



2022/2121(DEC)

19.1.2023

AMENDMENTS

1 - 33

Draft opinion
Saskia Bricmont
(PE739.537v02-00)

Discharge 2021: European Union Agency for Law Enforcement Cooperation
(Europol)
(2022/2121(DEC))

Amendment 1

Ramona Strugariu, Olivier Chastel, Michal Šimečka

Draft opinion

Paragraph 1

Draft opinion

1. Welcomes the fact that the Court of Auditors ('The Court') has declared the transactions underlying the annuals accounts of the European Union Agency for Law Enforcement Cooperation (Europol) for the financial year 2021 to be legal and regular in all material respects; recalls that the budget of the Agency increased in 2021 **from EUR 183 to 210** million (+14,75%), while members of staff increased from **84 to 95 (+10,74%)** within the same period;

Amendment

1. Welcomes the fact that the Court of Auditors ('The Court') has declared the transactions underlying the annuals accounts of the European Union Agency for Law Enforcement Cooperation (Europol) for the financial year 2021 to be legal and regular in all material respects; recalls that, ***according to its statement of revenue and expenditure***, the budget of the Agency increased in 2021 **to EUR 178.3** million (+12,41%), while members of staff increased from **884 to 979 (+10,75%)** within the same period;

Or. en

Amendment 2

Tomáš Zdechovský, Lena Düpont, Jeroen Lenaers

Draft opinion

Paragraph 1

Draft opinion

1. Welcomes the fact that the Court of Auditors ('The Court') has declared the transactions underlying the annuals accounts of the European Union Agency for Law Enforcement Cooperation (Europol) for the financial year 2021 to be legal and regular in all material respects; recalls that the budget of the Agency increased in 2021 from EUR 183 to 210 million (+14,75%), while members of staff increased from **84 to 95 (+10,74%)** within the same period;

Amendment

1. Welcomes the fact that the Court of Auditors ('The Court') has declared the transactions underlying the annuals accounts of the European Union Agency for Law Enforcement Cooperation (Europol) for the financial year 2021 to be legal and regular in all material respects; recalls that the budget of the Agency increased in 2021 from EUR 183 to 210 million (+14,75%), while members of staff increased from **884 to 979 (+10,75%)** within the same period^{1a};

^{1a} ***ECA annual report on EU agencies for***

*the financial year 2021 ('ECA annual report for 2021'), see page 268 (Figure 3.33.1), available at:
<https://www.eca.europa.eu/en/Pages/DocItem.aspx?did=62271> [-/-2]979 / 884 = 1,107466 ó10.75 %*

Or. en

Amendment 3
Saskia Bricmont

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1 a. Welcomes the establishment of the Europol Data Protection Experts Network (EDEN), used as a channel to present projects, best practices and events linked to data protection in a law enforcement context;

Or. en

Amendment 4
Saskia Bricmont

Draft opinion
Paragraph 1 b (new)

Draft opinion

Amendment

1 b. Welcomes the signature of a memorandum of understanding with the Fundamental Rights Agency which would contribute to ensure Europol's compliance with fundamental rights; believes that such memorandum can contribute to the improvement of the Europol's compliance with fundamental rights;

Or. en

Amendment 5

Ramona Strugariu, Olivier Chastel, Michal Šimečka

Draft opinion

Paragraph 2

Draft opinion

2. ***Regrets*** the reported ***weaknesses in*** management and control systems, namely two cases of potential conflict of ***interest situation*** in relation to ***a*** senior manager taking up a job elsewhere, ***when*** Europol did not issue its decision within the ***deadline*** and thus effectively authorised the person concerned to take up the new job without any restrictions ***and*** in contravention of Article ***16 of*** the Staff Regulations;

