – paragraph 2 – subparagraph 2

#### *Text proposed by the Commission*

The Management Board, acting on a proposal from the Executive Director and after consulting the EDPS, shall further specify the conditions relating to the processing of such ***data***.

#### *Amendment*

The Management Board, acting on a proposal from the Executive Director and after consulting the EDPS, shall further specify the conditions relating to the processing of such ***personal data, in particular regarding the scale and***

*complexity of the processing and the type and importance of the specific investigation*

Or. en

**Amendment 353**

**Sophia in 't Veld, Michal Šimečka**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 6**

Regulation (EU) 2016/794

Article 18a – paragraph 2 – subparagraph 2

*Text proposed by the Commission*

The Management Board, acting on a proposal from the Executive Director and after **consulting** the EDPS, shall further specify the conditions relating to the processing of such data.

*Amendment*

The Management Board, acting on a proposal from the Executive Director and after **consultation and prior authorisation of** the EDPS, shall further specify the conditions **and thresholds** relating to the processing of such data, **based on scale, complexity, type or importance of investigations.**

Or. en

**Amendment 354**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 6**

Regulation (EU) 2016/794

Article 18a – paragraph 3 – subparagraph 1

*Text proposed by the Commission*

3. Upon request of the Member State or the EPPO that provided an investigative case file to Europol pursuant to paragraph 1, Europol may store that investigative case file and the outcome of its operational analysis **beyond the storage period set out in paragraph 2**, for the sole purpose of ensuring the veracity, reliability and traceability of the criminal intelligence

*Amendment*

3. Upon request of the Member State or the EPPO that provided an investigative case file to Europol pursuant to paragraph 1, Europol may store that investigative case file and the outcome of its operational analysis, for the sole purpose of ensuring the veracity, reliability and traceability of the criminal intelligence process **pursuant Article 4(6) and Article 27a of this**

process, and only for as long as the judicial proceedings related to that criminal investigation are on-going in that Member State.

**Regulation**, and only for as long as the judicial proceedings related to that criminal investigation are on-going in that Member State.

Or. en

#### **Amendment 355**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

##### **Article 1 – paragraph 1 – point 6**

Regulation (EU) 2016/794

Article 18a – paragraph 3 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

***That Member State may also request Europol to store the investigative case file and the outcome of its operational analysis beyond the storage period set out in paragraph 2 for the purpose of ensuring the veracity, reliability and traceability of the criminal intelligence process, and only for as long as judicial proceedings following a related criminal investigation are on-going in another Member State.***

***deleted***

Or. en

#### **Amendment 356**

**Franco Roberti, Birgit Sippel**

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

##### **Article 1 – paragraph 1 – point 6**

Regulation (EU) 2016/794

Article 18a – paragraph 3

*Text proposed by the Commission*

*Amendment*

The Management Board, acting on a proposal from the Executive Director and after consulting the EDPS, shall further specify the conditions relating to the processing of such **data**. Such personal

The Management Board, acting on a proposal from the Executive Director and after consulting the EDPS, shall further specify the conditions relating to the processing of such **personal data, in**

data shall be functionally separated from other data and may only be accessed where necessary for the purpose of ensuring the veracity, reliability and traceability of the criminal intelligence process.

*particular as to the scale of the processing.* Such personal data shall be functionally separated from other data and may only be accessed where necessary for the purpose of ensuring the veracity, reliability and traceability of the criminal intelligence process.

*Where Europol reaches the conclusion that there are preliminary indications that such data is disproportionate or collected in violation of fundamental rights, Europol shall not process it, but permanently delete it. When the processing period for the personal data ends, the personal data shall be permanently deleted.*

Or. en

#### **Amendment 357**

**Sophia in 't Veld, Michal Šimečka, Olivier Chastel, Malik Azmani**

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

#### **Article 1 – paragraph 1 – point 6**

Regulation (EU) 2016/794

Article 18a – paragraph 3

#### *Text proposed by the Commission*

The Management Board, acting on a proposal from the Executive Director and after **consulting** the EDPS, shall further specify the conditions relating to the processing of such data. Such personal data shall be functionally separated from other data and may only be accessed where necessary for the purpose of ensuring the veracity, reliability and traceability of the criminal intelligence process.

#### *Amendment*

The Management Board, acting on a proposal from the Executive Director and after **consultation and prior authorisation of** the EDPS, shall further specify the conditions relating to the processing of such data. Such personal data shall be functionally separated from other data and may only be accessed where **strictly** necessary **and proportionate for the specific criminal investigation for which they were provided and** for the purpose of ensuring the veracity, reliability and traceability of the criminal intelligence process.

Or. en

## **Amendment 358**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 6**

Regulation (EU) 2016/794

Article 18a – paragraph 3

#### *Text proposed by the Commission*

The Management Board, acting on a proposal from the Executive Director and after consulting the EDPS, shall further specify the conditions relating to the processing of such data. Such personal data shall be functionally separated from other data and may only be accessed where necessary for the purpose of ensuring the veracity, reliability and traceability of the criminal intelligence process.

#### *Amendment*

The Management Board, acting on a proposal from the Executive Director and after consulting the EDPS, shall further specify the conditions relating to the processing of such data ***and inform the EDPS of the conclusion***. Such personal data shall be functionally separated from other data and may only be accessed ***by authorized staff*** where necessary for the purpose of ensuring the veracity, reliability and traceability of the criminal intelligence process ***pursuant Article 4(6) and Article 27a of this Regulation***.

Or. en

## **Amendment 359**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 6**

Regulation (EU) 2016/794

Article 18a – paragraph 3 a new

#### *Text proposed by the Commission*

#### *Amendment*

***3 a. Any data, including the procedure under which this data has been collected, that Europol may provide in judicial proceedings shall be lawful, fair, transparent and traceable. Europol should ensure access of competent judicial authorities as well as defence lawyers to the materials of the case and to information deemed necessary to ensure that such data complies with the fundamental rights and freedoms enshrined in the Charter as referred in***

*Article 4(6), including procedural rights, and with the data protection rules in accordance with Article 27a.*

Or. en

## **Amendment 360**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 6**

Regulation (EU) 2016/794

Article 18a – paragraph 4

#### *Text proposed by the Commission*

4. Paragraphs 1 to 3 shall also apply where Europol receives personal data from a third country ***with which there is an agreement concluded either on the basis of Article 23 of Decision 2009/371/JHA in accordance with point (c) of Article 25(1) of this Regulation or on the basis of Article 218 TFEU in accordance with point (b) of Article 25(1) of this Regulation, or which is the subject of an adequacy decision as referred to in point (a) of Article 25(1) of this Regulation, and such*** third country provides an investigative case file to Europol for operational analysis that supports the specific criminal investigation in a Member State or in Member States that Europol supports. Where ***a*** third country provides an investigative case file to Europol, the EDPS shall be informed. Europol shall ***verify*** that the amount of personal data is ***not manifestly disproportionate in relation*** to the specific investigation in a Member State that Europol supports, and that there ***are no objective elements*** indicating that the case file has been obtained by the third country in ***manifest*** violation of fundamental rights. Where Europol, or the EDPS, reaches the conclusion that there are preliminary indications that such data is disproportionate ***or*** collected in violation of fundamental rights, Europol shall ***not***

#### *Amendment*

4. Paragraphs 1 to 3 shall also apply where Europol receives personal data 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 Union pursuant to Article 218 TFEU, that includes the transfer of personal data for law enforcement purposes, 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, provided that the third county acquired the data in the context of a criminal investigation in accordance with procedural requirements and safeguards applicable under its national criminal law and that the*** third country provides an investigative case file to Europol for operational analysis that supports the specific criminal investigation in a Member State or in Member States that Europol supports. Where ***such*** third country provides an investigative case file to Europol, the EDPS shall be informed. Europol shall ***ensure*** that the amount of personal data is ***proportionate, necessary and limited*** to the specific investigation in

***process it. Data processed*** pursuant to this paragraph may only be accessed by Europol where necessary for the support of the specific criminal investigation in a Member State or in Member States. It shall be shared only within the Union.;

a Member State that Europol supports, and that there ***is no information*** indicating that the case file has been obtained by the third country in violation of fundamental rights. Where Europol, or the EDPS, reaches the conclusion that there are preliminary indications that such data is disproportionate, ***not necessary for the specific investigation in the Member State or that it is*** collected in violation of fundamental rights, Europol shall ***delete it. Data that comply the requirements*** pursuant to this paragraph may only be accessed by Europol where necessary for the support of the specific criminal investigation in a Member State or in Member States. It shall be shared only within the Union;

Or. en

**Amendment 361**  
**Sabrina Pignedoli**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 6**  
Regulation (EU) 2016/794  
Article 18a – paragraph 4

*Text proposed by the Commission*

4. Paragraphs 1 to 3 shall also apply where Europol receives personal data from a third country with which there is an agreement concluded either on the basis of Article 23 of Decision 2009/371/JHA in accordance with point (c) of Article 25(1) of this Regulation or on the basis of Article 218 TFEU in accordance with point (b) of Article 25(1) of this Regulation, or which is the subject of an adequacy decision as referred to in point (a) of Article 25(1) of this Regulation, and such third country provides an investigative case file to Europol for operational analysis that supports the specific criminal investigation in a Member State or in Member States that Europol supports. Where ***a third***

*Amendment*

4. Paragraphs 1 to 3 shall also apply where Europol receives personal data from a third country with which there is an agreement concluded either on the basis of Article 23 of Decision 2009/371/JHA in accordance with point (c) of Article 25(1) of this Regulation or on the basis of Article 218 TFEU in accordance with point (b) of Article 25(1) of this Regulation, or which is the subject of an adequacy decision as referred to in point (a) of Article 25(1) of this Regulation, and such third country provides an investigative case file to Europol for operational analysis that supports the specific criminal investigation in a Member State or in Member States that Europol supports. Where Europol

***country provides an investigative case file to Europol, the EDPS shall be informed. Europol shall verify that the amount of personal data is not manifestly disproportionate in relation to the specific investigation in a Member State that Europol supports, and that there are no objective elements indicating that the case file has been obtained by the third country in manifest violation of fundamental rights. Where Europol, or the EDPS,***  
reaches the conclusion that there are preliminary indications that such data is disproportionate or collected in violation of fundamental rights, Europol shall not process it. Data processed pursuant to this paragraph may only be accessed by Europol where necessary for the support of the specific criminal investigation in a Member State or in Member States. It shall be shared only within the Union.;

reaches the conclusion that there are preliminary indications that such data is disproportionate or collected in violation of fundamental rights, Europol shall not process it. Data processed pursuant to this paragraph may only be accessed by Europol where necessary for the support of the specific criminal investigation in a Member State or in Member States. It shall be shared only within the Union.;

Or. en

#### *Justification*

*The requirement of para. 4 of Article 18a to inform the EDPS when a third country provides an investigative case file may be too cumbersome to comply as the scope of Art. 18a or its use is still difficult to predict. Further, it is important to avoid the interpretation that the approval by the EDPS would be required prior to processing the information in all cases where a third country provides an investigative case file. This may lead to delays in urgent information processing*

#### **Amendment 362**

**Sophia in 't Veld, Michal Šimečka, Olivier Chastel, Malik Azmani**

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

#### **Article 1 – paragraph 1 – point 6**

Regulation (EU) 2016/794

Article 18a – paragraph 4

#### *Text proposed by the Commission*

4. Paragraphs 1 to 3 shall also apply where Europol receives personal data from a third country with which there is an agreement concluded either on the basis of Article 23 of Decision 2009/371/JHA in

#### *Amendment*

4. Paragraphs 1 to 3 shall also apply where Europol receives personal data from a third country with which there is an agreement concluded either on the basis of Article 23 of Decision 2009/371/JHA in



accordance with point (c) of Article 25(1) of this Regulation or on the basis of Article 218 TFEU in accordance with point (b) of Article 25(1) of this Regulation, or which is the subject of an adequacy decision as referred to in point (a) of Article 25(1) of this Regulation, and such third country provides an investigative case file to Europol for operational analysis that supports the specific criminal investigation in a Member State or in Member States that Europol supports. Where a third country provides an investigative case file to Europol, the EDPS shall be informed. Europol shall verify that the amount of personal data is not manifestly disproportionate in relation to the specific investigation in a Member State that Europol supports, and that there are no objective elements indicating that the case file has been obtained by the third country in manifest violation of fundamental rights. Where Europol, or the EDPS, reaches the conclusion that there are preliminary indications that such data is disproportionate or collected in violation of fundamental rights, Europol shall not process it. Data processed pursuant to this paragraph may only be accessed by Europol where necessary for the support of the specific criminal investigation in a Member State or in Member States. It shall be shared only within the Union.;

accordance with point (c) of Article 25(1) of this Regulation or on the basis of Article 218 TFEU in accordance with point (b) of Article 25(1) of this Regulation, or which is the subject of an adequacy decision as referred to in point (a) of Article 25(1) of this Regulation, and such third country provides an investigative case file to Europol for operational analysis that supports the specific criminal investigation in a Member State or in Member States that Europol supports. Where a third country provides an investigative case file to Europol, the EDPS shall be informed. Europol shall verify that the amount of personal data is not manifestly disproportionate in relation to the specific investigation in a Member State that Europol supports, and that there are no objective elements indicating that the case file has been obtained by the third country in manifest violation of fundamental rights. Where Europol, or the EDPS, reaches the conclusion that there are preliminary indications that such data is disproportionate or collected in violation of fundamental rights, Europol shall not process it ***and shall delete the data***. Data processed pursuant to this paragraph may only be accessed by Europol where necessary for the support of the specific criminal investigation in a Member State or in Member States. It shall be shared only within the Union.;

Or. en

### **Amendment 363**

**Sophia in 't Veld, Michal Šimečka, Olivier Chastel, Malik Azmani**

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

#### **Article 1 – paragraph 1 – point 6**

Regulation (EU) 2016/794

Article 18a – paragraph 4 a new

*Text proposed by the Commission*

*Amendment*

**4 a. All processing of personal data under this Article shall in all cases be compliant with the general principles and obligations laid down in Chapter IX of Regulation 2018/1725.**

Or. en

#### **Amendment 364**

**Sophia in 't Veld, Michal Šimečka, Olivier Chastel, Malik Azmani**

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

**Article 1 – paragraph 1 – point 7 – point a**

Regulation (EU) 2016/794

Article 20 – paragraph 2a

*Text proposed by the Commission*

2a. In the framework of conducting dedicated operational analysis projects as referred to in Article 18(3), Member States may determine information to be made directly accessible by Europol to selected other Member States for the purpose of enhanced collaboration in specific investigations, without prejudice to any restrictions of Article 19(2).;

*Amendment*

2a. In the framework of conducting dedicated operational analysis projects as referred to in Article 18(3), Member States may determine information to be made directly accessible by Europol to selected other Member States for the purpose of enhanced collaboration in specific investigations, without prejudice to any restrictions of Article 19(2). ***Any processing of personal data by Member States in joint operational analysis shall take place in accordance with the rules and safeguards set out in this Regulation;***

Or. en

#### **Amendment 365**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

**Article 1 – paragraph 1 – point 7 – point b**

Regulation (EU) 2016/794

Article 20 – paragraph 3

*Text proposed by the Commission*

**3. In accordance with national law, the information referred to in paragraphs**

*Amendment*

***deleted***

***1, 2 and 2a shall be accessed and further processed by Member States only for the purpose of preventing and combating, and for judicial proceedings related to;;***

Or. en

**Amendment 366**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 7 – point b**

Regulation (EU) 2016/794

Article 20 – paragraph 3

*Text proposed by the Commission*

3. In accordance with national law, the information referred to in paragraphs 1, 2 and 2a shall be accessed and further processed by Member States only for the purpose of preventing and combating, and for judicial proceedings related to;

*Amendment*

3. In accordance with national law, the information referred to in paragraphs 1, 2 and 2a shall be accessed and further processed by Member States only for the purpose of preventing and combating, and for judicial proceedings, ***as long as the conditions in paragraph 5 of this Article are met***, related to;

Or. en

**Amendment 367**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 7 – point c**

Regulation (EU) 2016/794

Article 20 – paragraph 5

*Text proposed by the Commission*

5. ***When national law allows for Europol staff to provide evidence which came to their knowledge in the performance of their duties or the exercise of their activities, only Europol staff authorised by the Executive Director to do so shall be able to give such evidence in judicial proceedings in the***

*Amendment*

***deleted***

**Amendment 368**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 7 – point c**

Regulation (EU) 2016/794

Article 20 – paragraph 5

*Text proposed by the Commission*

5. When national law allows for Europol staff to provide evidence which came to their knowledge in the performance of their duties or the exercise of their activities, only Europol staff authorised by the Executive Director to do so shall be able to give such evidence in judicial proceedings in the Member States.;

*Amendment*

5. When national law allows for Europol staff to provide evidence which came to their knowledge in the performance of their duties or the exercise of their activities, ***provided that it does not result from interception of private communications***, only Europol staff authorised by the Executive Director to do so shall be able to give such evidence in judicial proceedings in the Member States. ***Any evidence, including the procedure under which this evidence has been collected, that authorized Europol staff provides in criminal judicial proceedings shall be lawful, fair, transparent and traceable. Europol shall ensure access of defence lawyers to the materials of the case file and to information deemed necessary to ensure that the evidence provided in judicial proceedings complies with fundamental and procedural rights pursuant Article 4(6), including procedural safeguards provided for in Union law and in particular the right to a fair trial, as well as data protection rules pursuant Article 27a;***

**Amendment 369**

**Rob Rooken**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 7 – point c**

Regulation (EU) 2016/794

Article 20 – paragraph 5

*Text proposed by the Commission*

5. When national law allows for Europol staff to provide evidence which came to their knowledge in the performance of their duties or the exercise of their activities, only Europol staff authorised by the Executive Director to do so shall be able to give such evidence in judicial proceedings in the Member States.;

*Amendment*

5. When national law allows for Europol staff to provide evidence which came to their knowledge in the performance of their duties or the exercise of their activities, only Europol staff authorised by the Executive Director to do so shall be able to give such evidence in judicial proceedings in the Member States. ***This provision shall be without prejudice to any obligations which Europol staff may have under the national law of Member States.***

Or. nl

**Amendment 370**

**Franco Roberti**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 7 – point c**

Regulation (EU) 2016/794

Article 20 – paragraph 5

*Text proposed by the Commission*

5. When national law allows for Europol staff to provide evidence ***which came*** to their knowledge in the performance of their duties or the exercise of their activities, only Europol staff authorised by the Executive Director to do so shall be able to give such evidence in ***judicial*** proceedings in the Member States.;

*Amendment*

5. When national ***procedural*** law allows for Europol staff to provide evidence ***that has come*** to their knowledge in the performance of their duties or the exercise of their activities, only Europol staff authorised by the Executive Director to do so shall be able to give such evidence in ***criminal*** proceedings in the Member States.;

Or. en

**Amendment 371**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 7 – point c a (new)**

Regulation (EU) 2016/794

Article 20 – paragraph 5 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

**(c a) the following subparagraph is inserted:**

**"Europol shall not intercept private communications, including private communications between the lawyers and their clients, in the performance and exercise of its duties and activities".**

Or. en

**Amendment 372**

**Franco Roberti**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 8**

Regulation (EU) 2016/794

Article 20a – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. Europol shall actively support the investigations and prosecutions of the EPPO and cooperate with it, in particular through exchanges of information and by providing analytical support.

