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from: General Secretariat
to: Permanent Representatives Committee/Council
Subject: Proposal for a regulation of the European Parliament and of the Council on the European Union Agency for Law Enforcement Cooperation and Training (Europol) and repealing Decisions 2009/371/JHA and 2005/681/JHA - Outcome of the European Parliament's first reading (Strasbourg, 24 to 27 February 2014)

I. INTRODUCTION

The Rapporteur, Mr Augustin DIAZ DE MERA GARCIA CONSUEGRA (EPP - ES), presented a report consisting of 228 amendments (amendments 1-228) to the proposal for a Regulation, on behalf of the Committee on Civil Liberties, Justice and Home Affairs. In addition, eight further amendments were tabled: six amendments by the EPP political groups (amendments 229-234) and two by the EUL/NGL political group (amendments 235-236).

II. DEBATE

The Rapporteur opened the debate, which took place on 24 February 2014, and:

- stressed that, for the first time after the entry into force of the Treaty of Lisbon, the European Parliament and the Council will decide together, in the ordinary legislative procedure, on the proposed regulation which will establish the revised structure, the functioning and the field of action and the tasks of Europol.
- noted that it was hard work and required many meetings with all stakeholders in order to establish the position of the Parliament, which was supported by unanimity in the Committee responsible.
- stressed that the EP rejects the merger of Europol and Cepol. However, agreement could be found within the Parliament on many points, such as the definitions, the governance of Europol, cooperation with national entities and an enforced system for data protection.
- pointed out that Europol should be controlled by the European Parliament, which represents the citizens and has democratic legitimacy. This should also be done in close cooperation with national parliaments.
- asked for a robust data protection system and an independent body such as the European Data Protection Supervisor (EDPS) to control the application of the rules on personal data processing.
- stressed the important role of Europol, which is to be a back-up for national law enforcement bodies. With a harmonised Regulation at EU level the efficiency and the fight against cross border networks of organised crime will be improved.

The Commissioner, Ms Cecilia MALMSTRÖM:

- pointed out that Commission's objective in presenting this Regulation was to make Europol more accountable, more effective and more efficient. The Commission agrees with the need to enhance Europol's legitimacy in the eyes of European citizens by strengthening parliamentary oversight and incorporating robust data protection safeguards with the aim of safeguarding fundamental rights.
- supported the enforced parliamentary scrutiny right and the close cooperation with national parliaments, but warned not to create new structures and rather to stay within existing fora.

- spoke in favour of keeping the Member States' obligation to supply information to Europol. Member States should feel responsible for supplying Europol in a timely manner with fresh and relevant data to allow the Agency to build an accurate picture of criminal threats.
- rejected the proposed changes to the government arrangements for the Agency. The proposed reduction of the number of Commission representatives in the Management Board from two to one and the change in the appointment procedure for the Executive Director are not acceptable for the Commission. These proposed changes alter the balance and go against the consensus reached by Parliament, Council and Commission in the common approach to decentralised agencies.
- regretted that the proposed merger of Europol and Cefpol does not find support. It would have been a rationalisation and an operational improvement. A second option would be to co-locate the two agencies in The Hague.

Speaking on behalf of the Committee on Budgets, Mrs Jutta HAUG (S&D-DE) strongly supported the merger of Europol and Cefpol as this would save money, in particular regarding administrative costs, and create synergies. If a merger is not possible, the two agencies should at least have their seats in the same place.

Speaking on behalf of the Committee on Constitutional Affairs, Mrs Alexandra THEIN (ALDE-DE):

- spoke against the proposed merger as synergies would not apply, and the training of high ranking officials should stay in the hands of the sovereign Member States.
- underlined the need to ensure good and effective control of Europol by the European Parliament and national parliaments. The parliaments will receive annual activity reports and information on risk assessment and strategic analysis.

Speaking on behalf of the EPP political group, Mr Marco SCURRIA (EPP-IT):

- spoke in favour of the report adopted by the Committee on Civil Liberties, Justice and Home Affairs, and thanked the Rapporteur for his work. He was also against merging Europol and Cefpol.

- underlined the need to ensure good and effective work of Europol in the fight against organised crime. The increase in criminal activities in the last ten years, globalisation and cross-border activities of organised crime networks and the internet has had a major influence on the work of Europol.
- stressed the need for robust data protection and the right of the European Parliament as a democratically-elected institution to have oversight over Europol.

Speaking on behalf of the S&D political group, Mrs Tanja FAJON (S&D-SI):

- thanked the Rapporteur for his work and generally supported the report.
- pointed out that the proposed rules on data protection and the protection of fundamental rights are not very satisfactory. The EDPS will have certain specific competences but must work together with national data protection authorities on many occasions. This will not work and will make the surveillance and enforcement of the data protection rules difficult.
- spoke in favour of an independent, professional and autonomous control agency, one joint body should be created, together with Eurojust, Europol, the European Prosecutor and all the data protection officers of the agencies.