Amendment

2. ***Takes note of*** the reported ***observations with respect to the functioning of*** management and control systems, namely ***the assessment of*** two cases of ***a*** potential conflict of ***interests*** in relation to ***one*** senior manager taking up a job elsewhere; ***is concerned that in the case reviewed, the Court found that*** Europol did not issue its decision within the ***timeline set in Article 16 of the Staff Regulations*** and thus effectively authorised the person concerned to take up the new job without any restrictions in contravention of ***the above-mentioned*** article; ***notes Europol's reply acknowledging the observation and taking action to adapt its procedures in order to respect the deadlines set by the Staff Regulations; further notes that Europol conducted an ex-post assessment which confirmed that it was not exposed to a conflict of interest situation; welcomes the fact that Europol is one of nine EU decentralised agencies having specific provisions covering the risk of 'revolving doors' situations in relation to the members of its Management Board;***

Or. en

Amendment 6

Tomáš Zdechovský, Lena Düpont, Jeroen Lenaers

Draft opinion

Paragraph 2

Draft opinion

Amendment

2. ***Regrets*** the reported ***weaknesses in*** management and control systems, namely ***two cases of*** potential conflict of interest situation in relation to a senior manager taking up a job elsewhere, ***when*** Europol did not issue its decision within the ***deadline*** and thus effectively authorised the person concerned to take up the new job without any restrictions ***and in contravention of Article 16*** of the ***Staff Regulations***;

2. ***Discerns*** the reported ***observations***^{2a} on management and control systems, namely ***in one case***^{2b} ***concerning the process to assess a*** potential conflict of interest situation in relation to a senior manager taking up a job elsewhere, ***in which case*** Europol did not issue its decision within the ***timeline set in Article 16 of the Staff Regulations*** and thus effectively authorised the person concerned to take up the new job without any restrictions; ***notes Europol's response to the Court's observations, outlining that an ex-post assessment confirmed that Europol was not exposed***^{2c} ***to a conflict of interest situation; acknowledges that Europol, together with only eight other decentralised agencies***^{2d}, ***has specific provisions covering the risk of 'revolving door' situations in relation to members of the board***;

^{2a} *ECA annual report for 2021, see page 270 (Section 3.33.9): The ECA refers to "observations on management and control systems"*

^{2b} *ECA annual report for 2021, see page 270 (Section 3.33.9): The ECA report states that two cases were assessed by Europol, while only in one case, the ECA made comments on the timeline of the decision-making.*

^{2c} *ECA annual report for 2021, see page 272*

^{2d} *ECA annual report for 2021, see page 58 (Box 2.8)*

Or. en

Amendment 7
Saskia Bricmont

Draft opinion
Paragraph 2

Draft opinion

2. Regrets the reported weaknesses in management and control systems, namely two cases of potential conflict of interest situation in relation to a senior manager taking up a job elsewhere, when Europol did not issue its decision within the deadline and thus effectively authorised the person concerned to take up the new job without any restrictions and in contravention of Article 16 of the Staff Regulations;

Amendment

2. Regrets the reported weaknesses in management and control systems, namely two cases of potential conflict of interest situation in relation to a senior manager taking up a job elsewhere, when Europol did not issue its decision within the deadline and thus effectively authorised the person concerned to take up the new job without any restrictions and in contravention of Article 16 of the Staff Regulations; ***recalls however that Europol has specific provisions covering the risk of ‘revolving door’ situations in relation to members of its board and requests that such provisions are fully implemented to prevent any potential future ‘revolving door’ case;***

Or. en

Amendment 8
Caterina Chinnici

Draft opinion
Paragraph 2

Draft opinion

2. Regrets the reported weaknesses in management and control systems, namely two cases of potential conflict of interest situation in relation to a senior manager taking up a job elsewhere, when Europol did not issue its decision within the deadline and thus effectively authorised the person concerned to take up the new job without any restrictions and in contravention of Article 16 of the Staff Regulations;

Amendment

2. Regrets the reported weaknesses in management and control systems, namely two cases of potential conflict of interest situation in relation to a senior manager taking up a job elsewhere, when Europol did not issue its decision within the deadline and thus effectively authorised the person concerned to take up the new job without any restrictions and in contravention of Article 16 of the Staff Regulations; ***takes note of the Europol's commitment to adapt its procedures for communicating the decision within the applicable timelines;***