2. ***Proceeding a request by the EPPO***, Europol shall actively support the investigations and prosecutions of the EPPO and cooperate with it, in particular through exchanges of information and by providing analytical support.

Or. en

**Amendment 373**

**Franco Roberti**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 9**

Regulation (EU) 2016/794

Article 21 – paragraph 8

*Text proposed by the Commission*

*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 OLAF with that information.

8. If, during information-processing activities in respect of *a specific* investigation or 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.

Or. en

**Amendment 374**

**Sophia in 't Veld, Michal Šimečka, Olivier Chastel, Malik Azmani**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 9 a (new)**

Regulation (EU) 2016/794

Article 23 – paragraph 7

*Text proposed by the Commission*

*Amendment*

*(9 a) In Article 23, paragraph 7 is replaced by:*

*7. Onward transfers of personal data held by Europol by Member States, Union bodies, third countries, international organisations and private parties shall be prohibited, unless Europol has given its prior explicit authorisation.*

Or. en

*Justification*

*add private parties to the current Article 23 paragraph 7*

**Amendment 375**

**Sophia in 't Veld, Michal Šimečka, Olivier Chastel, Malik Azmani**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 10**

Regulation (EU) 2016/794

Article 24 – paragraph 1

*Text proposed by the Commission*

1. Subject to any further restrictions pursuant to this Regulation, in particular pursuant to Article 19(2) and (3) and without prejudice to Article 67, Europol shall only transmit operational personal data to another Union institution, body, office or agency if the data are necessary for the legitimate performance of tasks of the other Union institution, body, office or agency.

*Amendment*

1. Subject to any further restrictions pursuant to this Regulation, in particular pursuant to Article 19(2) and (3) and without prejudice to Article 67, Europol shall only transmit operational personal data to another Union institution, body, office or agency if the data are necessary ***and proportionate*** for the legitimate performance of tasks of the other Union institution, body, office or agency, ***in accordance with Union law to achieve the purposes set out in the legal act establishing the Union body, office or agency.***

Or. en

**Amendment 376**

**Franco Roberti, Birgit Sippel**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 10**

Regulation (EU) 2016/794

Article 24 – paragraph 1

*Text proposed by the Commission*

1. Subject to any further restrictions pursuant to this Regulation, in particular pursuant to Article 19(2) and (3) and without prejudice to Article 67, Europol shall only transmit operational personal data to another Union institution, body, office or agency if the data are necessary for the legitimate performance of tasks of the other Union institution, body, office or agency.

*Amendment*

1. ***In line with Article 71(2) of Regulation (EU) 2018/1735 and*** subject to any further restrictions pursuant to this Regulation, in particular pursuant to Article 19(2) and (3) and without prejudice to Article 67, Europol shall only transmit operational personal data to another Union institution, body, office or agency if the ***personal*** data are necessary for the legitimate performance of tasks of the other Union institution, body, office or agency.

Or. en

**Amendment 377**

**Franco Roberti**



**Proposal for a regulation**

**Article 1 – paragraph 1 – point 11 – point -a a (new)**

Regulation (EU) 2016/794

Article 25 – paragraph 1 – subparagraph 1

*Present text*

*Amendment*

**-a a Subparagraph 1 of paragraph 1 is replaced by the following:**

**"Chapter V of Regulation (EU) 2018/1725 shall apply to transfers of administrative personal data to third countries and international organisations. In cases of transfers of personal operational data to third countries and international organisations, this Regulation, including any possible restrictions pursuant to Article 19(2) or (3) and *taking into account* Article 67, and Article 94 of Regulation (EU) 2018/1725 shall apply."**

Or. en

**Amendment 378**

**Franco Roberti**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 11 – point -a a (new)**

Regulation (EU) 2016/794

Article 25 – paragraph 3

*Text proposed by the Commission*

*Amendment*

**-a a Paragraph 3 is deleted.**

Or. en

**Amendment 379**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 11 – point a**

Regulation (EU) 2016/794

Article 25 – paragraph 5

*Text proposed by the Commission*

*Amendment*

**(a)** *In paragraph 5, the introductory phrase is replaced by the following:* **deleted**

*‘By way of derogation from paragraph 1, the Executive Director may authorise the transfer or categories of transfers of personal data to third countries or international organisations on a case-by-case basis if the transfer is, or the related transfers are;’*

Or. en

**Amendment 380**  
**Clare Daly**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 11 – point a**  
Regulation (EU) 2016/794  
Article 25 – paragraph 5

*Text proposed by the Commission*

*Amendment*

**(a)** *In paragraph 5, the introductory phrase is replaced by the following:* **deleted**

*‘By way of derogation from paragraph 1, the Executive Director may authorise the transfer or categories of transfers of personal data to third countries or international organisations on a case-by-case basis if the transfer is, or the related transfers are;’*

Or. en

**Amendment 381**  
**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 11 – point a**  
Regulation (EU) 2016/794  
Article 25 – paragraph 5

**By way of derogation from paragraph 1,** the Executive Director may authorise the transfer **or categories of transfers** of personal data to third countries or international organisations on a case-by-case basis if the transfer is, or the related transfers are::

The Executive Director may authorise the transfer of personal data to third countries, ***provided that they are subject of an adequacy decision as referred to in point (a) of Article 25(1) of this Regulation or with which the Union has concluded an international agreement pursuant to Article 218 TFEU that includes the transfer of personal data for law enforcement purposes,*** or international organisations on a case-by-case basis if the transfer is, or the related transfers are::

Or. en

#### **Amendment 382**

**Sophia in 't Veld, Michal Šimečka, Olivier Chastel, Malik Azmani**

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

**Article 1 – paragraph 1 – point 11 – point a**

Regulation (EU) 2016/794

Article 25 – paragraph 5

By way of derogation from paragraph 1, the Executive Director may authorise the transfer or categories of transfers of personal data to third countries or international organisations on a case-by-case basis if the transfer is, or the related transfers are::

By way of derogation from paragraph 1, the Executive Director may ***exceptionally*** authorise the transfer or categories of transfers of personal data ***related to a specific ongoing criminal investigation*** to third countries or international organisations on a case-by-case basis if the transfer is, or the related transfers are::

Or. en

#### **Amendment 383**

**Franco Roberti**

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

**Article 1 – paragraph 1 – point 11 – point a**

Regulation (EU) 2016/794

Article 25 – paragraph 5

*Text proposed by the Commission*

By way of derogation from paragraph 1, the Executive Director may authorise the transfer or categories of transfers of personal data to third countries or international organisations on a case-by-case basis if the transfer is, or the related transfers are;

*Amendment*

By way of derogation from paragraph 1, the Executive Director may authorise the transfer or ***specific*** categories of transfers of personal data to third countries or international organisations on a case-by-case basis if the transfer is, or the related transfers are:

Or. en

**Amendment 384**

**Dragoş Tudorache, Michal Šimečka**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 11 – point a a (new)**

Regulation (EU) 2016/794

Article 25 – paragraph 5 a a (new) – introductory part

*Text proposed by the Commission*

*Amendment*

***(a a) In paragraph 5, the last sentence is replaced by the following:***

***“Derogations may not be applicable to systematic, massive or structural transfers. Authorisations for categories of transfers of personal data should only be granted after consulting with the Commission and for a fixed duration, with clearly-defined categories that are strictly necessary for the objective identified according to points (a), (b), (c), or (d) of this paragraph, and with appropriate justification.”***

Or. en

**Amendment 385**

**Sophia in 't Veld, Michal Šimečka, Olivier Chastel, Malik Azmani**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 11 – point a a (new)**

Regulation (EU) 2016/794

Article 25 – paragraph 7

**(a a) Paragraph 7 is replaced by the following:**

***The Executive Director shall as soon as possible inform the Management Board and the EDPS of the cases in which paragraph 5 has been applied. The JPSG shall have access to this information.***

Or. en

**Amendment 386**

**Dragoş Tudorache, Michal Šimečka**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 11 – point b – introductory part**

Regulation (EU) 2016/794

Article 25 – paragraph 8

*Text proposed by the Commission*

*Amendment*

(b) In paragraph 8, the following sentence is ***deleted***:

(b) In paragraph 8, the following sentence is ***added***:

Or. en

**Amendment 387**

**Clare Daly**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 11 – point b – introductory part**

Regulation (EU) 2016/794

Article 25 – paragraph 8

*Text proposed by the Commission*

*Amendment*

(b) ***In*** paragraph 8, the following ***sentence is deleted***:

(b) Paragraph 8 ***is replaced by*** the following:

Or. en

**Amendment 388**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

## Proposal for a regulation

### Article 1 – paragraph 1 – point 11 – point b

Regulation (EU) 2016/794

Article 25 – paragraph 8

#### *Text proposed by the Commission*

Where a transfer is based on **paragraph 5**, **such a** transfer shall be documented and the documentation shall be made available to the EDPS **on request**. The documentation shall include a record of the date and time of the transfer, and information about the receiving competent authority, about the justification for the transfer and about the operational personal data transferred.

#### *Amendment*

Where a transfer is based on **this Article**, **such** transfer shall be **duly justified and** documented, **the Fundamental Rights Officer shall be involved**, and the documentation shall be made available to the EDPS. The documentation shall include a record of the date and time of the transfer, and information about the receiving competent authority, about the justification for the transfer and about the operational personal data transferred.

Or. en

## Amendment 389

Saskia Bricmont, Tineke Strik, Patrick Breyer

## Proposal for a regulation

### Article 1 – paragraph 1 – point 12 – point a

Regulation (EU) 2016/794

Article 26 – paragraph 2

#### *Text proposed by the Commission*

2. Europol may receive personal data directly from private parties and process those personal data in accordance with Article 18 in order to identify all national units concerned, as referred to in point (a) of paragraph 1. Europol shall forward the personal data and any relevant results from the processing of that data necessary for the purpose of establishing jurisdiction **immediately** to the national units concerned. Europol may forward the personal data and relevant results from the processing of that data necessary for the purpose of establishing jurisdiction in accordance with Article 25 to contact points and authorities concerned as referred

#### *Amendment*

2. Europol may receive personal data directly from private parties and process those personal data in accordance with Article 18 in order to identify all national units concerned, as referred to in point (a) of paragraph 1. Europol shall forward the personal data and any relevant results from the processing of that data necessary for the **sole** purpose of establishing jurisdiction to the national units concerned. Europol may forward the personal data and relevant results from the processing of that data necessary for the **sole** purpose of establishing jurisdiction in accordance with Article 25 to contact points and authorities concerned as referred to in points (b) and

to in points (b) and (c) of paragraph 1. Once Europol has identified and forwarded the relevant personal data to all the respective national units concerned, or it is not possible to identify further national units concerned, it shall erase the data, unless a national unit, **contact point or authority concerned** resubmits the personal data to Europol in accordance with Article 19(1) within four months after the **transfer** takes place.

(c) of **that conditions in** paragraph 1 **of Article 25 are met**. Once Europol has identified and forwarded the relevant personal data to all the respective national units concerned, or it is not possible to identify further national units concerned, it shall erase the data, unless a national unit resubmits the personal data to Europol in accordance with Article 19(1) within four months after the **transmission** takes place. **Europol shall ensure that the time limits for the storage of data are in compliance with Regulation (EU) 2018/1725.**

Or. en

## **Amendment 390**

### **Franco Roberti**

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

#### **Article 1 – paragraph 1 – point 12 – point a**

Regulation (EU) 2016/794

Article 26 – paragraph 2

#### *Text proposed by the Commission*

2. Europol may receive personal data directly from private parties and process those personal data in accordance with Article 18 in order to identify **all** national units concerned, as referred to in point (a) of paragraph 1. Europol shall forward the personal data and any relevant results from the processing **of that data necessary for the purpose of** establishing jurisdiction immediately to the national units concerned. Europol may forward the personal data and relevant results from the processing **of that data necessary for the purpose of** establishing jurisdiction in accordance with Article 25 to contact points and authorities concerned as referred to in points (b) and (c) of paragraph 1. Once Europol has identified and forwarded the relevant personal data to all the respective national units concerned, or it is not possible to identify further national units concerned, it shall erase the data,

#### *Amendment*

2. Europol may receive personal data directly from private parties and process those personal data in accordance with Article 18 in order to identify **the** national units concerned, as referred to in point (a) of paragraph 1. Europol shall forward the personal data and any relevant results from the **necessary** processing **for** establishing jurisdiction immediately to the national units concerned. Europol may forward the personal data and relevant results from the **necessary** processing **for** establishing jurisdiction, in accordance with Article 25 to contact points and authorities concerned, as referred to in points (b) and (c) of paragraph 1. Once Europol has identified and forwarded the relevant personal data to all the respective national units concerned, or it is not possible to identify further national units concerned, it shall erase the data, unless a national unit, contact point or authority concerned resubmits the personal

unless a national unit, contact point or authority concerned resubmits the personal data to Europol in accordance with Article 19(1) within four months after the transfer takes place.

data to Europol in accordance with Article 19(1) within four months after the transfer takes place.

Or. en

## Amendment 391

Clare Daly

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 12 – point a

Regulation (EU) 2016/794

Article 26 – paragraph 2

#### *Text proposed by the Commission*

2. Europol **may receive** personal data **directly** from private parties **and** process those personal data in accordance with Article 18 in order to identify all national units concerned, as referred to in point (a) of paragraph 1. Europol shall forward the personal data and any relevant results from the processing of that data necessary for the purpose of establishing jurisdiction immediately to the national units concerned. Europol may forward the personal data and relevant results from the processing of that data necessary for the purpose of establishing jurisdiction in accordance with Article 25 to contact points and authorities concerned as referred to in points (b) and (c) of paragraph 1. Once Europol has identified and forwarded the relevant personal data to all the respective national units concerned, or it is not possible to identify further national units concerned, it shall erase the data, unless a national unit, contact point or authority concerned resubmits the personal data to Europol in accordance with Article 19(1) within four months after the transfer takes place.

#### *Amendment*

2. **Where** Europol **receives** personal data from private parties, **it may** process those personal data in accordance with Article 18 in order to identify all national units concerned, as referred to in point (a) of paragraph 1. Europol shall forward the personal data and any relevant results from the processing of that data necessary for the purpose of establishing jurisdiction immediately to the national units concerned. Europol may forward the personal data and relevant results from the processing of that data necessary for the purpose of establishing jurisdiction in accordance with Article 25 to contact points and authorities concerned as referred to in points (b) and (c) of paragraph 1. Once Europol has identified and forwarded the relevant personal data to all the respective national units concerned, or it is not possible to identify further national units concerned, it shall erase the data, unless a national unit, contact point or authority concerned resubmits the personal data to Europol in accordance with Article 19(1) within four months after the transfer takes place.

Or. en



## Amendment 392

Saskia Bricmont, Tineke Strik, Patrick Breyer

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 12 – point b

Regulation (EU) 2016/794

Article 26 – paragraph 4

*Text proposed by the Commission*

*Amendment*

4. *If Europol receives personal data from a private party in a third country, Europol may forward those data only to a Member State, or to a third country concerned with which an agreement on the basis of Article 23 of Decision 2009/371/JHA or on the basis of Article 218 TFEU has been concluded or which is the subject of an adequacy decision as referred to in point (a) of Article 25(1) of this Regulation. Where the conditions set out under paragraphs 5 and 6 of Article 25 are fulfilled, Europol may transfer the result of its analysis and verification of such data with the third country concerned.*

*deleted*

Or. en

## Amendment 393

Saskia Bricmont, Tineke Strik, Patrick Breyer

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 12 – point b

Regulation (EU) 2016/794

Article 26 – paragraph 4

*Text proposed by the Commission*

*Amendment*

4. If Europol receives personal data from a private party in a third country, Europol may forward those data only to a Member State, or to a third country concerned *with which an agreement on the basis of Article 23 of Decision 2009/371/JHA or on the basis of Article*

4. If Europol receives personal data from a private party in a third country *that 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*

**218 TFEU has been concluded or which** is the subject of an adequacy decision as referred to in point (a) of Article 25(1) of this Regulation. Where the conditions set out under **paragraphs 5 and 6 of Article 25** are fulfilled, Europol may transfer the result of its analysis and verification of such data with the third country concerned.

