EUROPEAN PARLIAMENT

2004 *2009*

Committee on Civil Liberties, Justice and Home Affairs

PROGRAMME

Public Hearing

on

The Future of Europol

Tuesday 10 April 2007

15:00 – 18:30

Meeting room PHS 5B001
(Paul Henri Spaak Building)

Brussels

THE FUTURE OF EUROPOL: FURTHER CHALLANGES AHEAD?

The Committee on Civil Liberties, Justice and Home Affairs (LIBE) is dealing with the new proposal for a Council decision establishing the European Police Office (EUROPOL) presented by the Commission in December 2006 (COM(2006)0817). This proposal provides for a more flexible legal basis for Europol which will avoid the long ratification process that each change to the current convention entails. In this respect it is noticeable that the three protocols amending the current Europol Convention, adopted in 2000, 2002 and 2003 will enter into force only in March/April 2007[1].

This seminar aims to discuss the new above-mentioned Commission proposal, which will be adopted by the Council upon consultation of the European Parliament. Mr. Díaz de Mera (MEP) is the rapporteur on behalf of the LIBE committee[2] on this proposal.

The rapporteur considers it important to have an overview on what are the substantive changes brought about by the new proposal since the new legal framework provides for the extension of the role and tasks of Europol on the one hand and for the gradual inclusion of Europol into the European institutional framework on the other. A closer look will be given to the Europol information system, the interoperability principle and the general framework for data protection in the third pillar of the EU Treaty.

The seminar shall enable the Commission and the Council Presidency to give their views, take into account reactions from the various stakeholders to the proposal and bring them to the attention of Members of the LIBE committee, and, at the same time, inform a wider audience about the current transformation of Europol into a body of the EU.

Moderator: Mr. Agustín Díaz de Mera García Consuegra, Member of the Committee on Civil Liberties, Justice and Home Affairs, Rapporteur.

15:00 - 15:30
OPENING SESSION

Introduction by

- **Mr Jean-Marie CAVADA**, Chairman of the EP Committee on Civil Liberties, Justice and Home Affairs
- **Mr Max-Peter RATZEL**, Director of Europol
- **Mr Michael NIEMEIER,** Chairman of the Europol Working Party, German Federal Ministry of the Interior

[1] OJ L 41 of 13.02.07, p. 21
[2] Working document on the future of Europol (PE 384.579)

15:30 - 16:30
SESSION I

THE NEW LEGAL FRAMEWORK FOR EUROPOL AND THE SUBSTANTIVE CHANGES

The new proposal for a Council decision establishing the European Police Office (EUROPOL)[3] contains substantive changes which need to be analysed in detail:

- the extension of the Europol mandate (article 4-5 and Annex I of the proposal): the Europol mandate is now extended to cover criminality which is not strictly related to organised crime. Furthermore, the Europol database will include information and intelligence forwarded by private entities: are additional safeguards required in order to ensure the accuracy of information coming from private parties?

- the financing of Europol from the Community budget and the staff of Europol within the scope of the Community Staff Regulations: will this provide a real scrutiny power for the European Parliament?

15:30 - 15:45 ***Changing the Europol convention in a Council Decision of the EU***

Mr Fabio MARINI, European Commission DG JLS, Deputy Head of Unit of D2 Fight against economic, financial and cyber crime

15:45 - 16:00 ***State of play in the Council***

Ms Nathalie PENSAERT, Council of the European Union

16:00 - 16:15 ***The future of Europol and its limits: from intelligence based to action oriented***

Prof Willy BRUGGEMAN, Benelux University Centre, President of the Belgian Federal Police board, former Senior Deputy Director of Europol

16:15 - 16:30 ***Discussion***

[3] Presented by the Commission in December 2006 COM(2006) 817

16:30 - 17:00
SESSION II

EUROPOL INFORMATION SYSTEM: HOW BEST TO IMPROVE IT WHILE GUARANTEEING FUNDAMENTAL RIGHTS

The processing of collected information by Europol will be more general since the new provision in the Commission proposal allows Europol to process information and intelligence insofar as it is necessary to achieve its objectives[4]. The principle of interoperability with the data processing systems at national level and with the system in use by the Community and Union related bodies needs further thought as far as conditions and guarantees are concerned. Furthermore, is the right to access personal data truly guaranteed by the new proposal[5] according to article 8(2) of the Charter of Fundamental Rights for the European Union, or are the exceptions under specific circumstances overturning the fundamental nature of the right of access?