Or. en

Amendment 9
Jadwiga Wiśniewska

Draft opinion
Paragraph 2

Draft opinion

2. ***Regrets*** the reported ***weaknesses in*** management and control systems, namely ***two cases of*** potential conflict of interest situation in relation to a senior manager taking up a job elsewhere, ***when*** Europol did not issue its decision within the ***deadline*** and thus effectively authorised the person concerned to take up the new job ***without any restrictions and in contravention of Article 16 of the Staff Regulations***;

Amendment

2. ***Discerns*** the reported ***observations on*** management and control systems, namely ***in one case concerning the process to assess a*** potential conflict of interest situation in relation to a senior manager taking up a job elsewhere, ***in which case*** Europol did not issue its decision within the ***timeline set in Article 16 of the Staff Regulations*** and thus effectively authorised the person concerned to take up the new job ;

Or. en

Amendment 10
Assita Kanko

Draft opinion
Paragraph 2

Draft opinion

2. ***Regrets*** the reported weaknesses in management and control systems, namely two cases of potential conflict of interest situation in relation to a senior manager taking up a job elsewhere, when Europol did not issue its decision within the deadline and thus effectively authorised the person concerned to take up the new job without any restrictions and in contravention of Article 16 of the Staff Regulations;

Amendment

2. ***Notes*** the reported weaknesses in management and control systems, namely two cases of potential conflict of interest situation in relation to a senior manager taking up a job elsewhere, when Europol did not issue its decision within the deadline and thus effectively authorised the person concerned to take up the new job without any restrictions and in contravention of Article 16 of the Staff Regulations;

Or. en

Amendment 11
Caterina Chinnici

Draft opinion
Paragraph 3

Draft opinion

3. Regrets that the observation from the Court stressing that late payments were issued by the Agency in 33% of the cases in 2020 is still ongoing; expresses concern that, according to the Court, similar levels of delays were observed in previous years; shares the opinion by the Court that this recurrent weaknesses exposes Europol to reputational risks; requests the Agency to increase its efforts to address all the observations from the Court;

Amendment

3. Regrets that the observation from the Court stressing that late payments were issued by the Agency in 33% of the cases in 2020 is still ongoing; expresses concern that, according to the Court, similar levels of delays were observed in previous years; shares the opinion by the Court that this recurrent weaknesses exposes Europol to reputational risks; ***welcomes the fact that Court's observations from 2018 and 2019 regarding contract management and ex-ante controls have been completed;*** requests the Agency to increase its efforts to address all the observations from the Court;

Or. en

Amendment 12
Ramona Strugariu, Olivier Chastel, Michal Šimečka

Draft opinion
Paragraph 3

Draft opinion

3. ***Regrets*** that the observation from the Court stressing that late payments were issued by the Agency in 33% of the cases in 2020 is still ongoing; expresses concern that, according to the Court, similar levels of delays were observed in previous years; ***shares the opinion by the Court that this*** recurrent weaknesses ***exposes*** Europol to reputational risks; ***requests*** the Agency to ***increase*** its efforts to address all the observations from the Court;

Amendment

3. ***Notes with concern*** that the observation from the Court stressing that late payments were issued by the Agency in 33% of the cases in 2020 is still ongoing; expresses concern that, according to the Court, similar levels of delays were observed in previous years; ***underlines that such*** recurrent weaknesses ***expose*** Europol to reputational risks; ***welcomes the actions taken by Europol in addressing this situation and notes that in 2021 payment delays were reduced to 8%;*** ***calls on*** the Agency to ***continue*** its efforts to address all the observations from the Court;

Or. en

Amendment 13

Tomáš Zdechovský, Lena Düpont, Jeroen Lenaers

Draft opinion

Paragraph 3

Draft opinion

3. ***Regrets*** that the observation from the Court stressing that ***late payments were issued by*** the Agency in 33% of the cases in 2020 ***is still ongoing; expresses concern that, according to the Court, similar levels of delays were observed in previous years; shares*** the opinion by the Court that ***this recurrent weaknesses exposes Europol to reputational risks; requests*** the Agency to ***increase*** its efforts to address all the observations from the Court;