**agreement concluded by the Union pursuant to Article 218 TFEU that includes the transfer of personal data for law enforcement purposes, 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 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, Europol may forward those data only to a Member State, or to the third country concerned provided that it is the subject of an adequacy decision as referred to in point (a) of Article 25(1) of this Regulation or has concluded an international agreement with the Union pursuant to Article 218 TFEU, for the sole purpose of determining the national units concerned.** Where the conditions set out under Article 25 are fulfilled, Europol may transfer the result of its analysis and verification of such data with the third country concerned **provided that it is the subject of an adequacy decision as referred to in point (a) of Article 25(1) of this Regulation or has concluded an international agreement with the Union pursuant to Article 218 TFEU that includes the transfer of personal data for law enforcement purposes.**

Or. en

**Amendment 394**  
**Clare Daly**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 12 – point b**  
Regulation (EU) 2016/794  
Article 26 – paragraph 4

*Text proposed by the Commission*

*Amendment*

4. If Europol receives personal data

4. If Europol receives personal data

from a private party in a third country, Europol may forward those data only to a Member State, or to a third country concerned with which an agreement on the basis of Article 23 of Decision 2009/371/JHA or on the basis of Article 218 TFEU has been concluded or which is the subject of an adequacy decision as referred to in point (a) of Article 25(1) of this Regulation. Where the conditions set out under paragraphs 5 and 6 of Article 25 are fulfilled, Europol may transfer the result of its analysis and verification of such data with the third country concerned.

from a private party in a third country ***in accordance with paragraph 1***, Europol may forward those data only to a Member State, or to a third country concerned with which an agreement on the basis of Article 23 of Decision 2009/371/JHA or on the basis of Article 218 TFEU has been concluded or which is the subject of an adequacy decision as referred to in point (a) of Article 25(1) of this Regulation. Where the conditions set out under paragraphs 5 and 6 of Article 25 are fulfilled, Europol may transfer the result of its analysis and verification of such data with the third country concerned.

Or. en

**Amendment 395**  
**Franco Roberti**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 12 – point b**  
Regulation (EU) 2016/794  
Article 26 – paragraph 4

*Text proposed by the Commission*

4. If Europol receives personal data from a private party in a third country, Europol may forward those data only to a Member State, or to a third country concerned with which an agreement on the basis of Article 23 of Decision 2009/371/JHA or on the basis of Article 218 TFEU has been concluded or which is the subject of an adequacy decision as referred to in point (a) of Article 25(1) of this Regulation. Where the conditions set out under paragraphs 5 and 6 of Article 25 are fulfilled, Europol may transfer the result of its analysis and verification of such data ***with*** the third country concerned.

*Amendment*

4. If Europol receives personal data from a private party in a third country, Europol may forward those data only to a Member State, or to a third country concerned with which an agreement on the basis of Article 23 of Decision 2009/371/JHA or on the basis of Article 218 TFEU has been concluded or which is the subject of an adequacy decision as referred to in point (a) of Article 25(1) of this Regulation. Where the conditions set out under paragraphs 5 and 6 of Article 25 are fulfilled, Europol may transfer the result of its analysis and verification of such data ***to*** the third country concerned.

Or. en

## Amendment 396

Saskia Bricmont, Tineke Strik, Patrick Breyer

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 12 – point c

Regulation (EU) 2016/794

Article 26 – paragraph 5

#### *Text proposed by the Commission*

5. Europol may transmit or transfer personal data to private parties on a case-by-case basis, where it is strictly necessary, and subject to any possible restrictions stipulated pursuant to Article 19(2) or (3) and without prejudice to Article 67, in the following cases:

#### *Amendment*

5. Europol may transmit or transfer personal data to private parties on a case-by-case basis, where it is ***proportionate and strictly necessary for the sole purpose to identify the national units concerned while ensuring that the requirements and safeguards in this Regulation are met***, and subject to any possible restrictions stipulated pursuant to Article 19(2) or (3) and without prejudice to Article 67, in the following cases:

Or. en

## Amendment 397

Sophia in 't Veld, Michal Šimečka, Olivier Chastel, Malik Azmani

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 12 – point c

Regulation (EU) 2016/794

Article 26 – paragraph 5

#### *Text proposed by the Commission*

5. Europol may transmit or transfer personal data to private parties on a case-by-case basis, where it is strictly necessary, and subject to any possible restrictions stipulated pursuant to Article 19(2) or (3) and without prejudice to Article 67, in the following cases:

#### *Amendment*

5. Europol may transmit or transfer personal data to private parties on a case-by-case basis, where it is strictly necessary, ***after it has informed the EDPS*** and subject to any possible restrictions stipulated pursuant to Article 19(2) or (3) and without prejudice to Article 67, in the following cases:

Or. en

## Amendment 398

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 12 – point c**

Regulation (EU) 2016/794

Article 26 – paragraph 5 – point a

*Text proposed by the Commission*

*Amendment*

**(a) the transmission or transfer is undoubtedly in the interests of the data subject, and either the data subject has given his or her consent; or** **deleted**

Or. en

**Amendment 399**

**Clare Daly**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 12 – point c**

Regulation (EU) 2016/794

Article 26 – paragraph 5 – point c

*Text proposed by the Commission*

*Amendment*

**(c) the transmission or transfer of personal data which are publicly available is strictly necessary for the performance of the task set out in point (m) of Article 4(1) and the following conditions are met:** **deleted**  
**(i) the transmission or transfer concerns an individual and specific case;**  
**(ii) no fundamental rights and freedoms of the data subjects concerned override the public interest necessitating the transmission or transfer in the case at hand; or**

Or. en

**Amendment 400**

**Franco Roberti**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 12 – point c**  
Regulation (EU) 2016/794  
Article 26 – paragraph 5 – point c – introductory part

*Text proposed by the Commission*

(c) the transmission or transfer of personal data **which** are publicly available is strictly necessary for the performance of the task set out in point (m) of Article 4(1) and the following conditions are met:

*Amendment*

(c) the transmission or transfer of personal data **that** are publicly available is strictly necessary for the performance of the task set out in point (m) of Article 4(1) and the following conditions are met:

Or. en

**Amendment 401**  
**Franco Roberti**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 12 – point c**  
Regulation (EU) 2016/794  
Article 26 – paragraph 5 – point c – point i

*Text proposed by the Commission*

(i) the transmission or transfer concerns an individual and specific case;

*Amendment*

(i) the transmission or transfer concerns an individual and **a** specific case;

Or. en

**Amendment 402**  
**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 12 – point c**  
Regulation (EU) 2016/794  
Article 26 – paragraph 5 – point d – point –i (new)

*Text proposed by the Commission*

*Amendment*

**(d a) (-i)(new) the transmission or transfer is undoubtedly in the interests of the data subject, and either the data subject has given his or her consent;**

Or. en

**Amendment 403**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 12 – point c**

Regulation (EU) 2016/794

Article 26 – paragraph 5 – subparagraphs (new)

*Text proposed by the Commission*

*Amendment*

**5 a. the following subparagraphs are added:**

***"Europol and private parties shall only share personal data that are part of multi-jurisdictional data sets or of data sets that cannot be attributed to one or several specific jurisdictions.***

***Transfers shall not be systematic, massive or structural, and the conditions referred to in Article 26b shall apply.***

***The Fundamental Rights Officer and the Data Protection Officer shall be involved in the exchanges of personal data with private parties. The EDPS shall be informed and may also be involved if he or she deems it necessary.***

***Europol may only transfer data to private parties established in the Member States or in 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 Union pursuant to Article 218 TFEU that includes the transfer of personal data for law enforcement purposes, 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."***

Or. en

**Amendment 404**

**Sophia in 't Veld, Michal Šimečka, Olivier Chastel, Malik Azmani**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 12 – point c**

Regulation (EU) 2016/794

Article 26 – paragraph 5 (new)

*Text proposed by the Commission*

*Amendment*

**5 a.      *Transmissions or transfers shall not be systematic, massive or structural.***

Or. en

*Justification*

*Not only systematic, massive or structural transmissions or transfer of data to private parties outside the EU, but also within the EU should be prohibited.*

**Amendment 405**

**Clare Daly**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 12 – point c**

Regulation (EU) 2016/794

Article 26 – paragraph 6

*Text proposed by the Commission*

*Amendment*

**6.      *With regard to points (a), (b) and (d) of paragraph 5 of this Article, if the private party concerned is not established within the Union or in a country with which Europol has a cooperation agreement allowing for the exchange of personal data, with which the Union has concluded an international agreement pursuant to Article 218 TFEU or which is the subject of an adequacy decision as referred to in point (a) of Article 25(1) of this Regulation, the transfer shall only be authorised by the Executive Director if the transfer is:***

***deleted***

***(a) necessary in order to protect the vital interests of the data subject or another***



*person; or*

*(b) necessary in order to safeguard legitimate interests of the data subject; or*

*(c) essential for the prevention of an immediate and serious threat to public security of a Member State or a third country; or*

*(d) necessary in individual cases for the purposes of the prevention, investigation, detection or prosecution of criminal offences for which Europol is competent; or*

*(e) necessary in individual cases for the establishment, exercise or defence of legal claims relating to the prevention, investigation, detection or prosecution of a specific criminal offence for which Europol is competent.*

*Personal data shall not be transferred if the Executive Director determines that fundamental rights and freedoms of the data subject concerned override the public interest in the transfer referred to in points (d) and (e).*

*Transfers shall not be systematic, massive or structural.*

Or. en

#### **Amendment 406**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

**Article 1 – paragraph 1 – point 12 – point c**

Regulation (EU) 2016/794

Article 26 – paragraph 6 – subparagraph 1

#### *Text proposed by the Commission*

6. With regard to points (a), (b) and (d) of paragraph 5 of this Article, if the private party concerned is not established within the Union or in a country with which Europol has a cooperation agreement allowing for the exchange of

#### *Amendment*

6. With regard to points (a), (b) and (d) of paragraph 5 of this Article, if the private party concerned is not established within the Union or in a country with which Europol has a cooperation agreement allowing for the exchange of

personal data, with which the Union has concluded an international agreement pursuant to Article 218 TFEU or which is the subject of an adequacy decision as referred to in point (a) of Article 25(1) of this Regulation, the transfer shall **only be authorised by the Executive Director if the transfer is:**

personal data, with which the Union has concluded an international agreement pursuant to Article 218 TFEU **that includes the transfer of personal data for law enforcement purposes**, or which is the subject of an adequacy decision as referred to in point (a) of Article 25(1) of this Regulation, the transfer shall **be prohibited:**

Or. en

#### **Amendment 407**

**Franco Roberti**

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

#### **Article 1 – paragraph 1 – point 12 – point c**

Regulation (EU) 2016/794

Article 26 – paragraph 6 – subparagraph 1

#### *Text proposed by the Commission*

6. With regard to points (a), (b) and (d) of paragraph 5 of this Article, if the private party concerned is not established within the Union or in a country with which Europol has a cooperation agreement allowing for the exchange of personal data, with which the Union has concluded an international agreement pursuant to Article 218 TFEU or **which is the subject of** an adequacy decision as referred to in point (a) of Article 25(1) of this Regulation, the transfer shall only be authorised by the Executive Director if the transfer is:

#### *Amendment*

6. With regard to points (a), (b) and (d) of paragraph 5 of this Article, if the private party concerned is not established within the Union or in a country with which Europol has a cooperation agreement allowing for the exchange of personal data, **but** with which the Union has concluded an international agreement pursuant to Article 218 TFEU or **there is** an adequacy decision as referred to in point (a) of Article 25(1) of this Regulation, the transfer shall only be authorised by the Executive Director if the transfer is:

Or. en

#### **Amendment 408**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

#### **Article 1 – paragraph 1 – point 12 – point c**

Regulation (EU) 2016/794

Article 26 – paragraph 6 – subparagraph 1 – point a

*Text proposed by the Commission*

*Amendment*

**(a) necessary in order to protect the vital interests of the data subject or another person; or** **deleted**

Or. en

**Amendment 409**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 12 – point c**

Regulation (EU) 2016/794

Article 26 – paragraph 6 – subparagraph 1 – point b

*Text proposed by the Commission*

*Amendment*

**(b) necessary in order to safeguard legitimate interests of the data subject; or** **deleted**

Or. en

**Amendment 410**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 12 – point c**

Regulation (EU) 2016/794

Article 26 – paragraph 6 – subparagraph 1 – point c

*Text proposed by the Commission*

*Amendment*

**(c) essential for the prevention of an immediate and serious threat to public security of a Member State or a third country; or** **deleted**

Or. en

**Amendment 411**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 12 – point c**

Regulation (EU) 2016/794

Article 26 – paragraph 6 – subparagraph 1 – point d

*Text proposed by the Commission*

*Amendment*

**(d) necessary in individual cases for the purposes of the prevention, investigation, detection or prosecution of criminal offences for which Europol is competent; or** **deleted**

Or. en

**Amendment 412**

**Franco Roberti**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 12 – point c**

Regulation (EU) 2016/794

Article 26 – paragraph 6 – subparagraph 1 point (d)

*Text proposed by the Commission*

*Amendment*

**(d) necessary in individual cases for the purposes of the prevention, investigation, detection or prosecution of criminal offences for which Europol is competent; or**

**(d) necessary in individual cases for the purposes of the prevention, investigation, detection or prosecution of *a specific* criminal offence for which Europol is competent; or**

Or. en

**Amendment 413**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 12 – point c**

Regulation (EU) 2016/794

Article 26 – paragraph 6 – subparagraph 1 – point e

*Text proposed by the Commission*

*Amendment*

**(e) necessary in individual cases for the establishment, exercise or defence of legal claims relating to the prevention,** **deleted**

*investigation, detection or prosecution of  
a specific criminal offence for which  
Europol is competent.*

Or. en

**Amendment 414**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 12 – point c**

Regulation (EU) 2016/794

Article 26 – paragraph 6 – subparagraph 1 – point f

*Text proposed by the Commission*

*Amendment*

*Personal data shall not be transferred if  
the Executive Director determines that  
fundamental rights and freedoms of the  
data subject concerned override the public  
interest in the transfer referred to in  
points (d) and (e).*

*deleted*

Or. en

**Amendment 415**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 12 – point c**

Regulation (EU) 2016/794

Article 26 – paragraph 6 – subparagraph 3

*Text proposed by the Commission*

*Amendment*

Transfers shall not be systematic, massive  
or structural.

Transfers shall not be systematic, massive  
or structural *and the conditions referred to  
in Article 26b shall apply.*

*The Fundamental Rights Officer and the  
Data Protection Officer shall be involved  
in the exchanges of personal data with  
private parties. The EDPS shall be  
informed and may also be involved if he  
or she deems it necessary.*

*Europol may only transfer data to private*

*parties established in the Member States or in 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 Union pursuant to Article 218 TFEU that includes the transfer of personal data for law enforcement purposes, 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.*

Or. en

**Amendment 416**  
**Franco Roberti, Birgit Sippel**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 12 – point d**  
 Regulation (EU) 2016/794  
 Article 26 – paragraph 6a – subparagraph 1

*Text proposed by the Commission*

6a. Europol may request Member States, via their national units, to obtain personal data from private parties, **which** are established or have a legal representative in their territory, under their applicable laws, for the purpose of sharing it with Europol, on the condition that the requested personal data is strictly limited to what is necessary for Europol with a **view to** identifying the national units concerned.

*Amendment*

6a. Europol may **send a reasoned** request **to** Member States, via their national units, to obtain **strictly necessary** personal data from private parties, **that** are established or have a legal representative in their territory, under their applicable laws, for the purpose of sharing it with Europol, on the condition that the requested personal data is strictly limited to what is necessary for Europol with a **sole purpose of** identifying the national units concerned. **In such cases, where a Member State decides to make a request on behalf of Europol, they shall inform the private parties, that the provision of the requested information in these cases is voluntary. The personal data requested shall be as targetted as possible and refer to the least sensitive**

*personal data available.*

Or. en

#### **Amendment 417**

**Patryk Jaki**

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

#### **Article 1 – paragraph 1 – point 12 – point d**

Regulation (EU) 2016/794

Article 26 – paragraph 6a – subparagraph 1

#### *Text proposed by the Commission*

6a. Europol may request Member States, via their national units, to obtain personal data from private parties, which are established or have a legal representative in their territory, under their applicable laws, for the purpose of sharing it with Europol, on the condition that the requested personal data is strictly limited to what is necessary for Europol with a view to identifying the national units concerned.

#### *Amendment*

6a. Europol may request Member States, via their national units, to obtain personal data from private parties, which are established or have a legal representative in their territory, under their applicable laws, for the purpose of sharing it with Europol, on the condition that the requested personal data is strictly limited to what is necessary for Europol with a view to identifying the national units concerned.