16:30 - 16:40 ***Information, intelligence and interoperability: the principle of availability and the problem of biometricised security***

Prof Juliet LODGE, Jean Monnet Centre, University of Leeds

16:40 - 16:50 ***The role of Europol in police cooperation: the French perspective***

Mr Michel GAUDIN, French Chief Police

16:50 - 17:00 ***Discussion***

17:00 - 18:00
SESSION III

THE APPLICABILITY OF A GENERAL FRAMEWORK ON DATA PROTECTION

Europol will become a body of the European Union, but not a Community institution or body. Therefore, Europol remains outside the scope of Regulation (EC) Nr. 45/2001[6] which provides for the protection of individuals as regards the processing of their personal data by Community institutions and bodies. Chapter V of the new proposal introduces a data protection regime *sui generis* which relies on an applicable general framework for data

[4] Article 10, COM(2006)0817
[5] Article 29, COM(2006)0817
[6] Regulation (EC) no 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the community institutions and bodies and on the free movement of such data, OJ L 8 of 12.01.2001

protection[7]. The need for a general legal framework on data protection in the third pillar is evident[8] along with the necessity to guarantee a harmonised system when Europol is exchanging data with Communities institutions or bodies. Will the communication of data to third countries and international organisations be implemented assuring an adequate level of data protection? Is the Data Protection Officer within Europol really independent?

17:00 - 17:10 ***The Council framework decision on the protection of personal data in the third pillar***

N.N., European Commission

17:10 - 17:25 ***The general framework of the transfer of data towards third countries***

Prof. Paul DE HERT, University of Brussels, Faculty of Law and Criminology Department

17:25 - 17:45 ***Europol framework for the transfer of data towards third countries***

Mr Pelopidas DONOS, Europol Data Protection Unit and
Mr Dietrich NEUMANN, Europol Legal Affairs Unit

17:45 - 18:10 ***Discussion***

18:10 - 18:30
Concluding remarks by

- **Michael NIEMEIER,** Chairman of the Europol Working Party, German Federal Ministry of the Interior

- **Max-Peter RATZEL,** Director of Europol

- **David SMITH,** Europol Joint Supervisory Body

- **Peter HUSTINX,** European Data Protection Supervisor

[7] Article 26, COM(2006)0817: "...Europol shall apply the principles of the Council Framework Decision 2007/XX/JHA on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters in the collection, processing and usage of personal data....".
[8] Discussions are still in place in the Council.

- Michel GAUDIN, French Chief Police

- Giovanni DE GENNARO, Italian Chief Police (to be confirmed)

ANNEX

PRACTICAL GUIDELINES FOR THE DEBATE

Presentations will be limited to 10 - 15 minutes (see programme for details).
During the discussion, so as to make it possible for the highest possible number of parliamentarians to intervene, speaking time will be limited to 2 minutes per contribution or question.
The floor will be given to Members in the order in which requests are received.
Speakers wishing to supplement their speeches may do so in writing by submitting documents (preferably in English or French) in advance to the secretariat (email: ip-libe@europarl.europa.eu).These documents will be circulated during the meeting.

IMPORTANT NOTICE FOR THOSE WISHING TO ATTEND THE HEARING

This seminar is open to the public. However, for security reasons, participants who do not have a European Parliament access badge must obtain a pass in advance. Those wishing to obtain such a pass should contact the seminar secretariat (Mr. Ryszard DE GROOT) before **30 March 2007**. It is essential to provide us with your full name, address and date of birth. Without this information, the Security Service will not provide entry passes.

Simultaneous interpretation will be available in the following languages : EN, FR, DE, IT, NL, ES, HU, EL, PT, RO, SV, PL

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