Amendment

3. ***Notes*** that the observation from the Court stressing that the Agency ***had paid late*** in 33% of the cases in 2020^{3a}, ***while in 2021, payment*** delays were ***reduced to 8%***^{3b}; ***highlights*** the opinion by the Court^{3c} that the Agency ***should continue*** its efforts to address all the observations from the Court;

^{3a} ***Source: ECA annual report for 2021, see page 271***

^{3b} ***ECA annual report for 2021, see page 271, information provided to the ECA by Europol (reduction to 8% in 2021).***

^{3c} ***ECA annual report for 2021, see page 271, information provided to the ECA by Europol (reduction to 8% in 2021). The ECA wants Europol to continue its efforts to keep payment delays at low levels.***

Or. en

Amendment 14

Assita Kanko

Draft opinion

Paragraph 3

Draft opinion

3. ***Regrets*** that the observation from the Court stressing that late payments were issued by the Agency in 33% of the cases in 2020 is still ongoing; ***expresses concern***

Amendment

3. ***Notes*** that the observation from the Court stressing that late payments were issued by the Agency in 33% of the cases in 2020 is still ongoing; ***notes*** that,

that, according to the Court, similar levels of delays were observed in previous years; shares the opinion by the Court that this recurrent weaknesses exposes Europol to reputational risks; requests the Agency to increase its efforts to address all the observations from the Court;

according to the Court, similar levels of delays were observed in previous years; shares the opinion by the Court that this recurrent weaknesses exposes Europol to reputational risks; requests the Agency to increase its efforts to address all the observations from the Court;

Or. en

Amendment 15
Assita Kanko

Draft opinion
Paragraph 4

Draft opinion

4. Notes that on 16 September 2022, the EDPS requested that the Court of Justice of the European Union annul two provisions of the revised Europol Regulation, namely Articles 74a and 74b, as they seriously undermine legal certainty for individuals' personal data and threaten the independence of the EDPS; reminds that articles 74a and 74b have the effect of legalising retroactively Europol's practice of processing large volumes of individuals' personal data with no established link to criminal activity, which the EDPS found to be in breach of Europol's Regulation;

Amendment

deleted

Or. en

Amendment 16
Saskia Bricmont

Draft opinion
Paragraph 4

Draft opinion

4. Notes that on 16 September 2022, the EDPS requested that the Court of

Amendment

4. Notes that on 16 September 2022, the EDPS requested that the Court of

Justice of the European Union annul two provisions of the revised Europol Regulation, namely Articles 74a and 74b, as they seriously undermine legal certainty for individuals' personal data and threaten the independence of the EDPS; reminds that articles 74a and 74b have the effect of legalising retroactively Europol's practice of processing large volumes of individuals' personal data with no established link to criminal activity, which the EDPS found to be in breach of Europol's Regulation;

Justice of the European Union annul two provisions of the revised Europol Regulation, namely Articles 74a and 74b, as they seriously undermine legal certainty for individuals' personal data and threaten the independence of the EDPS; reminds that articles 74a and 74b have the effect of legalising retroactively Europol's practice of processing large volumes of individuals' personal data with no established link to criminal activity, which the EDPS found to be in breach of Europol's Regulation; *reiterates its utmost concerns regarding the impact on individuals' fundamental rights of the facts revealed by the EDPS in the "big data challenge" inquiry, admonishment decision and order; deplores that the solution to the concerns raised by the EDPS has been to codify the continuity of Europol's activities instead of proving the mechanisms to ensure that fundamental rights and data protection are fully respected; expresses deep regret that the decision which include Articles 74a and 74b in the new Europol's Regulation has not been accompanied by enhanced safeguards for individuals and adequate accountability mechanisms for the Agency; recalls with concern the allegations that Europol contains at least 4 petabytes of personal data, which is equivalent to 3m CD-Roms or a fifth of the entire contents of the US Library of Congress; underlines the concerns raised by data protection advocates regarding the volume of information held on Europol's systems, which according to them, amounts to mass surveillance and, therefore, similar practices compared to the US National Security Agency (NSA);*