***The request made by Europol does not pose any obligation to Member States. Obtaining any information from private parties is conducted on a voluntary basis.***

Or. en

#### **Amendment 418**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

#### **Article 1 – paragraph 1 – point 12 – point d**

Regulation (EU) 2016/794

Article 26 – paragraph 6a – subparagraph 1

#### *Text proposed by the Commission*

6a. Europol may request Member States, via their national units, to obtain personal data from private parties, which are established or have a legal representative in their territory, under their

#### *Amendment*

6a. Europol may request Member States, via their national units, to obtain personal data from private parties, which are ***legally*** established or have a legal representative in their territory, under their

applicable laws, for the purpose of sharing it with Europol, on the condition that the requested personal data is strictly limited to what is necessary for Europol with a view to identifying the national units concerned.

applicable laws, for the purpose of sharing it with Europol, on the condition that the requested personal data is strictly ***necessary, proportionate and*** limited to what is necessary for Europol with a view to identifying the national units concerned, ***and provided that the requirements and safeguards set out in this Regulation are fulfilled.***

Or. en

#### **Amendment 419**

**Sophia in 't Veld, Michal Šimečka, Olivier Chastel, Malik Azmani**

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

#### **Article 1 – paragraph 1 – point 12 – point d**

Regulation (EU) 2016/794

Article 26 – paragraph 6a – subparagraph 1

#### *Text proposed by the Commission*

6a. Europol may request Member States, via their national units, to obtain personal data from private parties, which are established or have a legal representative in their territory, under their applicable laws, for the purpose of sharing it with Europol, on the condition that the requested personal data is strictly limited to what is necessary for Europol with a view to identifying the national units concerned.

#### *Amendment*

6a. Europol may request Member States, via their national units, ***via a reasoned request which should be as targeted as possible,*** to obtain personal data from private parties, which are established or have a legal representative in their territory, under their applicable laws, for the purpose of sharing it with Europol, on the condition that the requested personal data is ***the least sensitive and*** strictly limited to what is necessary for Europol with a view to identifying the national units concerned.

Or. en

#### **Amendment 420**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

#### **Article 1 – paragraph 1 – point 12 – point d**

Regulation (EU) 2016/794

Article 26 – paragraph 6a – subparagraph 2



*Text proposed by the Commission*

Irrespective of their jurisdiction over the specific crime in relation to which Europol seeks to identify the national units concerned, Member States shall ensure that their competent national authorities can lawfully process such requests in accordance with their national laws for the purpose of supplying Europol with the information necessary for it to fulfil *its* objectives.

*Amendment*

Irrespective of their jurisdiction over the specific crime in relation to which Europol seeks to identify the national units concerned, Member States shall ensure that their competent national authorities can lawfully process such requests in accordance with their national laws ***in compliance with Union law*** for the purpose of supplying Europol with the information necessary for it to fulfil ***Europol's objectives set out in Article 3, and provided that the requirements and safeguards set out in this Regulation are fulfilled. Mutual assistance grounds for refusal shall apply and Member States shall provide sufficient safeguards to the affected fundamental rights, including access to an effective remedy.***

Or. en

**Amendment 421**

**Sophia in 't Veld, Michal Šimečka, Olivier Chastel, Malik Azmani**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 12 – point d**

Regulation (EU) 2016/794

Article 26 – paragraph 6a – subparagraph 2

*Text proposed by the Commission*

Irrespective of their jurisdiction over the specific crime in relation to which Europol seeks to identify the national units concerned, Member States shall ensure that their competent national authorities can lawfully process such requests in accordance with their national laws for the purpose of supplying Europol with the information necessary for it to fulfil its objectives.

*Amendment*

Irrespective of their jurisdiction over the specific crime in relation to which Europol seeks to identify the national units concerned, Member States shall ensure that their competent national authorities can lawfully process such requests in accordance with their national laws, ***including appropriate judicial supervision and access to an effective remedy,*** for the purpose of supplying Europol with the information necessary for it to fulfil its objectives.

Or. en

**Amendment 422**

**Patryk Jaki**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 12 – point d**

Regulation (EU) 2016/794

Article 26 – paragraph 6a – subparagraph 2

*Text proposed by the Commission*

Irrespective of their jurisdiction over the specific crime in relation to which Europol seeks to identify the national units concerned, Member States *shall* ensure that their competent national authorities can lawfully process such requests in accordance with their national laws for the purpose of supplying Europol with the information necessary for it to fulfil its objectives.

*Amendment*

Irrespective of their jurisdiction over the specific crime in relation to which Europol seeks to identify the national units concerned, Member States ensure that their competent national authorities can lawfully process such requests in accordance with their national laws for the purpose of supplying Europol with the information necessary for it to fulfil its objectives.

Or. en

**Amendment 423**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 12 – point d**

Regulation (EU) 2016/794

Article 26 – paragraph 6a

*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*

***deleted***

Or. en

**Amendment 424**

**Clare Daly**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 12 – point d**

Regulation (EU) 2016/794

Article 26 – paragraph 6b

*Text proposed by the Commission*

*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.*** **deleted**

Or. en

**Amendment 425**

**Sophia in 't Veld, Michal Šimečka, Olivier Chastel**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 12 – point d**

Regulation (EU) 2016/794

Article 26 – paragraph 6b

*Text proposed by the Commission*

*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.

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.

***Before Europol's infrastructure can be used for exchanges between the competent authorities of Member States***

***and private parties, Europol shall carry out an assessment of the possible security risks posed from the opening of its infrastructure for use by private parties and, where necessary, implement appropriate preventive and mitigating measures.***

Or. en

#### *Justification*

*For Europol to fulfil its mandate effectively and successfully, it is essential that all data processing by Europol and through its infrastructure takes place with the highest level of data protection. This will allow for trust among citizens in the work of Europol and confidence among Member State authorities that Europol provides for data security and confidentiality before they share their data with the agency, and ensure the legal sustainability of the criminal investigations. (Commission impact assessment page 8).*

#### **Amendment 426** **Franco Roberti**

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

##### **Article 1 – paragraph 1 – point 12 – point d**

Regulation (EU) 2016/794

Article 26 – paragraph 6b

#### *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 ***and shall be considered as a “processor” in the meaning of Article 29 of Regulation (EU) 2018/1725.***

Or. en

#### **Amendment 427**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 12 – point e**

Regulation (EU) 2016/794

Article 26 – paragraphs 9 and 10

*Text proposed by the Commission*

*Amendment*

(e) paragraphs 9 and 10 are ***deleted***;

(e) paragraphs 9 and 10 are ***replaced by the following***;

Or. en

**Amendment 428**

**Clare Daly**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 12 – point e**

Regulation (EU) 2016/794

Article 26 – paragraph 9

*Text proposed by the Commission*

*Amendment*

(e) paragraphs 9 ***and 10 are*** deleted;

(e) paragraphs 9 ***is*** deleted;

Or. en

**Amendment 429**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 12 – point e a (new)**

Regulation (EU) 2016/794

Article 26 – paragraphs 9 and 10 – new

*Text proposed by the Commission*

*Amendment*

***(e a) 9. Any cooperation between Europol and private parties shall neither duplicate nor interfere with the activities of the Financial Intelligence Units ('FIUs'), and shall only concern information that is not already to be provided to FIUs in accordance with Directive 2015/849 of the European***

*Parliament and of the Council.*

*Any private parties that cooperate with Europol shall not transmit or transfer the data received from Europol to any other party.*

*10. The Commission shall evaluate the practice of direct exchanges of personal data with private parties by 1 May 2023. The Commission shall consult the EDPS, the Data Protection Office, the Fundamental Rights Officer, the consultative forum and the experts panel for such evaluation. The results of the evaluation shall be published.*

Or. en

**Amendment 430**

**Clare Daly**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 12 – point e a (new)**

Regulation (EU) 2016/794

Article 26 – paragraph 10

*Text proposed by the Commission*

*Amendment*

*(e a) Paragraph 10 is replaced by the following: “10. The Commission shall evaluate the practice of direct exchanges of personal data with private parties by 1 May 2025.”*

Or. en

**Amendment 431**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 13**

Regulation (EU) 2016/794

Article 26a

*Text proposed by the Commission*

*Amendment*

[...]

*deleted*

Or. en

**Amendment 432**

**Clare Daly**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 13**

Regulation (EU) 2016/794

Article 26a

*Text proposed by the Commission*

*Amendment*

[...]

*deleted*

Or. en

**Amendment 433**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 13 a (new)**

Regulation (EU) 2016/794

Article 26b – new

*Text proposed by the Commission*

*Amendment*

***(13 a) the following Article 26b is inserted:***

***Article 26b - Processing under the authority of Europol or processor***

***The processor and any person acting under the authority of Europol or of the processor who has access to operational personal data shall ensure that the conditions referred to in Article 87 of Regulation (EU) 2018/1725 are met.***

Or. en

**Amendment 434**

**Clare Daly**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 14**

Regulation (EU) 2016/794

Article 27a – paragraph 1

*Text proposed by the Commission*

1. This Regulation, Article 3 and Chapter IX of Regulation (EU) 2018/1725 of the European Parliament and of the Council\* shall apply to the processing of operational personal data by Europol.

*Amendment*

1. This Regulation, Article 3, **Article 66**, and Chapter IX of Regulation (EU) 2018/1725 of the European Parliament and of the Council\* shall apply to the processing of operational personal data by Europol.

Or. en

**Amendment 435**

**Franco Roberti**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 16 – point a – introductory part**

Regulation (EU) 2016/794

Article 30 – paragraph 2

*Text proposed by the Commission*

(a) **in** paragraph 2, **the first sentence** is replaced by the following:

*Amendment*

(a) paragraph 2 is replaced by the following **and paragraph 2a is added**:

Or. en

**Amendment 436**

**Franco Roberti, Birgit Sippel**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 16 – point a**

Regulation (EU) 2016/794

Article 30 – paragraph 2

*Text proposed by the Commission*

2. Processing of personal data, by automated or other means, revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade

*Amendment*

2. .Processing of personal data, by automated or other means, revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade



union membership **and** processing of genetic data **and** biometric data for the purpose of uniquely identifying a natural person or data concerning **a person's** health or sex life or sexual orientation shall be allowed only where strictly necessary and proportionate for preventing or combating crime that falls within Europol's objectives **and** if those data supplement other personal data processed by Europol.;

union membership, **and the** processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, or data concerning health or **concerning natural persons'** sex life or sexual orientation shall be allowed only where strictly necessary and proportionate for **operational purposes, within the mandate of Europol, and subject to appropriate safeguards for the rights and freedoms of the data subject, and only for the purposes of** preventing or combating crime that falls within Europol's objectives, **and only** if those data supplement other personal data processed by Europol. **Discrimination against natural persons on the basis of such personal data shall be prohibited**

Or. en

#### Amendment 437

Saskia Bricmont, Tineke Strik, Patrick Breyer

#### Proposal for a regulation

Article 1 – paragraph 1 – point 16 – point a

Regulation (EU) 2016/794

Article 30 – paragraph 2

#### *Text proposed by the Commission*

2. Processing of personal data, by automated or other means, revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership and processing of genetic data and biometric data for the purpose of uniquely identifying a natural person or data concerning a person's health or sex life or sexual orientation shall be **allowed only where** strictly necessary and proportionate for preventing or combating crime that falls within Europol's objectives **and** if those data supplement other personal data processed by Europol.;

#### *Amendment*

2. Processing of personal data, by automated or other means, revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership and processing of genetic data and biometric data for the purpose of uniquely identifying a natural person or data concerning a person's health or sex life or sexual orientation shall be **prohibited unless it is** strictly necessary and proportionate for preventing or combating crime that falls within Europol's objectives **set out in Article 3, subject to appropriate safeguards for the rights and freedoms of the data subject and only** if those data supplement other personal data processed by Europol. **The selection of a particular group of persons solely on the**

*basis of such personal data shall be prohibited.;*

Or. en

#### **Amendment 438**

**Clare Daly**

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

#### **Article 1 – paragraph 1 – point 16 – point a**

Regulation (EU) 2016/794

Article 30 – paragraph 2

#### *Text proposed by the Commission*

2. Processing of personal data, by automated or other means, revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership and processing of genetic data and biometric data for the purpose of uniquely identifying a natural person or data concerning a person's health or sex life or sexual orientation shall be ***allowed only where*** strictly necessary and proportionate for preventing or combating crime that falls within Europol's objectives and if those data supplement other personal data processed by Europol.;

#### *Amendment*

2. Processing of personal data, by automated or other means, revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership and processing of genetic data and biometric data for the purpose of uniquely identifying a natural person or data concerning a person's health or sex life or sexual orientation shall be ***prohibited unless it is*** strictly necessary and proportionate for preventing or combating crime that falls within Europol's objectives and if those data supplement other personal data processed by Europol. ***The selection of a particular group of persons solely on the basis of such personal data shall be prohibited.***

Or. en

#### **Amendment 439**

**Franco Roberti, Birgit Sippel**

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

#### **Article 1 – paragraph 1 – point 16 – point a**

Regulation (EU) 2016/794

Article 30 – paragraph 2 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***2 a. The data protection officer shall be***

*informed without undue delay of recourse to this Article.*

Or. en

**Amendment 440**

**Franco Roberti**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 16 – point c**

Regulation (EU) 2016/794

Article 30 – paragraph 2

*Text proposed by the Commission*

*Amendment*

(c) *paragraph 4 is deleted;*

*deleted*

Or. en

**Amendment 441**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 18**

Regulation (EU) 2016/794

Article 33

*Text proposed by the Commission*

*Amendment*

(18) Article 33 is *deleted*;

(18) Article 33 is *replaced by the following*;

Or. en

**Amendment 442**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 18 a (new)**

Regulation (EU) 2016/794

Article 33 new

*Text proposed by the Commission*

*Amendment*

*(18 a) Article 33 - Data protection by design and by default*

*Europol shall establish mechanisms to ensure that data protection by design and by default referred to in Article 85 of Regulation (EU) 2018/1725 is guaranteed;*

Or. en

## **Amendment 443**

**Clare Daly**

### **Proposal for a regulation**

**Article 1 – paragraph 1 – point 19**

Regulation (EU) 2016/794

Article 33a

*Text proposed by the Commission*

*Amendment*

*(19) the following Article 33a is inserted:*

*deleted*

*‘Article 33a*

*Processing of personal data for research and innovation*

*1. For the processing of personal data performed by means of Europol’s research and innovation projects as referred to in point (e) of Article 18(2), the following additional safeguards shall apply:*

*(a) any project shall be subject to prior authorisation by the Executive Director, based on a description of the envisaged processing activity setting out the necessity to process personal data, such as for exploring and testing innovative solutions and ensuring accuracy of the project results, a description of the personal data to be processed, a description of the retention period and conditions for access to the personal data, a data protection impact assessment of the risks to all rights and freedoms of data subjects, including of any bias in the outcome, and the measures envisaged to*

*address those risks;*

*(b) (b) the Management Board and the EDPS shall be informed prior to the launch of the project; (c) any personal data to be processed in the context of the project shall be temporarily copied to a separate, isolated and protected data processing environment within Europol for the sole purpose of carrying out that project and only authorised staff of Europol shall have access to that data;*

*(c) (d) any personal data processed in the context of the project shall not be transmitted, transferred or otherwise accessed by other parties;*

*(d) (e) any processing of personal data in the context of the project shall not lead to measures or decisions affecting the data subjects;*

*(e) (f) any personal data processed in the context of the project shall be deleted once the project is concluded or the personal data has reached the end of its retention period in accordance with Article 31;*

*(f) (g) the logs of the processing of personal data in the context of the project shall be kept for the duration of the project and 1 year after the project is concluded, solely for the purpose of and only as long as necessary for verifying the accuracy of the outcome of the data processing.*

*(g) THIS POINT IS MISSING. THANK YOU FOR USING ANOTHER LANGUAGE.*

*2. Europol shall keep a complete and detailed description of the process and rationale behind the training, testing and validation of algorithms to ensure transparency and for verification of the accuracy of the results.;*'

Or. en

**Amendment 444**

Saskia Bricmont, Tineke Strik, Patrick Breyer

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 19**

Regulation (EU) 2016/794

Article 33a – title

*Text proposed by the Commission*

Processing of **personal** data for research and innovation

*Amendment*

Processing of **anonymized** data for research and innovation

Or. en

**Amendment 445**

Saskia Bricmont, Tineke Strik, Patrick Breyer

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 19**

Regulation (EU) 2016/794

Article 33a – paragraph 1 – introductory part

*Text proposed by the Commission*

1. ***For the processing of personal data performed by means of*** Europol's research and innovation projects as referred to in point (e) of Article 18(2), the following additional safeguards shall apply:

*Amendment*

1. Europol's research and innovation projects ***and activities*** as referred to in point (e) of Article 18(2), ***shall comply with the fundamental rights and freedoms enshrined in the Charter and with the data protection rules in accordance with Regulation (EU) 2018/1725 as referred to in Articles 4(6) and 27a and shall only use and process anonymized data.*** The following additional safeguards shall apply:

Or. en

**Amendment 446**

Sophia in 't Veld, Michal Šimečka

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 19**

Regulation (EU) 2016/794

Article 33a – paragraph 1 – point a

(a) any project shall be subject to prior authorisation by the Executive Director, based on a description of the envisaged processing activity setting out the necessity to process personal data, such as for exploring and testing innovative solutions and ensuring accuracy of the project results, a description of the personal data to be processed, a description of the retention period and conditions for access to the personal data, a data protection impact assessment of the risks to all rights and freedoms of data subjects, including ***of any bias*** in the ***outcome***, and the measures envisaged to address those risks;