Speaking on behalf of the ALDE political group, Mrs Sonia ALFANO (ALDE-IT):

- stressed the importance of reviewing the work of Europol. Organised crime does not have borders and therefore Europol also needs to be upgraded.
- regretted that the proposed merger of Europol and Cepol does not find support. It would have been a good occasion to save money. At the least, the two separate agencies should be both located in The Hague.

Speaking on behalf of the Greens/EFA political group, Mr Rui TAVARES (Greens/EFA-PT):

- stressed the very good cooperation between the different political groups and the compromise found, in particular since the starting positions were very divergent.
- noted that Europol's new role will be to take over jobs from national authorities and move them to the European level. Therefore proper control needs to be ensured.
- pointed out that protection against the violation of fundamental rights has particular importance for his political group.

Speaking on behalf of the ECR political group, Mrs Ruza TOMASIC (ECR-HR):

- supported the objectives of the regulation and welcomed the reinforced role of Europol.
- spoke in favour of new competences for Europol and the strengthening of cross border cooperation. This will make it necessary to have a quality control.
- stated that the control should be by the appointment of independent experts and not by the intervention of politicians.

Speaking on behalf of the EUL/NGL political group, Mrs Cornelia ERNST (EUL/NGL-DE):

- stressed the excellent cooperation of the rapporteur with the shadow rapporteur, and the fruitful debate on all difficult points.
- welcomed the non-merger of Europol and Cepol, as the tasks of the two agencies are very different, and supported the list of clear tasks for Europol.
- noted that her group is not happy with the rules on the surveillance of data protection. The fact that only the EDPS should be responsible is not acceptable for her group. A joint control body should manage the control.

Speaking on behalf of the EFD political group, Mr Gerard BATTEN (EFD-UK), questioned the need for Europol in general, and the enlargement of its powers in particular. Bilateral agreements between nation states are cheaper and a more effective way of achieving the desired results. Existing mechanisms and Interpol already exist to provide cooperation between the police forces of nation states.

III. VOTE

When it voted on 25 February 2014, the Parliament adopted 227 amendments (amendments 1-27, 28, 29-30, 32-38, 40-87, 88, 89-127, 128, 129, 130, 131-140, 141, 142-155, 156, 157, 158, 159-164, 165, 166-187, 189-193, 194, 195-199, 200, 201-228, 229, 234). No other amendments were adopted.

The Commission's proposal as thus amended and the legislative resolution constitute the Parliament's position at first reading. The text of the amendments adopted and the European Parliament's legislative resolution are set out in the Annex to this note.

European Union Agency for Law Enforcement Cooperation and Training (Europol) *I**

European Parliament legislative resolution of 25 February 2014 on the proposal for a regulation of the European Parliament and of the Council on the European Union Agency for Law Enforcement Cooperation and Training (Europol) and repealing Decisions 2009/371/JHA and 2005/681/JHA (COM(2013)0173 – C7-0094/2013 – 2013/0091(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0173),
 - having regard to Article 294(2) and Article 88 and Article 87(2)(b) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0094/2013),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Belgian Chamber of Representatives, the German Bundesrat and the Spanish Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Budgets, the Committee on Budgetary Control and the Committee on Constitutional Affairs (A7-0096/2014),
1. Adopts its position at first reading hereinafter set out;
 2. Stresses that point 31 of the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management¹ shall apply for the extension of the mandate of Europol; emphasises that any decision of the legislative authority in favour of such an extension shall be without prejudice to the decisions of the budgetary authority in the context of the annual budgetary procedure;
 3. Requests the Commission, once the Regulation is agreed upon by the European Parliament and the Council, to fully take the agreement into account in order to meet the budgetary and staff requirements of Europol and its new tasks, in particular the European Cybercrime Centre, in accordance with paragraph 42 of the Joint Statement of the European Parliament,

¹ OJ C 373, 20.12.2013, p. 1.

the Council of the EU, and the European Commission of 19 July 2012 on decentralised agencies;

4. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation

Title

Text proposed by the Commission

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND THE COUNCIL
on the Establishment European Union
Agency for Law Enforcement Cooperation
and Training (Europol) and repealing
Decisions 2009/371/JHA **and**
2005/681/JHA

Amendment

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND THE COUNCIL
on the Establishment of the European
Union Agency for Law Enforcement
Cooperation (Europol) and repealing
Decision 2009/371/JHA

Amendment 2

Proposal for a regulation

Citation 1

Text proposed by the Commission

Having regard to the Treaty on the
Functioning of the European Union, and in
particular Article 88 **and Article 87(2)(b)**
thereof,