Or. en

Amendment 17

Ramona Strugariu, Olivier Chastel, Michal Šimečka

Draft opinion Paragraph 4

Draft opinion

4. Notes that on 16 September 2022, the EDPS requested that the Court of Justice of the European Union annul two provisions of the **revised** Europol Regulation, namely Articles 74a and 74b, **as they seriously undermine legal certainty for individuals' personal data and threaten the independence of the EDPS; reminds that articles 74a and 74b have the effect of legalising retroactively Europol's practice of processing large volumes of individuals' personal data with no established link to criminal activity, which the EDPS found to be in breach of Europol's Regulation;**

Amendment

4. Notes that on 16 September 2022, the EDPS requested that the Court of Justice of the European Union annul two provisions of the **amended** Europol Regulation, namely Articles 74a and 74b, **arguing that they seriously undermine legal certainty for individuals' personal data and threaten the independence of the EDPS; underlines the fact that Europol has no control over the legality of articles in the Regulation detailing its mandate and prerogatives; highlights that this responsibility falls to the co-legislators and the Court, when certain provisions are challenged; takes further note that no request was made to apply the articles in cause and that all contributions from before the entry into force of the amended Europol Regulation have meanwhile been assigned with a Data Subject Category (DSC);**

Or. en

Amendment 18

Tomáš Zdechovský, Lena Düpont, Jeroen Lenaers

Draft opinion

Paragraph 4

Draft opinion

4. Notes that on 16 September 2022, the EDPS requested that the Court of Justice of the European Union annul two provisions of the **revised** Europol Regulation, namely Articles 74a and 74b, **as they seriously undermine legal certainty for individuals' personal data and threaten the independence of the EDPS; reminds that articles 74a and 74b have the effect of legalising retroactively Europol's practice of processing large volumes of individuals' personal data with no established link to criminal activity,**

Amendment

4. Notes that on 16 September 2022, the EDPS requested that the Court of Justice of the European Union annul two provisions of the **amended** Europol Regulation, namely Articles 74a and 74b **commends the action taken by Member States^{4b}, operational cooperation partners and Europol, as no request was made to apply Article 74a and all contributions from before the entry into force of the amended Europol Regulation have meanwhile been assigned with a Data Subject Category (DSC)^{4a};**

which the EDPS found to be in breach of Europol's Regulation;

^{4a} Current proceedings with the CJEU: The LIBE opinion cannot pre-empt the ruling of the CJEU of the EDPS motion and the official response of the Parliament to the CJEU as institution.

^{4b} Europol reported to the EDPS in November 2022 that Article 74a was never applied, as Member States etc. did not request to make use of Article 74a. Accordingly, there is no materialised effect. Meanwhile, the 231 contributions under Article 74b, reported to the EDPS in November 2022, have all been assigned with a Data Subject Categorisation (DSC). The suggested wording reflects these facts.

Or. en

Amendment 19
Jean-Paul Garraud

Draft opinion
Paragraph 4 a (new)

Draft opinion

Amendment

4a. Notes that Europol's new mandate, approved in February 2022, allows it to continue processing the data already in its possession; notes that the Agency's new data processing expertise is a vital tool in combating crime in a digitalised world;

Or. fr

Amendment 20
Saskia Bricmont

Draft opinion
Paragraph 5

Draft opinion

5. Is concerned about the enhanced and non-transparent cooperation between Europol and Frontex; reminds the reports about Frontex's PeDRA program 'Processing of Personal Data for Risk Analysis', which allows Frontex border guards to collect sensitive personal data from migrants and asylum seekers to process and share it with Europol and security agencies of Member States, and to scan social media profiles; requests that cooperation among **JHA Agency** is fully transparent and accountability **ensured**; calls on the Agency to take measures to ensure full compliance with EU transparency rules as well as with fundamental rights **and** data protection standards;