(a) any project shall be subject to prior authorisation by the Executive Director ***and the EDPS, and adoption by the Management Board in a binding document***, based on ***all of the following elements***:

***- a description of the specific objectives of the project and the way in which the project specifically and concretely assists Europol in its tasks;***

***- a description of the envisaged processing activity setting out the necessity and proportionality to process personal data only in order to achieve the specific objectives of the project, such as for exploring and testing lawful, specific, strictly necessary and proportionate innovative solutions related to the tasks of Europol and concrete and specific law enforcement needs and ensuring accuracy of the project results;***

***- a description of the categories of personal data to be processed;***

***- a description of the retention period and conditions for access to the personal data;***

***- a data protection impact assessment of the risks to all rights and freedoms of data subjects, including: assessing necessity and proportionality separately for each application; ensuring compliance with ethical standards; identifying potential biases in the operational data to be used for the development of algorithms, including an assessment of the potential for discrimination; identifying potential biases and abuses in the application of and output from algorithms, including an***

*assessment of the potential for discrimination; and requiring prior authorisation of for each application, taking into account the risk of biased outcomes resulting from the use of law enforcement data, and the measures envisaged to address those risks; and*

*- a description of compliance with the data protection principles laid down in Regulation (EU) 2018/1725 Article 71, in particular the principles of data minimisation, data quality and privacy by design and by default.*

Or. en

#### Amendment 447

Saskia Bricmont, Tineke Strik, Patrick Breyer

#### Proposal for a regulation

##### Article 1 – paragraph 1 – point 19

Regulation (EU) 2016/794

Article 33a – paragraph 1 – point a

#### *Text proposed by the Commission*

(a) any project shall be subject to prior authorisation by the Executive Director, based on a description of the envisaged processing activity setting out the necessity to *process personal data, such as for exploring and testing innovative solutions and ensuring accuracy of the project results, a description of the personal data to be processed, a description of the retention period and conditions for access to the personal data, a* data protection impact *assessment* of the risks to all rights and freedoms of data subjects, including of any bias in the outcome, and the *measures envisaged* to address those risks;

#### *Amendment*

(a) any *research and innovation activity or* project shall be subject to prior authorisation by the Executive Director *in consultation with the Data Protection Officer and the Fundamental Rights Officer*, based on a description of *the objectives, scope and duration of the activity or project*, the envisaged processing activity setting out the necessity to *develop that activity or* project *as well as to achieve Europol's objectives set out in Article 3, the partners involved,*, data protection *and fundamental rights* impact *assessments* of the risks to all *fundamental* rights and freedoms of data subjects, including of any bias in the outcome, and the *steps taken* to address those risks *as well as to avoid potential fundamental rights violations, including the measures to ensure non-repetition of such violations*;



**Amendment 448**

**Franco Roberti, Birgit Sippel**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 19**

Regulation (EU) 2016/794

Article 33a – paragraph 1 – point a

*Text proposed by the Commission*

(a) any project shall be subject to prior authorisation by the Executive Director, based on a description of the envisaged processing activity setting out the necessity to process personal data, ***such as for exploring and testing innovative solutions and ensuring accuracy of the project results***, a description of the personal data to be processed, a description of the retention period and conditions for access to the personal data, a data protection impact assessment of the risks to all rights and freedoms of data subjects, including of any bias in the outcome, and the measures envisaged to address those risks;

*Amendment*

(a) any project shall be subject to prior authorisation by the Executive Director, based on a description of the envisaged processing activity, setting out the necessity ***and proportionality*** to process ***the*** personal data, a description of the personal data to be processed, a description of the retention period and conditions for access to the personal data, a data protection impact assessment of the risks to all rights and freedoms of data subjects, including of any bias in the outcome, and the measures envisaged to address those risks;

Or. en

**Amendment 449**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 19**

Regulation (EU) 2016/794

Article 33a – paragraph 1 – point aa (new)

*Text proposed by the Commission*

*Amendment*

***(a a) point aa (new) is inserted:***

***"any activity or project shall be subject to an initial assessment by the Fundamental Rights Officer and the Data Protection Officer based on the information in point (a). If their opinion is that the***

*technological solutions resulting from the research and innovation activity or project could constitute high risk AI systems within the meaning of Article 6 of Regulation (20XX/X) (AI Regulation), the EDPS and the JPSG shall give their explicit authorisation before the launch of the project. In the absence of such authorisation, the project shall not be pursued;"*

Or. en

#### **Amendment 450**

**Franco Roberti, Birgit Sippel**

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

**Article 1 – paragraph 1 – point 19**

Regulation (EU) 2016/794

Article 33a – paragraph 1 – point a a (new)

*Text proposed by the Commission*

*Amendment*

*(a a) when processing personal data for research and innovation, the processing shall only take place where:*

*(i) fully required in order to achieve the objectives of the project;*

*(ii) the use of anonymised personal data is not possible;*

*(iii) the processing of special categories of personal data is excluded, or where explicitly, strictly necessary, accompanied by appropriate additional safeguards; and*

*(iv) principles of data minimisation, privacy by design and default are guaranteed;*

Or. en

#### **Amendment 451**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

**Article 1 – paragraph 1 – point 19**  
Regulation (EU) 2016/794  
Article 33a – paragraph 1 – point a b (new)

*Text proposed by the Commission*

*Amendment*

**(a b) point ab (new) is inserted:**

***"the information in point (a) shall be detailed in a separate binding document for each research and innovation project or activity that shall be adopted by the Management Board and available to the EDPS;"***

Or. en

**Amendment 452**  
**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 19**  
Regulation (EU) 2016/794  
Article 33a – paragraph 1 – point a c (new)

*Text proposed by the Commission*

*Amendment*

**(a c) point ac (new) is inserted:**

***"only anonymized data shall be used and processed for the development of research and innovation projects and activities;"***

Or. en

**Amendment 453**  
**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 19**  
Regulation (EU) 2016/794  
Article 33a – paragraph 1 – point b

*Text proposed by the Commission*

*Amendment*

(b) ***(b) the Management Board*** and the ***EDPS*** shall be informed prior to the launch of the project; (c) any ***personal*** data to be

(b) ***the EDPS*** and the ***JPSG*** shall be informed prior to the launch of the project; (c) any ***anonymized*** data to be processed in

processed in the context of the project shall be temporarily copied to a separate, isolated and protected data processing environment within Europol for the sole purpose of carrying out that project and only authorised staff of Europol shall have access to that data;

the context of the project shall be temporarily copied to a separate, isolated and protected data processing environment within Europol for the sole purpose of carrying out that project and only authorised staff of Europol shall have access to that data;

Or. en

#### Amendment 454

Dragoş Tudorache, Michal Šimečka

#### Proposal for a regulation

##### Article 1 – paragraph 1 – point 19

Regulation (EU) 2016/794

Article 33a – paragraph 1 – point b

#### *Text proposed by the Commission*

(b) **(b)** the Management Board and the EDPS shall be informed **prior to** the launch of the project; (c) any personal data to be processed in the context of the project shall be temporarily copied to a separate, isolated and protected data processing environment within Europol for the sole purpose of carrying out that project and only authorised staff of Europol shall have access to that data;

#### *Amendment*

(b) the Management Board and the EDPS shall be informed **of** the launch of the project; (c) any personal data to be processed in the context of the project shall be temporarily copied to a separate, isolated and protected data processing environment within Europol for the sole purpose of carrying out that project and only authorised staff of Europol shall have access to that data;

Or. en

#### Amendment 455

Sophia in 't Veld, Michal Šimečka, Olivier Chastel, Malik Azmani

#### Proposal for a regulation

##### Article 1 – paragraph 1 – point 19

Regulation (EU) 2016/794

Article 33a – paragraph 1 – point b

#### *Text proposed by the Commission*

(b) **(b)** the Management Board and the EDPS shall be **informed prior to the launch of** the project; (c) any personal data

#### *Amendment*

(b) the Management Board and the EDPS shall be **regularly updated during** the project; (c) any personal data to be

to be processed in the context of the project shall be temporarily copied to a separate, isolated and protected data processing environment within Europol for the sole purpose of carrying out that project and only authorised staff of Europol shall have access to that data;

processed in the context of the project shall be temporarily copied to a separate, isolated and protected data processing environment within Europol for the sole purpose of carrying out that project and only authorised staff of Europol shall have access to that data;

Or. en

*Justification*

*The Management Board and EDPS should authorise the project and should be regularly updated afterwards.*

**Amendment 456**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 19**

Regulation (EU) 2016/794

Article 33a – paragraph 1 – point b a (new)

*Text proposed by the Commission*

*Amendment*

***(b a) point ba (new) is inserted:***

***"the Fundamental Rights Officer and the Data Protection Officer shall be involved and consulted in all the stages of the research and innovation activities or projects, including the EDPS if he or she deems it necessary;"***

Or. en

**Amendment 457**

**Sophia in 't Veld, Michal Šimečka**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 19**

Regulation (EU) 2016/794

Article 33a – paragraph 1 – point b a (new)

*Text proposed by the Commission*

*Amendment*

***(b a) where the processing of personal***

*data involves the use of real operational data, personal data shall be anonymised or pseudonymised where possible;*

Or. en

**Amendment 458**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 19**

Regulation (EU) 2016/794

Article 33a – paragraph 1 – point b b (new)

*Text proposed by the Commission*

*Amendment*

*(b b) the point bb (new) is inserted:*

*"the algorithms as well as the data used and produced in the framework of a research and innovation project shall be guided by the ethical principles of transparency, explainability, fairness, accountability and responsibility;"*

Or. en

**Amendment 459**

**Sophia in 't Veld, Michal Šimečka**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 19**

Regulation (EU) 2016/794

Article 33a – paragraph 1 – point b b (new)

*Text proposed by the Commission*

*Amendment*

*(b b) Special categories of data as laid down in Regulation (EC) 2018/1725 shall not be processed for the purpose of research and innovation;*

Or. en

**Amendment 460**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 19**

Regulation (EU) 2016/794

Article 33a – paragraph 1 – point b c (new)

*Text proposed by the Commission*

*Amendment*

**(b c) the point bc (new) is inserted:**

***"an independent audit shall be carried out before and after the deployment of any technological solution resulting from a research and innovation project, particularly those based on artificial intelligence, to ensure that the outcomes of the projects do not undermine the fundamental rights and freedoms enshrined in the Charter, are not discriminatory in any form or contribute to mass surveillance;"***

Or. en

**Amendment 461**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 19**

Regulation (EU) 2016/794

Article 33a – paragraph 1 – point b d (new)

*Text proposed by the Commission*

*Amendment*

**(b d) the point bd (new) is inserted:**

***"the independent audits shall be carried out by independent experts;"***

Or. en

**Amendment 462**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 19**

*Text proposed by the Commission*

(c) **(d) any personal** data processed in the context of the project shall not be transmitted, transferred or otherwise accessed by other parties;

*Amendment*

(c) **any anonymized** data processed in the context of the project shall not be transmitted, transferred or otherwise accessed by other parties;

Or. en

**Amendment 463**  
**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 19**  
Regulation (EU) 2016/794  
Article 33a – paragraph 1 – point d

*Text proposed by the Commission*

(d) **(e)** any processing of **personal data** in the context of the project shall not lead to measures or decisions affecting the data subjects;

*Amendment*

(d) any processing of **anonymized data and the subsequent use of the algorithms produced** in the context of the project shall not lead to measures or decisions affecting the data subjects;

Or. en

**Amendment 464**  
**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 19**  
Regulation (EU) 2016/794  
Article 33a – paragraph 1 – point e

*Text proposed by the Commission*

(e) **(f) any personal** data processed in the context of the project shall be deleted once the project is concluded or the **personal** data has reached the end of its retention period in accordance with Article 31;

*Amendment*

(e) **any anonymized** data processed in the context of the project shall be deleted once the project is concluded or the **anonymized** data has reached the end of its retention period in accordance with Article 31;



**Amendment 465**

**Sophia in 't Veld, Michal Šimečka, Olivier Chastel, Malik Azmani**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 19**

Regulation (EU) 2016/794

Article 33a – paragraph –point f

*Text proposed by the Commission*

(f) **(g)** the logs of the processing of personal data in the context of the project shall be kept for the duration of the project and 1 year after the project is concluded, solely for the purpose of and only as long as necessary for verifying the accuracy of the outcome of the data processing.

*Amendment*

(f) the logs of the processing of personal data in the context of the project shall be kept for the duration of the project and 1 year after the project is concluded, solely for the purpose of and only as long as necessary for verifying the accuracy of the outcome of the data processing, **and to allow the EDPS to conduct supervision and audits. The JPSG shall have access to the logs.**

Or. en

**Amendment 466**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 19**

Regulation (EU) 2016/794

Article 33a – paragraph 1 – point f

*Text proposed by the Commission*

(f) **(g)** the logs of the processing of **personal** data in the context of the project shall be kept for the duration of the project and 1 year after the project is concluded, solely for the purpose of and only as long as necessary for verifying the accuracy of the outcome of the data processing.

*Amendment*

(f) the logs of the processing of **anonymized** data in the context of the project shall be kept for the duration of the project and 1 year after the project is concluded, solely for the purpose of and only as long as necessary for verifying the accuracy of the outcome of the data processing **and that all the requirements and safeguards in this Article have been met.**

**Amendment 467**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 19**

Regulation (EU) 2016/794

Article 33a – paragraph 2

*Text proposed by the Commission*

2. Europol shall keep a complete and detailed description of the process and rationale behind the training, testing and validation of algorithms to ensure transparency and for verification of the accuracy of the results.;

*Amendment*

2. Europol shall keep a complete and detailed description of the process and rationale behind the training, testing and validation of algorithms to ensure transparency ***of the algorithms and the procedure, as well as explainability***, and for verification of the accuracy of the results ***which shall comply with the fundamental rights and freedoms enshrined in the Charter and with the data protection rules in accordance with Regulation (EU) 2018/1725.***;

Or. en

**Amendment 468**

**Sophia in 't Veld, Michal Šimečka, Malik Azmani**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 19**

Regulation (EU) 2016/794

Article 33a – paragraph 2

*Text proposed by the Commission*

2. Europol shall keep a complete and detailed description of the process and rationale behind the training, testing and validation of algorithms to ensure transparency and for verification of the accuracy of the results.;

*Amendment*

2. Europol shall keep a complete and detailed description of the process and rationale behind the training, testing and validation of algorithms to ensure transparency and for verification of the accuracy of the results, ***including all elements listed in paragraph 1(a) of this Article, which shall be made available in its entirety to the EDPS and the JPSG***

*right after launching the project.;*

Or. en

**Amendment 469**

**Dragoş Tudorache, Michal Šimečka, Fabienne Keller**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 19**

Regulation (EU) 2016/794

Article 33a – paragraph 2

*Text proposed by the Commission*

2. Europol shall keep a complete and detailed description of the process and rationale behind the training, testing and validation of algorithms to ensure transparency and for verification of the accuracy of the results.;

*Amendment*

2. Europol shall keep a complete and detailed description of the process and rationale behind the training, testing and validation of algorithms to ensure transparency and for verification of the accuracy of the results, ***which shall be made available in its entirety to the JPSG;***

Or. en

**Amendment 470**

**Sophia in 't Veld, Michal Šimečka, Olivier Chastel, Malik Azmani**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 19**

Regulation (EU) 2016/794

Article 33a – paragraph 2a new

*Text proposed by the Commission*

*Amendment*

***2 a. After the project is finished, the full description of the project including all elements listed in paragraph 1 of this Article shall be made publicly available, without prejudice to Regulation (EC) 2001/1049.***

Or. en

*Justification*

*Transparency of projects is key for citizens' trust in Europol research and innovation*

## **Amendment 471**

**Franco Roberti**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 20 – point a**

Regulation (EU) 2016/794

Article 34 – paragraph 1

#### *Text proposed by the Commission*

1. In the event of a personal data breach, Europol shall without undue delay notify the competent authorities of the Member States concerned, of that breach, in accordance with the conditions laid down in Article 7(5), as well as the provider of the data concerned unless the personal data breach is unlikely to result in a risk to the rights and freedoms of natural persons.;

#### *Amendment*

1. ***Without prejudice to Article 92 of Regulation (EU) 2018/1725***, in the event of a personal data breach, Europol shall without undue delay notify the competent authorities of the Member States concerned, of that breach, in accordance with the conditions laid down in Article 7(5), as well as the provider of the data concerned unless the personal data breach is unlikely to result in a risk to the rights and freedoms of natural persons;

Or. en

## **Amendment 472**

**Clare Daly**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 20 – point a**

Regulation (EU) 2016/794

Article 34 – paragraph 1

#### *Text proposed by the Commission*

1. In the event of a personal data breach, Europol shall without undue delay notify the competent authorities of the Member States concerned, of that breach, in accordance with the conditions laid down in Article 7(5), as well as the provider of the data concerned unless the personal data breach is unlikely to result in a risk to the rights and freedoms of natural persons.;

#### *Amendment*

1. ***Without prejudice to Article 92 of Regulation (EU) 2018/1725***, in the event of a personal data breach, Europol shall without undue delay notify the competent authorities of the Member States concerned, of that breach, in accordance with the conditions laid down in Article 7(5), as well as the provider of the data concerned unless the personal data breach is unlikely to result in a risk to the rights and freedoms of natural persons.;