Amendment

Having regard to the Treaty on the
Functioning of the European Union, and in
particular Article 88 thereof,

Amendment 3

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) Article 88 of the Treaty provides for
Europol to be governed by a regulation to
be adopted in accordance with the ordinary
legislative procedure. It also requires the
establishment of procedures for the
scrutiny of Europol's activities by the

Amendment

(2) Article 88 of the Treaty provides for
Europol to be governed by a regulation to
be adopted in accordance with the ordinary
legislative procedure. It also requires the
establishment of procedures for the
scrutiny of Europol's activities by the

European Parliament, together with national Parliaments. Therefore, it is necessary to replace the Decision 2009/371/JHA by a regulation laying down rules on parliamentary scrutiny.

European Parliament, together with national Parliaments, *in accordance with Article 12(c) of the Treaty on European Union and Article 9 of Protocol No 1 on the role of national parliaments in the European Union, in order to enhance the democratic legitimacy and accountability of Europol to the European citizens.* Therefore, it is necessary to replace the Decision 2009/371/JHA by a regulation laying down rules on parliamentary scrutiny.

Amendment 4

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) The European Police College ('CEPOL') was established by Decision 2005/681/JHA to facilitate cooperation between national police forces by organising and coordinating training activities with a European policing dimension.

Amendment

deleted

Amendment 5

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) The 'Stockholm Programme – An open and secure Europe serving and protecting citizens'³⁰ calls for Europol to evolve and become a "hub for information exchange between the law enforcement authorities of the Member States, a service provider and a platform for law enforcement services." On the basis of an assessment of Europol's functioning, further enhancement of its operational effectiveness is needed to meet this objective. *The Stockholm Programme also sets the aim of creating a genuine European law enforcement culture by setting up European training schemes and exchange programmes for all relevant law enforcement professionals at national and*

Amendment

(4) The 'Stockholm Programme – An open and secure Europe serving and protecting citizens'³⁰ calls for Europol to evolve and become a "hub for information exchange between the law enforcement authorities of the Member States, a service provider and a platform for law enforcement services." On the basis of an assessment of Europol's functioning, further enhancement of its operational effectiveness is needed to meet this objective.

Union level.

³⁰ OJ C 115, 4.5.2010, p. 1.

³⁰ OJ C 115, 4.5.2010, p. 1.

Amendment 6

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) Large-scale criminal and terrorist networks pose a significant threat to the internal security of the Union and to the safety and livelihood of its citizens. Available threat assessments show that criminal groups are becoming increasingly poly-criminal and cross-border in their activities. National law enforcement authorities therefore need to cooperate more closely with their counterparts in other Member States. In this context, it is necessary to equip Europol to support Member States more in Union-wide crime prevention, analyses and investigations. This has also been confirmed in the *evaluations of Decisions 2009/371/JHA and 2005/681/JHA*.

Amendment

(5) Large-scale criminal and terrorist networks pose a significant threat to the internal security of the Union and to the safety and livelihood of its citizens. Available threat assessments show that criminal groups are becoming increasingly poly-criminal and cross-border in their activities. National law enforcement authorities therefore need to cooperate more closely with their counterparts in other Member States. In this context, it is necessary to equip Europol to support Member States more in Union-wide crime prevention, analyses and investigations. This has also been confirmed in the *evaluation of Decision 2009/371/JHA*.

Amendment 7

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) Given the links between the tasks of Europol and CEPOL, integrating and rationalising the functions of the two agencies would enhance the effectiveness of operational activity, the relevance of training and the efficiency of Union police cooperation.

Amendment

deleted

Amendment 8

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) **Decisions** 2009/371/JHA and 2005/681/JHA should therefore be repealed and replaced by this regulation, which draws on the lessons learnt from the implementation of **both Decisions**. Europol as established by this regulation should replace and assume the functions of Europol and CEPOL as established by the **two** repealed **Decisions**.

Amendment

(7) **Decision** 2009/371/JHA should therefore be repealed and replaced by this regulation, which draws on the lessons learnt from the implementation of **that Decision**. **The** Europol **agency** as established by this regulation should replace and assume the functions of Europol as established by the repealed **Decision**.

Amendment 9

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) **As crime often occurs across internal borders**, Europol should support and strengthen Member State actions and their cooperation in preventing and combating serious crime affecting two or more Member States. As terrorism **is one of the most important threats** for the security of the Union, Europol should assist Member States in facing common challenges in this regard. As the EU law enforcement agency, Europol should also support and strengthen actions and cooperation on tackling forms of crime that affect the interests of the EU. It should also offer support in preventing and combating related criminal offences which are committed in order to procure the means, to facilitate, to carry out or to ensure the impunity of acts in respect of which Europol is competent.