Amendment

5. Is concerned about the enhanced and non-transparent cooperation between Europol and Frontex; reminds the reports about Frontex's PeDRA program 'Processing of Personal Data for Risk Analysis', which allows Frontex border guards to collect sensitive personal data from migrants and asylum seekers, ***including genetic data and information on religious beliefs and sexual orientation***, to process and share it with Europol and security agencies of Member States, and to scan social media profiles; ***expresses deep concern that this expanded surveillance programme not only targets non-suspects, but also loosens restrictions concerning the exchange of personal data between Frontex and Europol as personal sensitive data are transferred in bulk to Europol, in contrast with the principles of necessity, proportionality, and purpose limitation***; requests that cooperation among **Europol and other JHA Agencies** take place in accordance with applicable data protection law, is fully transparent and ***subject to an adequate framework of oversight and*** accountability; calls on the Agency to take measures to ensure full compliance with EU transparency rules as well as with fundamental rights, ***and with*** data protection standards ***in particular***; ***considers that the disclosure of meetings and interactions between the Agency and third parties is required to ensure enhanced transparency.***

Or. en

Amendment 21

Tomáš Zdechovský, Lena Düpont, Jeroen Lenaers

**Draft opinion
Paragraph 5**

Draft opinion

Amendment

5. *Is concerned about the enhanced and non-transparent cooperation between Europol and Frontex; reminds the reports about Frontex's PeDRA program 'Processing of Personal Data for Risk Analysis', which allows Frontex border guards to collect sensitive personal data from migrants and asylum seekers to process and share it with Europol and security agencies of Member States, and to scan social media profiles; requests that cooperation among JHA Agency is fully transparent and accountability ensured;* calls on the Agency to take measures to *ensure full* compliance with EU transparency rules as well as with fundamental rights and data protection standards;

5. Calls on the Agency to take measures to *continuously reinforce* compliance with EU transparency rules^{5a} as well as with fundamental rights and data protection standards; *welcomes the swift appointment of the Europol Fundamental Rights Officer which was introduced with the amendments to the Europol Regulation that entered into force on 28 June 2022;*

^{5a} *There was a dedicated session in the LIBE Committee on 8 November 2022 in which both Frontex and Europol provided answers. In addition, the topic was covered in the questions & answers at the Europol JPSG meeting on 24-25 October 2022, and before that, the topic was covered in a related JPSG written question (response given on 10 October 2022). Against this background, both Frontex and Europol provided information. In addition, this LIBE opinion is about the discharge of Europol.*

Or. en

Amendment 22
Jean-Paul Garraud

Draft opinion
Paragraph 5

Draft opinion

5. *Is concerned about* the enhanced and *non-transparent* cooperation between Europol and Frontex; reminds the reports about Frontex's PeDRA program

Amendment

5. *Welcomes* the enhanced and *transparent* cooperation between Europol and Frontex; reminds the reports about Frontex's PeDRA program 'Processing of

'Processing of Personal Data for Risk Analysis', which allows Frontex border guards to collect sensitive personal data from migrants and asylum seekers to process and share it with Europol and security agencies of Member States, and to scan social media profiles; requests that cooperation among JHA ***Agency is fully transparent and accountability ensured; calls on the Agency to take measures to ensure full compliance with EU transparency rules as well as with fundamental rights and data protection standards;***

Personal Data for Risk Analysis', which allows Frontex border guards to collect sensitive personal data from migrants and asylum seekers to process and share it with Europol and security agencies of Member States, and to scan social media profiles; requests that cooperation among JHA ***agencies be strengthened;***

Or. fr

Amendment 23

Ramona Strugariu, Olivier Chastel, Michal Šimečka

Draft opinion

Paragraph 5

Draft opinion

5. ***Is concerned about the enhanced and non-transparent cooperation between Europol and Frontex; reminds the reports about Frontex's PeDRA program 'Processing of Personal Data for Risk Analysis', which allows Frontex border guards to collect sensitive personal data from migrants and asylum seekers to process and share it with Europol and security agencies of Member States, and to scan social media profiles; requests that cooperation among JHA Agency is fully transparent and accountability ensured;*** calls on the Agency to take measures to ensure full compliance with EU transparency rules as well as with fundamental rights and data protection standards;