**Amendment 473**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 20 – point a**

Regulation (EU) 2016/794

Article 34 – paragraph 1

*Text proposed by the Commission*

1. In the event of a personal data breach, Europol shall without undue delay notify the competent authorities of the Member States concerned, of that breach, in accordance with the conditions laid down in Article 7(5), as well as the provider of the data concerned unless the personal data breach is unlikely to result in a risk to the rights and freedoms of natural persons.;

*Amendment*

1. In the event of a personal data breach, Europol shall without undue delay notify **the EDPS and** the competent authorities of the Member States concerned, of that breach, in accordance with the conditions laid down in Article 7(5), as well as the provider of the data concerned unless the personal data breach is unlikely to result in a risk to the rights and freedoms of natural persons.;

Or. en

**Amendment 474**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 20 – point b**

Regulation (EU) 2016/794

Article 34 – paragraph 3

*Text proposed by the Commission*

**(b) paragraph 3 is deleted;**

*Amendment*

**deleted**

Or. en

**Amendment 475**

**Clare Daly**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 22 – point b**

*Text proposed by the Commission*

3. Any data subject wishing to exercise the right of access referred to in Article 80 of Regulation (EU) 2018/1725 to personal data that relate to the data subject may make a request to that effect, without ***incurring excessive costs***, to the authority appointed for that purpose in the Member State of his or her choice, or to Europol. Where the request is made to the Member State authority, that authority shall refer the request to Europol without delay, and in any case within one month of receipt.;

*Amendment*

3. Any data subject wishing to exercise the right of access referred to in Article 80 of Regulation (EU) 2018/1725 to personal data that relate to the data subject may make a request to that effect, without ***cost***, to the authority appointed for that purpose in the Member State of his or her choice, or to Europol. Where the request is made to the Member State authority, that authority shall refer the request to Europol without delay, and in any case within one month of receipt. ***Member States providing the data shall communicate the breach to the data subject concerned in accordance with the procedures of their national law.***

Or. en

**Amendment 476**  
**Franco Roberti**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 22 – point b**  
Regulation (EU) 2016/794  
Article 36 – paragraph 3

*Text proposed by the Commission*

3. Any data subject wishing to exercise the right of access referred to in Article 80 of Regulation (EU) 2018/1725 to personal data that relate to ***the data subject*** may make a request to that effect, ***without incurring excessive costs***, to the authority appointed for that purpose in the Member State of ***his or her*** choice, or to Europol. Where the request is made to the Member State authority, that authority shall refer the request to Europol without delay, and in any case within one month of receipt.;

*Amendment*

3. Any data subject wishing to exercise the right of access referred to in Article 80 of Regulation (EU) 2018/1725 to personal data that relate to ***them*** may make a request to that effect, to the authority appointed for that purpose in the Member State of ***their*** choice, or to Europol. Where the request is made to the Member State authority, that authority shall refer the request to Europol without delay, and in any case within one month of receipt;

**Amendment 477**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 22 – point b**

Regulation (EU) 2016/794

Article 36 – paragraph 3

*Text proposed by the Commission*

3. Any data subject wishing to exercise the right of access referred to in Article 80 of Regulation (EU) 2018/1725 to personal data that relate to the data subject may make a request to that effect, ***without incurring excessive costs***, to the authority appointed for that purpose in the Member State of his or her choice, or to Europol. Where the request is made to the Member State authority, that authority shall refer the request to Europol without delay, and in any case within one month of receipt.;

*Amendment*

3. Any data subject wishing to exercise the right of access referred to in Article 80 of Regulation (EU) 2018/1725 to personal data that relate to the data subject may make a request to that effect, to the authority appointed for that purpose in the Member State of his or her choice, or to Europol. Where the request is made to the Member State authority, that authority shall refer the request to Europol without delay, and in any case within one month of receipt.;

Or. en

**Amendment 478**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 23 – point c**

Regulation (EU) 2016/794

Article 37 – paragraph 3

*Text proposed by the Commission*

***(c) in paragraph 3, the first sentence is replaced by the following:***

***‘Without prejudice to Article 82(3) of Regulation 2018/1725, Europol shall restrict rather than erase personal data as referred to in paragraph 2 if there are reasonable grounds to believe that erasure could affect the legitimate interests of the***

*Amendment*

***deleted***

*data subject.;*'

Or. en

**Amendment 479**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 25 – point -a (new)**

Regulation (EU) 2016/794

Article 38 – paragraph 1

*Text proposed by the Commission*

*Amendment*

*(-a) paragraph 1 is replaced by the following:*

*“1. Europol shall process personal data in a way that ensures that it can be established which authority provided the data or from where the data were retrieved;”*

Or. en

**Amendment 480**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 25 – point -a a (new)**

Regulation (EU) 2016/794

Article 38 – paragraph 2

*Text proposed by the Commission*

*Amendment*

*(-a a) paragraph 2 is replaced by the following:*

*“The responsibility for the quality of personal data shall lie, from the moment of the transmission or transfer, with:”*

Or. en

**Amendment 481**



**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 25 – point -a b (new)**

Regulation (EU) 2016/794

Article 38 – paragraph 2 – point a

*Text proposed by the Commission*

*Amendment*

***(-a b) point (a) is replaced by the following:***

***"(a) the Member State or the Union institution, body, office or agency which provided the personal data to Europol;"***

Or. en

**Amendment 482**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 25 – point a a (new)**

Regulation (EU) 2016/794

Article 38 – paragraph 6

*Text proposed by the Commission*

*Amendment*

***(a a) paragraph 6 is replaced by the following:***

***"6. In the case of a transfer between Europol and a Union institution, body, office or agency, the responsibility for the legality of the transfer shall lie with Europol."***

Or. en

**Amendment 483**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 26 – point a**

Regulation (EU) 2016/794

Article 39 – paragraph 1

*Text proposed by the Commission*

1. ***Without prejudice to*** Article 90 of Regulation (EU) 2018/1725, any new type of processing operations to be carried out shall be subject to prior consultation of the EDPS ***where special categories of data as referred to in Article 30(2) of this Regulation are to be processed.***;

*Amendment*

1. ***Notwithstanding paragraphs 1 and 2 of*** Article 90 of Regulation (EU) 2018/1725, any new type of processing operations to be carried out shall be subject to prior consultation of the EDPS ***pursuant to paragraphs 3 and 4 of that Article.***

Or. en

**Amendment 484**

**Franco Roberti**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 29**

Regulation (EU) 2016/794

Article 41 – paragraph 1

*Text proposed by the Commission*

1. The Management Board shall appoint a Data Protection Officer, who shall be a member of the staff specifically appointed for this purpose. ***In the performance of his or her duties, he or she shall act independently and may not receive any instructions.***

*Amendment*

1. The Management Board shall appoint a Data Protection Officer, who shall be a member of the staff specifically appointed for this purpose.

Or. en

**Amendment 485**

**Franco Roberti**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 29**

Regulation (EU) 2016/794

Article 41 – paragraph 2

*Text proposed by the Commission*

2. The Data Protection Officer shall be selected on the basis of ***his or her personal and*** professional qualities and, in particular, the expert knowledge of data

*Amendment*

2. The Data Protection Officer shall be selected on the basis of ***their*** professional qualities and, in particular, the expert knowledge of data protection ***law***

protection and practices and the ability to fulfil **his or her** tasks under this Regulation.

and practices and the ability to fulfil **their** tasks under this Regulation.

Or. en

#### **Amendment 486**

**Franco Roberti**

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

#### **Article 1 – paragraph 1 – point 29**

Regulation (EU) 2016/794

Article 41 – paragraph 3

#### *Text proposed by the Commission*

3. The selection of the Data Protection Officer shall not be liable to result in a conflict of interests between **his or her** duty as Data Protection Officer and any other official duties **he or she** may have, in particular in relation to the application of this Regulation.

#### *Amendment*

3. The selection of the Data Protection Officer shall not be liable to result in a conflict of interests between **their** duty as Data Protection Officer and any other official duties **they** may have **had**, in particular in relation to the application of this Regulation.

Or. en

#### **Amendment 487**

**Franco Roberti**

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

#### **Article 1 – paragraph 1 – point 29**

Regulation (EU) 2016/794

Article 41 – paragraph 4

#### *Text proposed by the Commission*

**4. The Data Protection Officer shall be designated for a term of four years and shall be eligible for reappointment. The Data Protection Officer may be dismissed from his or her post by the Executive Board only with the agreement of the EDPS, if he or she no longer fulfils the conditions required for the performance of his or her duties**

#### *Amendment*

**deleted**

**Amendment 488**

**Clare Daly**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 29**

Regulation (EU) 2016/794

Article 41 – paragraph 4

*Text proposed by the Commission*

4. The Data Protection Officer shall be designated for a term of four years and shall be eligible for reappointment. The Data Protection Officer may be dismissed from his or her post by the ***Executive*** Board only with the agreement of the EDPS, if he or she no longer fulfils the conditions required for the performance of his or her duties

*Amendment*

4. The Data Protection Officer shall be designated for a term of four years and shall be eligible for reappointment. The Data Protection Officer may be dismissed from his or her post by the ***Management*** Board only with the agreement of the EDPS, if he or she no longer fulfils the conditions required for the performance of his or her duties

Or. en

**Amendment 489**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 29**

Regulation (EU) 2016/794

Article 41 – paragraph 4

*Text proposed by the Commission*

4. The Data Protection Officer shall be designated for a term of four years and shall be eligible for reappointment. The Data Protection Officer may be dismissed from his or her post by the ***Executive*** Board only with the agreement of the EDPS, if he or she no longer fulfils the conditions required for the performance of his or her duties

*Amendment*

4. The Data Protection Officer shall be designated for a term of four years and shall be eligible for reappointment. The Data Protection Officer may be dismissed from his or her post by the ***Management*** Board only with the agreement of the EDPS, if he or she no longer fulfils the conditions required for the performance of his or her duties

Or. en

**Amendment 490**

**Franco Roberti**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 29**

Regulation (EU) 2016/794

Article 41 – paragraph 5

*Text proposed by the Commission*

*Amendment*

**5. After his or her designation, the Data Protection Officer shall be registered with the European Data Protection Supervisor by the Management Board**

**deleted**

Or. en

**Amendment 491**

**Franco Roberti**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 30**

Regulation (EU) 2016/794

Article 41a – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. Europol shall support the Data Protection Officer in performing the tasks referred to in Article 41c by providing the resources and staff necessary to carry out those tasks and by providing access to personal data and processing operations, and to maintain **his or her** expert knowledge. The related staff may be supplemented by an assistant DPO in the area of operational and administrative processing of personal data.

2. Europol shall support the Data Protection Officer in performing the tasks referred to in Article 41c by providing the resources and staff necessary to carry out those tasks and by providing access to personal data and processing operations, and to maintain **their** expert knowledge. The related staff may be supplemented by an assistant DPO in the area of operational and administrative processing of personal data.

Or. en

**Amendment 492**

**Dragoş Tudorache, Michal Šimečka, Fabienne Keller**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 30**

Regulation (EU) 2016/794

Article 41a – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**2 a. . Given the increased complexity and responsibility of the role of the DPO, a team of Data Protection Monitors shall be appointed to assist the DPO in the tasks outlined in Article 41b and support the Europol in complying with this Regulation and Regulation EU 2018/1725.**

Or. en

**Amendment 493**

**Franco Roberti**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 30**

Regulation (EU) 2016/794

Article 41a – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. Europol shall ensure that the Data Protection Officer **does** not receive any instructions regarding the exercise of those tasks. The Data Protection Officer shall report directly to the Management Board. The Data Protection Officer shall not be dismissed or penalised by the Management Board for performing **his or her** tasks.

3. Europol shall ensure that the Data Protection Officer **acts independently and shall** not receive any instructions regarding the exercise of those tasks. The Data Protection Officer shall report directly to the Management Board. The Data Protection Officer shall not be dismissed or penalised by the Management Board for performing **their** tasks.

Or. en

**Amendment 494**

**Franco Roberti**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 30**

Regulation (EU) 2016/794

Article 41a – paragraph 5

*Text proposed by the Commission*

5. The Management Board shall adopt further implementing rules concerning the Data Protection Officer. Those implementing rules shall in particular concern the selection procedure for the position of the Data Protection Officer, **his or her** dismissal, tasks, duties and powers, and safeguards for the independence of the Data Protection Officer.

*Amendment*

5. The Management Board shall adopt further implementing rules concerning the Data Protection Officer. Those implementing rules shall in particular concern the selection procedure for the position of the Data Protection Officer, **their** dismissal, tasks, duties and powers, and safeguards for the independence of the Data Protection Officer.

Or. en

**Amendment 495**

**Franco Roberti**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 30**

Regulation (EU) 2016/794

Article 41a – paragraph 6

*Text proposed by the Commission*

6. The Data Protection Officer and **his or her** staff shall be bound by the obligation of confidentiality in accordance with Article 67(1).

*Amendment*

6. The Data Protection Officer and **their** staff shall be bound by the obligation of confidentiality in accordance with Article 67(1).

Or. en

**Amendment 496**

**Franco Roberti**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 30**

Regulation (EU) 2016/794

Article 41a – paragraph 6 a (new)

*Text proposed by the Commission*

*Amendment*

**6 a. The Data Protection Officer shall be appointed for a term of four years and shall be eligible for reappointment. The**

*Data Protection Officer may be dismissed from their post by the Executive Board only with the agreement of the EDPS, if they no longer fulfil the conditions required for the performance of their duties*

Or. en

**Amendment 497**

**Franco Roberti**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 30**

Regulation (EU) 2016/794

Article 41a – paragraph 6 b (new)

*Text proposed by the Commission*

*Amendment*

**6 b.** *After their designation, the Data Protection Officer shall be registered with the European Data Protection Supervisor by the Management Board.*

Or. en

**Amendment 498**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 30**

Regulation (EU) 2016/794

Article 41b – paragraph 1 – point e

*Text proposed by the Commission*

*Amendment*

(e) ensuring that a record of the transfer and receipt of personal data is kept in accordance with this Regulation;

(e) ensuring that a record of the **transmission**, transfer and receipt of personal data is kept in accordance with this Regulation;

Or. en

**Amendment 499**



**Franco Roberti, Birgit Sippel**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 30**

Regulation (EU) 2016/794

Article 41b – paragraph 1 – point h

*Text proposed by the Commission*

(h) cooperating with the EDPS;

*Amendment*

(h) cooperating with ***and responding to requests of*** the EDPS, ***within the sphere of their competence, to cooperate and consult with the European Data Protection Supervisor at the latter's request or on their own initiative;***

Or. en

**Amendment 500**

**Franco Roberti, Birgit Sippel**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 30**

Regulation (EU) 2016/794

Article 41a

*Text proposed by the Commission*

*Amendment*

***(k a) (l) ensuring that the rights and freedoms of data subjects are not adversely affected by processing operations;***

Or. en

**Amendment 501**

**Franco Roberti, Birgit Sippel**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 30**

Regulation (EU) 2016/794

Article 41b

*Text proposed by the Commission*

*Amendment*

***1 a. The data protection officer may***

*make recommendations for the practical improvement of data protection and advise on matters concerning the application of data protection provisions. Furthermore they may, on their own initiative or at request of the Management Board or any individual, investigate matters and occurrences directly relating to their tasks which come to their notice, and report back to the person who commissioned the investigation or to the Management Board.*

Or. en

**Amendment 502**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 30**

Regulation (EU) 2016/794

Article 41c (new)

*Text proposed by the Commission*

*Amendment*

**4 a. Article 41c (new) is inserted:**

**"Article 41 c - Fundamental Rights Officer**

**1. A fundamental rights officer shall be appointed by the management board following the recommendations of the consultative forum on potential candidates. The fundamental rights officer shall have the necessary qualifications, expert knowledge and professional experience in the field of fundamental rights.**

**2. The fundamental rights officer shall perform the following tasks:**

**(a) monitoring Europol's compliance with fundamental rights, including by conducting investigations into any of its activities;**

**b) promoting Europol's respect of fundamental rights in the performance of**

*its tasks and activities;*

*(c) advising Europol where he or she deems it necessary or where requested on any activity of Europol without delaying those activities;*

*(d) providing opinions on working arrangements;*

*(e) providing the secretariat of the consultative forum;*

*(f) informing the executive director and the independent experts of the experts panel about possible violations of fundamental rights during activities of Europol;*

*(g) performing any other tasks, where provided for by this Regulation;*

*The secretariat referred to in point (e) of the first subparagraph shall receive instructions directly from the consultative forum.*

*The executive director shall reply to the fundamental rights officer as to how concerns regarding possible violations of fundamental rights as referred to in point (f) of the first subparagraph have been addressed.*

*3. The fundamental rights officer shall report directly to the management board and shall cooperate with the consultative forum and the independent experts of the experts panel. The management board shall ensure that action is taken with regard to recommendations of the fundamental rights officer. In addition, the fundamental rights officer shall publish annual reports on his or her activities and on the extent to which the activities of Europol respect fundamental rights.*

*4. Europol shall ensure that the fundamental rights officer is able to act autonomously and is independent in the conduct of his or her duties. The fundamental rights officer shall have sufficient and adequate human and financial resources at his or her disposal*

*necessary for the fulfilment of his or her tasks.*

*5. The fundamental rights officer may be assisted by a assistant fundamental rights officer. The assistant fundamental rights officer shall be appointed by the management board from a list of at least three candidates presented by the fundamental rights officer. The assistant fundamental rights officer shall have the necessary qualifications and experience in the field of fundamental rights and shall be independent in the conduct of his or her duties. If the fundamental rights officer is absent or indisposed, the assistant fundamental rights officer shall assume the fundamental rights officer's duties and responsibilities.*

*6. The fundamental rights officer shall have access to all information concerning respect for fundamental rights in all the activities of Europol."*

Or. en

#### **Amendment 503**

**Sophia in 't Veld, Michal Šimečka**

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

**Article 1 – paragraph 1 – point 30 a (new)**

Regulation (EU) 2016/794

Article 41c

*Text proposed by the Commission*

*Amendment*

*(30 a) the following Article 41c is added:*

***Mandatory fundamental rights training***

***All Europol staff shall get mandatory training in the protection of fundamental rights and freedoms, including with regard to the processing of personal data. These trainings shall be developed and organised in cooperation with the FRA and CEPOL.***

Or. en

## **Amendment 504**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 31**

Regulation (EU) 2016/794

Article 42 – paragraph 1

#### *Text proposed by the Commission*

1. For the purpose of exercising their supervisory function the national supervisory authority shall have access, at the national unit or at the liaison officers' premises, to data submitted by its Member State to Europol in accordance with the relevant national procedures and to logs as referred to in Article 40.