Amendment

5. Calls on the Agency to take measures to ensure full compliance with EU transparency rules as well as with fundamental rights and data protection standards; ***further calls on Europol to ensure that its cooperation with other JHA Agencies and other partners is fully transparent and accountability ensured; welcomes the swift appointment of the Europol Fundamental Rights Officer, position which was introduced with the amendments to the Europol Regulation that entered into force on 28 June 2022;***

Or. en

Amendment 24
Assita Kanko

Draft opinion
Paragraph 5

Draft opinion

5. ***Is concerned about the enhanced and non-transparent cooperation between Europol and Frontex;*** reminds the reports about Frontex's PeDRA program 'Processing of Personal Data for Risk Analysis', which allows Frontex border guards to collect sensitive personal data from migrants and asylum seekers to process and share it with Europol and security agencies of Member States, and to scan social media profiles; requests that cooperation among JHA Agency is fully transparent and accountability ensured; calls on the Agency to take measures to ensure full compliance with EU transparency rules as well as with fundamental rights and data protection standards;

Amendment

5. Reminds the reports about Frontex's PeDRA program 'Processing of Personal Data for Risk Analysis', which allows Frontex border guards to collect sensitive personal data from migrants and asylum seekers to process and share it with Europol and security agencies of Member States, and to scan social media profiles; requests that cooperation among JHA Agency is fully transparent and accountability ensured; calls on the Agency to take measures to ensure full compliance with EU transparency rules as well as with fundamental rights and data protection standards;

Or. en

Amendment 25
José Gusmão

Draft opinion
Paragraph 5 a (new)

Draft opinion

5 a. Is concerned about the cooperation of these two agencies especially when it comes to border guard operations while the violent pushbacks continue to take place as also reported by the recent Lighthouse Reports revelations; strongly condemns refugees being shot at a European borders while trying to seek asylum;

Amendment

Or. en

Amendment 26

Ramona Strugariu, Olivier Chastel, Michal Šimečka

Draft opinion

Paragraph 6

Draft opinion

6. ***Is concerned about the individual complaints*** introduced against Europol for access to personal data ***and the lack of follow up done by the Agency to those requests, conducing to an order by EDPS; is extremely concerned by the deletion of those data by the Agency without allowing the data subject to access in spite of EDPS decision;***

Amendment

6. ***Notes with concern one individual complaint to the EDPS,*** introduced against Europol for ***the refusal to grant*** access to personal data; ***takes note that the EDPS issued a decision instructing Europol to comply with the data subject request two years after the complaint was introduced; further notes that Europol requested a review by the EDPS of its decision; highlights that by January 2023 the EDPS had not yet issued a final decision on the matter; calls on Europol to report to the discharge authority about the progress of this situation and to fully comply with its obligations concerning the protection of personal data;***

Or. en

Amendment 27

Assita Kanko

Draft opinion

Paragraph 6

Draft opinion

6. ***Is concerned about the individual complaints*** introduced against Europol for access to personal data ***and the lack of follow up done by the Agency to those requests, conducing to an order by EDPS; is extremely concerned by the deletion of those data by the Agency without allowing the data subject to access in spite of EDPS decision;***

Amendment

6. ***Notes*** the individual complaints introduced against Europol for access to personal data; ***notes*** the deletion of those data;

Or. en

Amendment 28

Tomáš Zdechovský, Lena Düpont, Jeroen Lenaers

Draft opinion

Paragraph 6

Draft opinion

6. ***Is concerned about*** the individual ***complaints*** introduced against Europol for access to personal data and the lack of ***follow up done*** by the ***Agency to those requests, conducing to an order by EDPS; is extremely concerned by the deletion of those data by the Agency without allowing the data subject to access in spite of EDPS decision;***

Amendment

6. ***Discerns*** the individual ***complaint*** introduced against Europol for access to personal data and the lack of ***a timely decision on the case*** by the ***EDPS, almost two years after the citizen complained to the EDPS^{6a}; calls for an immediate closure by the EDPS with support from Europol and the competent authority in the concerned Member State;***