#### *Amendment*

1. ***Each Member State shall designate a national supervisory authority. The national supervisory authority shall have the task of monitoring independently, in accordance with its national law, the permissibility of the transfer, the retrieval and any communication to Europol of personal data by the Member State concerned, and of examining whether such transfer, retrieval or communication violates the rights of the data subjects concerned.*** For the purpose of exercising their supervisory function the national supervisory authority shall have access, at the national unit or at the liaison officers' premises, to data submitted by its Member State to Europol in accordance with the relevant national procedures and to logs as referred to in Article 40.

Or. en

## **Amendment 505**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 32 – point a**

Regulation (EU) 2016/794

Article 43 – paragraph 1

#### *Text proposed by the Commission*

The EDPS shall be responsible for monitoring and ensuring the application of the provisions of this Regulation and

#### *Amendment*

The EDPS shall be responsible for monitoring and ensuring the application of the provisions of this Regulation and

Regulation (EU) 2018/1725 relating to the protection of fundamental rights and freedoms of natural persons with regard to the processing of personal data by Europol, and for advising Europol and data subjects on all matters concerning the processing of personal data.;

Regulation (EU) 2018/1725 relating to the protection of fundamental rights and freedoms of natural persons with regard to the processing of personal data by Europol, and for advising Europol and data subjects on all matters concerning the processing of personal data. ***In addition to the tasks and powers set out in Articles 57 and 58 of Regulation (EU) 2018/1725, the EDPS shall also have the duties, competences and powers set out in paragraphs 2, 3 and 4;***

Or. en

#### **Amendment 506**

**Dragoş Tudorache, Michal Šimečka, Fabienne Keller**

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

**Article 1 – paragraph 1 – point 32 – point a**

Regulation (EU) 2016/794

Article 43 – paragraph 1, a a (new)

*Text proposed by the Commission*

*Amendment*

***(a) a Paragraph 1a is added:***

***“The EDPS financial resources and human resources, at skill levels commensurate with the complexity of Europol activities, shall be adjusted in accordance with the increased volume of work so as to not impede the proper functioning of Europol.”***

Or. en

#### **Amendment 507**

**Sophia in 't Veld, Michal Šimečka**

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

**Article 1 – paragraph 1 – point 32 – point a a (new)**

Regulation (EU) 2016/794

Article 43 – paragraphs 3 and 4

*Text proposed by the Commission*

*Amendment*

*(a a) paragraph 3 and 4 will be deleted:*

*3. The EDPS may pursuant to this Regulation: (a) give advice to data subjects on the exercise of their rights; (b) refer a matter to Europol in the event of an alleged breach of the provisions governing the processing of personal data, and, where appropriate, make proposals for remedying that breach and for improving the protection of the data subjects; (c) order that requests to exercise certain rights in relation to data be complied with where such requests have been refused in breach of Articles 36 and 37; (d) warn or admonish Europol; (e) order Europol to carry out the rectification, restriction, erasure or destruction of personal data which have been processed in breach of the provisions governing the processing of personal data and to notify such actions to third parties to whom such data have been disclosed; (f) impose a temporary or definitive ban on processing operations by Europol which are in breach of the provisions governing the processing of personal data; (g) refer a matter to Europol and, if necessary, to the European Parliament, the Council and the Commission; (h) refer a matter to the Court of Justice of the European Union under the conditions provided for in the TFEU; (i) intervene in actions brought before the Court of Justice of the European Union.*

*4. The EDPS shall have the power to: (a) obtain from Europol access to all personal data and to all information necessary for his or her enquiries; (b) obtain access to any premises in which Europol carries on its activities when there are reasonable grounds for presuming that an activity covered by this Regulation is being carried out there.*

Or. en

#### *Justification*

*The supervisory powers of the EDPS vis-à-vis Europol should be harmonised with the general*

*powers of the EDPS provided in EUDPR Article 58.*

## **Amendment 508**

**Clare Daly**

### **Proposal for a regulation**

**Article 1 – paragraph 1 – point 32 – point a a (new)**

Regulation (EU) 2016/794

Article 43 – paragraphs 3 and 4

*Text proposed by the Commission*

*Amendment*

***(a a) paragraphs 3 and 4 shall be replaced by the following:***

***“3. The tasks and powers of the EDPS as set out in Articles 57 and 58 of Regulation 2018/1725 shall apply mutatis mutandis to Europol and all data processing activity in accordance with this Regulation.***

Or. en

## **Amendment 509**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

### **Proposal for a regulation**

**Article 1 – paragraph 1 – point 32 – point b**

Regulation (EU) 2016/794

Article 43 – paragraph 5

*Text proposed by the Commission*

*Amendment*

5. The EDPS shall draw up an annual report on his or her supervisory activities in relation to Europol. That report shall be part of the annual report of the EDPS referred to in Article 60 of Regulation (EU) 2018/1725. The national supervisory authorities shall be invited to make observations on this report before it becomes part of the annual report. The EDPS shall take ***utmost*** account of the observations made by national supervisory authorities and, in any case, shall refer to them in the annual report.

5. The EDPS shall draw up an annual report on his or her supervisory activities in relation to Europol. That report shall be part of the annual report of the EDPS referred to in Article 60 of Regulation (EU) 2018/1725. The national supervisory authorities shall be invited to make observations on this report before it becomes part of the annual report.



*The report shall include statistical information regarding complaints, inquiries, and investigations carried out in accordance with paragraph 2, as well as regarding transfers of personal data to third countries, international organisations, private parties, cases of prior consultation, and the use of the powers referred to in this Article.*

The EDPS shall take account of the observations made by national supervisory authorities and, in any case, shall refer to them in the annual report.

Or. en

#### **Amendment 510**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

**Article 1 – paragraph 1 – point 32 – point b**

Regulation (EU) 2016/794

Article 43 – paragraph 5 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

*The report shall include statistical information regarding complaints, inquiries, and investigations, as well as regarding transfers of personal data to third countries and international organisations, cases of prior consultation, and the use of the powers laid down in paragraph 3.;*

*deleted*

Or. en

#### **Amendment 511**

**Dragoş Tudorache, Michal Šimečka, Fabienne Keller**

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

**Article 1 – paragraph 1 – point 32 a (new)**

Regulation (EU) 2016/794

Article 43 – paragraph 3 – point (i) (b1)

**(32 a) Paragraph 3 is amended as follows:**

**(i) point (b1) is added:**

***“Establish regulatory sandboxes that facilitate the development, testing and validation of innovative law enforcement tools by Europol under the guidance of the EDPS, with a view to ensuring compliance with data protection obligations;”***

Or. en

## **Amendment 512**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

### **Proposal for a regulation**

**Article 1 – paragraph 1 – point 36 – point b**

Regulation (EU) 2016/794

Article 50 – paragraph 1

*Text proposed by the Commission*

*Amendment*

(b) paragraph 1 is ***deleted***;

(b) paragraph 1 is ***replaced by the following***;

***“1. Any person who has suffered material or non-material damage as a result of an infringement of this Regulation shall have the right to receive compensation in accordance to Article 65 of Regulation (EU) 2018/1725.”***

Or. en

## **Amendment 513**

**Clare Daly**

### **Proposal for a regulation**

**Article 1 – paragraph 1 – point 36 – point b**

Regulation (EU) 2016/794

Article 50 – paragraph 1

(b) paragraph 1 is ***deleted***;

(b) paragraph 1 is ***replaced by the following***:

***"1. Article 65 of Regulation 2016/1725 and Article 56 of Directive 2016/680 shall apply to any person who has suffered material or non-material damage as a result of an infringement of this Regulation."***

Or. en

**Amendment 514**

**Clare Daly**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 37 – point -a (new)**

Regulation (EU) 2016/794

Article 51 – paragraph 2

***(-a) In paragraph 2, the following points (aa) and (ab) are added:***

***“(aa) Europol shall furnish the JPSG with any and all documents which are provided to the Management Board at the same time as they are provided to the Management Board. Europol shall also furnish the JPSG with any and all documents requested by it and which are necessary for the fulfilment of its tasks relating to the political monitoring of Europol. Europol shall fulfil all such requests within a reasonable period and in any case not later than 14 days from the date of the request.***

***“(ab) The Chairperson of the Management Board, the Executive Director or their Deputies shall, at short notice, appear before an emergency session of the JPSG convened in circumstances where the latter believes that Europol has engaged in activities that breach fundamental rights.”***

**Amendment 515**

**Dragoș Tudorache, Michal Šimečka**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 37 – point a – introductory part**

Regulation (EU) 2016/794

Article 51 – paragraph 3

*Text proposed by the Commission*

*Amendment*

(a) in paragraph 3, the following points  
(f) to **(i)** are added:

(a) in paragraph 3, the following points  
(f) to **(k)** are added:

Or. en

**Amendment 516**

**Clare Daly**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 37 – point a – introductory part**

Regulation (EU) 2016/794

Article 51 – paragraph 3

*Text proposed by the Commission*

*Amendment*

(a) in paragraph 3, the following **points**  
**(f) to (i) are** added:

(a) in paragraph 3, the following **point**  
**(f) is** added:

Or. en

**Amendment 517**

**Sophia in 't Veld, Michal Šimečka, Olivier Chastel, Malik Azmani**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 37 – point a**

Regulation (EU) 2016/794

Article 51 – paragraph 3 – point f

*Text proposed by the Commission*

*Amendment*

**(-f) Annual information about the  
number of cases in which Europol has  
transferred personal data to an authority**

*of a third country or to an international organisation, per legal basis laid down in Article 25 paragraph 1, and on the number of cases in which the Executive Director authorised the transfer or categories of transfers of personal data related to a specific ongoing criminal investigation to third countries or international organisations, by derogation of Article 25 paragraph 1, including specific cases ;*

Or. en

#### **Amendment 518**

**Dragoş Tudorache, Michal Šimečka, Fabienne Keller**

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

**Article 1 – paragraph 1 – point 37 – point a**

Regulation (EU) 2016/794

Article 51 – paragraph 3 – point f

#### *Text proposed by the Commission*

(f) annual information about the number of cases in which Europol issued follow-up requests to private parties or own-initiative requests to Member States of establishment for the transmission of personal data in accordance with Article 26, **including** specific examples of cases demonstrating why these requests were necessary for Europol to fulfil its objectives and tasks;

#### *Amendment*

(f) annual information about the number of cases in which Europol issued follow-up requests to private parties or own-initiative requests to Member States of establishment for the transmission of personal data in accordance with Article 26, **relevant details on the third parties involved in the data exchange and on the effectiveness of cooperation, and** specific examples of cases demonstrating why these requests were necessary for Europol to fulfil its objectives and tasks;

Or. en

#### **Amendment 519**

**Sophia in 't Veld, Michal Šimečka, Olivier Chastel, Malik Azmani**

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

**Article 1 – paragraph 1 – point 37 – point a**

Regulation (EU) 2016/794

Article 51 – paragraph 3 – point (f)

*Text proposed by the Commission*

(f) annual information about the number of cases in which Europol issued follow-up requests to private parties or own-initiative requests to Member States of establishment for the transmission of personal data in accordance with Article 26, including specific examples of cases demonstrating why these requests were necessary for Europol to fulfil its objectives and tasks;

*Amendment*

(f) annual information about the number of cases in which Europol issued follow-up requests to private parties or own-initiative requests to Member States of establishment for the transmission of personal data in accordance with Article 26, including specific examples of cases demonstrating why these requests were necessary **and proportionate** for Europol to fulfil its objectives and tasks;

Or. en

**Amendment 520**

**Dragoş Tudorache, Michal Šimečka, Fabienne Keller**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 37 – point a**

Regulation (EU) 2016/794

Article 51 – paragraph 3 – point f a (new)

*Text proposed by the Commission*

*Amendment*

***(f a) the consolidated annual activity report on Europol's activities, referred to in point (c) of Article 11(1), with a detailed section on Europol's activities in and results obtained in processing complex data sets;***

Or. en

**Amendment 521**

**Clare Daly**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 37 – point a**

Regulation (EU) 2016/794

Article 51 – paragraph 3 – point g

*Text proposed by the Commission*

*Amendment*

***(g) annual information about the***

***deleted***

*number of cases where it was necessary for Europol to process personal data outside the categories of data subjects listed in Annex II in order to support Member States in a specific criminal investigation in accordance with Article 18a, including examples of such cases demonstrating why this data processing was necessary;*

Or. en

#### **Amendment 522**

**Dragoş Tudorache, Michal Šimečka**

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

**Article 1 – paragraph 1 – point 37 – point a**

Regulation (EU) 2016/794

Article 51 – paragraph 3 – point g

#### *Text proposed by the Commission*

(g) annual information about the number of cases where it was necessary for Europol to process personal data outside the categories of data subjects listed in Annex II in order to support Member States in a specific criminal investigation in accordance with Article 18a, including examples of such cases demonstrating why this data processing was necessary;

#### *Amendment*

(g) annual information about the number of cases where it was necessary for Europol to process personal data outside the categories of data subjects listed in Annex II in order to support Member States in a specific criminal investigation in accordance with Article 18a, ***alongside data on the duration and outcomes of the processing***, including examples of such cases demonstrating why this data processing was necessary;

Or. en

#### **Amendment 523**

**Sophia in 't Veld, Michal Šimečka, Olivier Chastel, Malik Azmani**

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

**Article 1 – paragraph 1 – point 37 – point a**

Regulation (EU) 2016/794

Article 51 – paragraph 3 – point g

#### *Text proposed by the Commission*

#### *Amendment*

(g) annual information about the number of cases where it was necessary for Europol to process personal data outside the categories of data subjects listed in Annex II in order to support Member States in a specific criminal investigation in accordance with Article 18a, including examples of such cases demonstrating why this data processing was necessary;

(g) annual information about the number of cases where it was necessary for Europol to process personal data outside the categories of data subjects listed in Annex II in order to support Member States in a specific criminal investigation in accordance with Article 18a, including examples of such cases demonstrating why this data processing was necessary ***and proportionate***;

Or. en

**Amendment 524**  
**Clare Daly**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 37 – point a**  
Regulation (EU) 2016/794  
Article 51 – paragraph 3 – point h

*Text proposed by the Commission*

*Amendment*

***(h) annual information about the number of cases in which Europol issued alerts in the Schengen Information System in accordance with Article 4(1)(r), and the number of ‘hits’ these alerts generated, including specific examples of cases demonstrating why these alerts were necessary for Europol to fulfil its objectives and tasks;***

***deleted***

Or. en

**Amendment 525**  
**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 37 – point a**  
Regulation (EU) 2016/794  
Article 51 – paragraph 3 – point h

*Text proposed by the Commission*

*Amendment*

(h) annual information about the

(h) annual information about the



number of cases in which Europol **issued** alerts in the Schengen Information System in accordance with Article 4(1)(r), and the number of ‘hits’ these alerts generated, **including specific examples of cases demonstrating why these alerts were necessary for Europol to fulfil its objectives and tasks;**

number of cases in which Europol ***proposed Member States to enter*** alerts in the Schengen Information System in accordance with Article 4(1)(r), and the number of ‘hits’ these alerts generated;

Or. en

#### **Amendment 526**

**Sophia in 't Veld, Michal Šimečka, Olivier Chastel, Malik Azmani**

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

**Article 1 – paragraph 1 – point 37 – point a**

Regulation (EU) 2016/794

Article 51 – paragraph 3 – point h

#### *Text proposed by the Commission*

(h) annual information about the number of cases in which Europol issued alerts in the Schengen Information System in accordance with Article 4(1)(r), and the number of ‘hits’ these alerts generated, including specific examples of cases demonstrating why these alerts were necessary for Europol to fulfil its objectives and tasks;

#### *Amendment*

(h) annual information about the number of cases in which Europol issued alerts in the Schengen Information System in accordance with Article 4(1)(r), and the number of ‘hits’, ***investigations and convictions*** these alerts generated, including specific examples of cases demonstrating why these alerts were necessary for Europol to fulfil its objectives and tasks;

Or. en

#### **Amendment 527**

**Clare Daly**

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

**Article 1 – paragraph 1 – point 37 – point a**

Regulation (EU) 2016/794

Article 51 – paragraph 3 – point i

#### *Text proposed by the Commission*

(i) ***annual information about the number of pilot projects in which Europol***

#### *Amendment*

***deleted***

*processed personal data to train, test and validate algorithms for the development of tools, including AI-based tools, for law enforcement in accordance with Article 33a, including information on the purposes of these projects and the law enforcement needs they seek to address.;*