^{6a} ***Twitter announcements by the concerned citizen, information provided by Europol to the EDPS: The case referred to in the draft LIBE opinion on EDPS discharge concerns one complaint of a citizen (not several cases). Timeline: In March 2020, Europol received the data subject access request, Reply in June 2020: “... there are no data concerning you at Europol to which you are entitled to have access ...” [under the Europol Regulation]. In October 2020, the data subject complained against the answer from Europol with the EDPS. In September 2022, the EDPS issued a decision, instructing Europol to “... comply with the complainant’s request ..., by providing the complainant with the full set of information which he is entitled to receive ...”. The EDPS outlined at the same time that “Both Europol and the complainant may ask for a review by the EDPS of the present Decision within one month of receiving this letter.....” Europol, in addition to the citizens, requested a review by the EDPS, enclosing, inter alia, supporting evidence, outlining that “... access to the full set of information ... was partially rejected by***

the Police ... on the basis of ... the national Police Data Act, transposing the Law Enforcement Directive ..., in order to avoid adverse consequences for the prevention, detection, investigation and prosecution of criminal offenses ...” Now in January 2023, the EDPS has not yet issued the final decision in the case, despite the fact that the citizen and Europol requested a review, and the citizen put forward a motion to the CJEU in the case at hand.

Or. en

Amendment 29
José Gusmão

Draft opinion
Paragraph 6 a (new)

Draft opinion

Amendment

6 a. *Notes that in an open letter coordinated by European Digital Rights, sent to MEPs before the vote on the broadened Europol mandate, 26 organisations called for (1) mechanisms to ensure that Europol’s powers are used in a proportionate way (prior authorisation, threshold of crime severity and judicial oversight): such mechanisms are critical to protect all EU citizens from the risk of violations of their right to privacy, but also to prevent mass surveillance and protect the rule of law; (2) guarantee for defence rights: a key safeguard is the right for suspects and accused persons to obtain details about how the information was gathered, analysed and processed by Europol. This is right is not only necessary to ensure equality of arms, but also to prevent miscarriages of justice; (3) robust oversight mechanisms: the organisations fear that the lack of guarantees of independence and the limited resources and powers of the new entities will make*

*them unable to sufficiently exert scrutiny
on Europol's day-to-day work;*

Or. en

Amendment 30

Ramona Strugariu, Olivier Chastel, Michal Šimečka

Draft opinion

Paragraph 7

Draft opinion

7. Recommends the Committee on Budgetary Control to postpone granting the discharge in respect of the implementation of the Agency's budget for the financial year 2021, until the Court of Justice of the European Union delivers its judgement;

Amendment

deleted

Or. en

Amendment 31

Assita Kanko

Draft opinion

Paragraph 7

Draft opinion

7. Recommends the Committee on Budgetary Control to *postpone granting* the discharge in respect of the implementation of the Agency's budget for the financial year 2021, *until the Court of Justice of the European Union delivers its judgement*;

Amendment

7. Recommends the Committee on Budgetary Control to *grant* the discharge in respect of the implementation of the Agency's budget for the financial year 2021.

Or. en

Amendment 32

Tomáš Zdechovský, Lena Düpont, Jeroen Lenaers

Draft opinion
Paragraph 7

Draft opinion

7. Recommends the Committee on Budgetary Control to ***postpone granting*** the discharge in respect of the implementation of the Agency's budget for the financial year 2021, ***until the Court of Justice of the European Union delivers its judgement***;

Amendment

7. Recommends the Committee on Budgetary Control to ***grant*** the discharge in respect of the implementation of the Agency's budget for the financial year 2021^{7a};

^{7a} The EU Financial Rules do not foresee to connect the outcome of a CJEU proceeding with discharge. In addition, the CJEU case is against the legislator, not Europol.

Or. en

Amendment 33
Jean-Paul Garraud

Draft opinion
Paragraph 7

Draft opinion

7. Recommends the Committee on Budgetary Control to ***postpone granting*** the discharge in respect of the implementation of the Agency's budget for the financial year 2021, ***until the Court of Justice of the European Union delivers its judgement***;

Amendment

7. Recommends the Committee on Budgetary Control to ***grant*** the discharge in respect of the implementation of the Agency's budget for the financial year 2021;

Or. fr