Or. en

#### **Amendment 528**

**Dragoş Tudorache, Michal Šimečka, Fabienne Keller**

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

**Article 1 – paragraph 1 – point 37 – point a**

Regulation (EU) 2016/794

Article 51 – paragraph 3 – point i

#### *Text proposed by the Commission*

(i) annual information about the number of pilot projects in which Europol processed personal data to train, test and validate algorithms for the development of tools, including AI-based tools, for law enforcement in accordance with Article 33a, including information on the purposes of these projects **and** the law enforcement needs they seek to address.;

#### *Amendment*

(i) annual information about the number of pilot projects in which Europol processed personal data to train, test and validate algorithms for the development of tools, including AI-based tools, for law enforcement in accordance with Article 33a, including information on the purposes of these projects, the law enforcement needs they seek to address, ***the outcome of the projects and, if the projects resulted in law enforcement tools, whether or not these tools have been deployed in Member States, alongside information on their effectiveness.***;

Or. en

#### **Amendment 529**

**Franco Roberti**

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

**Article 1 – paragraph 1 – point 37 – point a**

Regulation (EU) 2016/794

Article 51 – paragraph 3 – point i

*Text proposed by the Commission*

*Amendment*

(i) annual information about the number of pilot projects in which Europol processed personal data to train, test and validate algorithms for the development of tools, including AI-based tools, for law enforcement in accordance with Article 33a, including information on the purposes of these projects and the law enforcement needs they seek to address.;

(i) annual information about the number of pilot projects in which Europol processed personal data to train, test and validate algorithms for the development of tools, including AI-based tools, for law enforcement in accordance with Article 33a, including information on the purposes of these projects, ***the categories of personal data being processed, the additional safeguards used, the data minimisation processes used,*** and the law enforcement needs they seek to address;

Or. en

**Amendment 530**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 37 – point a**

Regulation (EU) 2016/794

Article 51 – paragraph 3 – point i

*Text proposed by the Commission*

*Amendment*

(i) annual information about the ***number of pilot projects in which Europol processed personal data to train, test and validate algorithms for the development of tools***, including AI-based ***tools, for law enforcement*** in accordance with Article 33a, including ***information on the purposes of these projects and the law enforcement needs they seek to address.***;

(i) annual information about the ***research and innovation projects and activities***, including AI-based ***projects and activities, and the documentation that accompanies each project or activity*** in accordance with Article 33a ***to justify its necessity***, including ***the results of the independent audits before and after the deployment of the results of the research and innovation projects and activities.***;

Or. en

**Amendment 531**

**Sophia in 't Veld, Michal Šimečka, Olivier Chastel, Malik Azmani**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 37 – point a**

Regulation (EU) 2016/794

*Text proposed by the Commission*

(i) annual information about the number of pilot projects in which Europol processed personal data to train, test and validate algorithms for the development of tools, including AI-based tools, for law enforcement in accordance with Article 33a, including information on the ***purposes of these projects and the law enforcement needs they seek to address***;

*Amendment*

(i) annual information about the number of pilot projects in which Europol processed personal data to train, test and validate algorithms for the development of tools, including AI-based tools, for law enforcement in accordance with Article 33a, including ***all*** information on the ***elements listed in Article 33a paragraph 1***;

Or. en

**Amendment 532**

**Dragoş Tudorache, Michal Šimečka, Fabienne Keller**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 37 – point a**

Regulation (EU) 2016/794

Article 51 – paragraph 3 – point i a (new)

*Text proposed by the Commission*

*Amendment*

***(i a) annual information on the number of cases in which the Executive Director has authorised the transfer of categories of data to third countries according to paragraph 5 of Article 25, the countries in case, the frequency of the transfers of categories of data, the duration for which the transfers of categories of data have been authorised, and the justification for the authorization for the transfers of categories of data;***

Or. en

**Amendment 533**

**Franco Roberti**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 37 – point a**

Regulation (EU) 2016/794

Article 51 – paragraph 3 – point i a (new)

*Text proposed by the Commission*

*Amendment*

***(i a) annual information on the number and types of cases where sensitive categories of personal data were processed, pursuant to Article 30(2);***

Or. en

#### **Amendment 534**

**Dragoş Tudorache, Michal Šimečka, Fabienne Keller**

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

**Article 1 – paragraph 1 – point 37 – point a**

Regulation (EU) 2016/794

Article 51 – paragraph 3 – point i b (new)

*Text proposed by the Commission*

*Amendment*

***(i b) annual information on the number of alerts introduced by Europol in SIS pursuant to Article 4(1)(r), the number of “hits” on these alerts, and the number of objections by Member States.***

Or. en

#### **Amendment 535**

**Clare Daly**

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

**Article 1 – paragraph 1 – point 37 – point a a (new)**

Regulation (EU) 2016/794

Article 51 – paragraphs 5a and 5b (new)

*Text proposed by the Commission*

*Amendment*

***(a a) Paragraphs 5a and 5b are added:***  
***“5a. The JPSG shall have the power to conduct unannounced visits to Europol offices.***  
***“5b. The JPSG shall have the power to impose sanctions on Europol in circumstances where breaches of***

*fundamental rights in the activities of Europol have been found. These sanctions shall include:*

*(i) a request that the Management Board impose a temporary or definitive limitation on a project or activity;*

*(ii) a request that the Management Board order the suspension of a project or activity;*

*(iii) a request that the Management Board initiate the dismissal of the Executive Director."*

Or. en

#### **Amendment 536**

**Sophia in 't Veld, Michal Šimečka, Olivier Chastel, Malik Azmani**

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

**Article 1 – paragraph 1 – point 37 – point a a (new)**

Regulation (EU) 2016/794

Article 51 – paragraphs 5 and 6 (a a) (new)

*Text proposed by the Commission*

*Amendment*

*(a a) Paragraph 5 is replaced by:*

*5. The JPSG may draw up summary conclusions on the political monitoring of Europol's activities and issue recommendations, and submit these conclusions and recommendations to the European Parliament and national parliaments. The European Parliament shall forward them to the Council, the Commission and Europol.*

*Paragraph 6 is added:*

*6. Without undue delay, Europol and the Commission shall react to the recommendations issued by the JPSG, and provide reasons in case it does not take over the recommendations.*

Or. en

**Amendment 537**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 37 – point a a (new)**

Regulation (EU) 2016/794

Article 51 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**(a a) The following paragraph 3a (new) is inserted:**

***"The JPSG shall be informed of the activities and tasks of Europol and consulted in accordance with this Regulation, in particular before the development of any research and innovation project or activity and about the intention to set up any new specialized unit in Europol."***

Or. en

**Amendment 538**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 37 – point a b (new)**

Regulation (EU) 2016/794

Article 51 – paragraph 4

*Text proposed by the Commission*

*Amendment*

**(a b) paragraph 4 is replaced by the following:**

***"4. The JPSG shall request other relevant documents necessary for the fulfilment of its tasks relating to the political monitoring of Europol's activities, subject to Regulation (EC) No 1049/2001 of the European Parliament and of the Council."***

Or. en

**Amendment 539**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 37 a (new)**

Regulation (EU) 2016/794

Article 52a – new

*Text proposed by the Commission*

*Amendment*

***(37 a) Article 52a (new) is inserted:***

***"Article 52a - Consultative Forum***

***1. A consultative forum shall be established by Europol to assist it by providing independent advice in fundamental rights matters. The executive director and the management board, in coordination with the Fundamental Rights Officer, may consult the consultative forum on any matter related to fundamental rights.***

***2. Europol shall invite independent experts, the FRA and other relevant organisations in the field of fundamental rights to participate in the consultative forum. On the basis of a proposal from the Fundamental Rights Officer, the Management Board shall decide on the composition of the consultative forum and the terms of the transmission of information to the consultative forum.***

***3. The consultative forum shall define its working methods and set up its work programme.***

***4. Without prejudice to the tasks of the Fundamental Rights Officer, the consultative forum shall be provided with effective access in a timely and effective manner to all information necessary to assess the respect for fundamental rights in Europol's tasks and activities.***

***5. The consultative forum shall prepare an annual report of its activities. That report shall be made publicly available.***

Or. en



## **Amendment 540**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 37 b (new)**

Regulation (EU) 2016/794

Article 52b (new)

*Text proposed by the Commission*

*Amendment*

**(37 b) Article 52b (new) is inserted:**

**"Article 52b - Oversight**

**1. A panel of independent experts in disciplines regarding matters covered by this Regulation shall be established to provide efficient, fair and independent oversight over Europol. The experts panel is an independent body from Europol.**

**2. The independent experts shall have the necessary qualifications, expert knowledge and professional experience in their respective fields of expertise regarding matters covered by this Regulation. The independent experts shall perform their duties with complete independence and in an impartial manner.**

**3. The JPSG, in consultation with the consultative forum and the management board, shall appoint the independent experts choosing them from among a public list of experts that offer every requisite guarantee of independence and competence. The JPSG shall appoint the independent experts after each election to the European Parliament, once the JPSG resumes its work. The JPSG shall set out clear and transparent rules, the requirements and criteria under which the independent experts are selected. It shall be ensured in the selection of the independent experts that no conflict of interest may result from the performance of their duties.**

**4. The organisation and the rules of procedure of the experts panel shall be established by its members.**

*5. The experts panel shall provide advice and issue recommendations to assist Europol in the functioning of its tasks and activities when the panel considers it necessary or under request by Europol.*

*6. The experts panel shall report directly to the management board and to the JPSG, and shall cooperate with the consultative forum and the EDPS.*

*7. The independent experts of the panel shall have access to all information in the activities of Europol concerning their field of expertise and they shall be involved in any activity or task of Europol under request.*

*8. The experts panel may receive and process complains regarding matters covered by this Regulation. The independent expert in the discipline concerning the matter of the complaint may decide to open an investigation if he or she deems it necessary.*

*9. The expert panel shall bring matters of concern to the attention of the European Parliament, the Commission and the Council and provide specific recommendations to address them.*

*10. The experts panel shall prepare an annual report of its findings and recommendations. That report shall be made available to the JPSG.*

*11. Europol shall inform the experts panel of the follow-up to its recommendations.*

Or. en

#### **Amendment 541**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

**Article 1 – paragraph 1 – point 37 c (new)**

Regulation (EU) 2016/794

Article 52c (new)

*Text proposed by the Commission*

*Amendment*

**(37 c) Article 52c (new) is inserted:**

**"Article 52c - Accountability**

***Europol shall be accountable to the European Parliament, to the Council and to the Commission in accordance to this Regulation."***

Or. en

**Amendment 542**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

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

Regulation (EU) 2016/794

Article 57 – paragraph 4

*Text proposed by the Commission*

*Amendment*

**(38) in Article 57, paragraph 4 is replaced by the following:**

***deleted***

***‘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.;’***

Or. en

**Amendment 543**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**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 ***Member States based on financial agreement which shall include the amount and purpose for which the*** financial contributions to Europol ***will be allocated, including a clearly description of the tasks to achieve this purpose, within the scope of Europol's objectives and tasks set out in Article 3. Such financial contributions shall not give the contributors a privilege position in any form and must not be linked or lead to measures or decisions that could undermine individuals' fundamental rights, neither 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 Europol's multiannual programming and annual work programme referred in Article 12.***

Or. en

**Amendment 544**

**Clare Daly**

**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

*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.***;

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.;

Or. en

**Amendment 545**  
**Clare Daly**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 39 – point b**  
Regulation (EU) 2016/794  
Article 61 – paragraphs 2 and 3

*Text proposed by the Commission*

*Amendment*

**(b) paragraphs 2 and 3 are replaced by the following:**

**deleted**

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

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

Or. en

**Amendment 546**  
**Sabrina Pignedoli**

**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*

*Amendment*

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

2. Europol may award grants related to the fulfilment of its objectives and tasks as referred to in Articles 3 and 4. ***These may include grants to one or more third countries provided that this is justified operationally and contributes to the achievement of Europol’s objectives and tasks as established by Chapter I;***

Or. en

**Amendment 547**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

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

Regulation (EU) 2016/794

Article 61 – paragraphs 3

*Text proposed by the Commission*

*Amendment*

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

3. Europol may award grants without a call for proposals to Member States for performance of activities falling within Europol’s objectives and tasks ***set out in Articles 3 and 4.***;

Or. en

**Amendment 548**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

**Proposal for a regulation**

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

Regulation (EU) 2016/794

Article 61 – paragraph 3a

*Text proposed by the Commission*

*Amendment*

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

3a. Where duly justified for operational purposes, ***following the authorization of the Management Board and after having informed the JPSG,*** financial support may

cover the full investment costs of equipment **and** infrastructure.;

Or. en

#### **Amendment 549**

**Clare Daly**

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

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

Regulation (EU) 2016/794

Article 61 – paragraph 3a

*Text proposed by the Commission*

*Amendment*

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

3a. Financial support may ***not*** cover the full investment costs of equipment, infrastructure or other assets.;

Or. en

#### **Amendment 550**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

#### **Article 1 – paragraph 1 – point 40**

Regulation (EU) 2016/794

Article 67 – paragraphs 1 and 2

*Text proposed by the Commission*

*Amendment*

***(40) Article 67 is replaced as follows:***

***deleted***

***‘Article 67***

***Security rules on the protection of classified information and sensitive non-classified information***

***1. The Europol shall adopt its own security rules that shall be based on the principles and rules laid down in the Commission’s security rules for protecting European Union classified information (EUCI) and sensitive non-classified information including, inter alia, provisions for the exchange of such***

*information with third countries, and processing and storage of such information as set out in Commission Decisions (EU, Euratom) 2015/443 (44) and (EU, Euratom) 2015/444 (45). Any administrative arrangement on the exchange of classified information with the relevant authorities of a third country or, in the absence of such arrangement, any exceptional ad hoc release of EUCI to those authorities, shall be subject to the Commission's prior approval.*

*2. The Management Board shall adopt the Europol's security rules following approval by the Commission. When assessing the proposed security rules, the Commission shall ensure that they are compatible with Decisions (EU, Euratom) 2015/443 and (EU, Euratom) 2015/444.'*

Or. en

#### **Amendment 551**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**

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

**Article 1 – paragraph 1 – point 40 a (new)**

Regulation (EU) 2016/794

Article 68 – paragraph 1

*Text proposed by the Commission*

*Amendment*

*(40 a) in Article 68, the following sentence is added at the end of paragraph 1:*

*"Conducting a thorough evaluation assessment of Europol's tasks and activities shall be a precondition before considering any future revision of Europol's Regulation."*

Or. en

#### **Amendment 552**

**Saskia Bricmont, Tineke Strik, Patrick Breyer**



## Proposal for a regulation

### Article 1 – paragraph 1 – point 41

Regulation (EU) 2016/794

Article 68 – paragraph 3

#### *Text proposed by the Commission*

3. The Commission shall, by [three years after entry into force of this Regulation], submit a report to the European Parliament and to the Council, ***assessing the operational benefits*** of the implementation of the competences provided for in Article 18(2)(e) and (5a), Article 18a, Article 26 and Article 26a with regard to Europol's objectives. The report shall ***cover*** the impact of those competences on fundamental rights and freedoms as enshrined in the Charter of Fundamental Rights..

#### *Amendment*

3. The Commission shall, by [three years after entry into force of this Regulation], submit a report to the European Parliament and to the Council, ***an impact assessment and evaluation*** of the implementation of the competences provided for in ***the new Regulation, in particular, with regards to*** Article 18(2)(e) and (5a), Article 18a, Article 26 and Article 26a with regard to Europol's objectives ***set out in Article 3***. The report shall ***assess*** the impact of those competences on fundamental rights and freedoms as enshrined in the Charter of Fundamental Rights..

Or. en

## Amendment 553

Sophia in 't Veld, Michal Šimečka

## Proposal for a regulation

### Article 1 – paragraph 1 – point 41

Regulation (EU) 2016/794

Article 68 – paragraph 3

#### *Text proposed by the Commission*

3. The Commission shall, by [***three*** years after entry into force of this Regulation], submit a report to the European Parliament and to the Council, assessing the operational benefits of the implementation of the competences provided for in Article 18(2)(e) and (5a), Article 18a, Article 26 and Article 26a with regard to Europol's objectives. The report shall cover the impact of those competences on fundamental rights and freedoms as enshrined in the Charter of

#### *Amendment*

3. The Commission shall, by [***two*** years after entry into force of this Regulation], submit a report to the European Parliament and to the Council, assessing the operational benefits of the implementation of the competences provided for in Article 18(2)(e) and (5a), Article 18a, Article 26 and Article 26a with regard to Europol's objectives. The report shall cover the impact of those competences on fundamental rights and freedoms as enshrined in the Charter of

**Amendment 554**

**Clare Daly**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 41**

Regulation (EU) 2016/794

Article 68 – paragraph 3

*Text proposed by the Commission*

3. The Commission shall, by [three years after entry into force of this Regulation], submit a report to the European Parliament and to the Council, assessing the operational benefits of the implementation of the competences provided for in Article 18(2)(e) and (5a), **Article 18a**, **Article 26** and **Article 26a** with regard to Europol's objectives. The report shall cover the impact of those competences on fundamental rights and freedoms as enshrined in the Charter of Fundamental Rights..

*Amendment*

3. The Commission shall, by [three years after entry into force of this Regulation], submit a report to the European Parliament and to the Council, assessing the operational benefits of the implementation of the competences provided for in Article 18(2)(e) and (5a) and **Article 26** with regard to Europol's objectives. The report shall cover the impact of those competences on fundamental rights and freedoms as enshrined in the Charter of Fundamental Rights..