Amendment

(8) Europol should support and strengthen Member State actions and their cooperation in preventing and combating serious crime affecting two or more Member States. As terrorism **presents a threat** for the security of the Union, Europol should assist Member States in facing common challenges in this regard. As the EU law enforcement agency, Europol should also support and strengthen actions and cooperation on tackling forms of crime that affect the interests of the EU. It should also offer support in preventing and combating related criminal offences which are committed in order to procure the means, to facilitate, to carry out or to ensure the impunity of acts in respect of which Europol is competent.

Amendment 10

Proposal for a regulation Recital 9

Text proposed by the Commission

(9) Europol should ensure better quality, coherent and consistent training for law enforcement officers of all ranks within a clear framework in accordance with identified training needs.

Amendment

deleted

Amendment 11

Proposal for a regulation Recital 10

Text proposed by the Commission

(10) Europol should be able to request Member States to initiate, conduct or coordinate criminal investigations in specific cases where cross-border cooperation would add value. Europol should inform Eurojust of such requests.

Amendment

(10) Europol should be able to request Member States to initiate, conduct or coordinate criminal investigations in specific cases where cross-border cooperation would add value. Europol should inform Eurojust of such requests. ***Europol should justify the request.***

Amendment 12

Proposal for a regulation Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) Europol should keep a record of collaboration in the operations of joint investigation teams targeting criminal activities falling within its remit.

Amendment 13

Proposal for a regulation Recital 10 b (new)

Text proposed by the Commission

Amendment

(10b) Whenever a cooperation between Europol and Member States has been established regarding a specific investigation, clear provisions should be

drawn up between Europol and those Member States involved, outlining the specific tasks to be carried out, the degree of participation with the investigative or judicial proceedings of the Member states, and the division of responsibilities and the applicable law for the purposes of judicial oversight.

Amendment 14

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) To increase the effectiveness of Europol as a hub for information exchange in the Union, clear obligations for Member States to provide Europol with the data necessary for it to fulfil its objectives should be laid down. While implementing such obligations, Member States *should* pay particular attention to providing data relevant for the fight against crimes considered to be strategic and operational priorities within relevant policy instruments of the Union. Member States should also provide Europol with a copy of bilateral and multilateral exchanges of information with other Member States on crime falling under Europol's objectives. At the same time, Europol should increase the level of its support to Member States, so as to enhance mutual cooperation and sharing of information. Europol *should* submit an annual report to all Union institutions and to national Parliaments on the extent to which individual Member States provide it with information.

Amendment

(11) To increase the effectiveness of Europol as a hub for information exchange in the Union, clear obligations for Member States to provide Europol with the data necessary for it to fulfil its objectives should be laid down. While implementing such obligations, Member States *must* pay particular attention to providing *only* data relevant for the fight against crimes considered to be strategic and operational priorities within relevant policy instruments of the Union. Member States should also provide Europol with a copy of bilateral and multilateral exchanges of information with other Member States on crime falling under Europol's objectives *and also indicate the source of this information*. At the same time, Europol should increase the level of its support to Member States, so as to enhance mutual cooperation and sharing of information. Europol *must* submit an annual report to all Union institutions and to national Parliaments on the extent to which individual Member States provide it with information.

Amendment 15

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) To ensure effective cooperation

Amendment

(12) To ensure effective cooperation

between Europol and Member States, a national unit should be set up in each Member State. ***It should be the principal liaison between national law enforcement authorities and training institutes and Europol.*** To ensure continuous, effective exchange of information between Europol and national units and to facilitate their cooperation, each national unit should second at least one liaison officer to Europol.

between Europol and Member States, a national unit should be set up in each Member State. ***The role of the national Europol units as guarantors and defenders of national interests in the Agency should be maintained under the Regulation. National units should also continue to be the contact point between Europol and the competent authorities, thereby giving them a centralised and coordinating role in respect of all Member State cooperation with and through Europol, and thus ensuring that each Member State responds in a uniform way to Europol requests.*** To ensure continuous, effective exchange of information between Europol and national units and to facilitate their cooperation, each national unit should second at least one liaison officer to Europol.

Amendment 16

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) To ensure that Union-level law enforcement training is of high quality, coherent and consistent, Europol should act in line with Union law enforcement training policy. Union-level training should be available to law enforcement officers of all ranks. Europol should ensure that training is evaluated and that conclusions from training needs assessments are part of planning to reduce duplication. Europol should promote the recognition in Member States of training provided at Union level.

Amendment

deleted

Amendment 17

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) The Commission and the Member States should be represented on the

Amendment

(16) The Commission and the Member States should be represented on the

Management Board of Europol to effectively supervise its work. ***To reflect the dual mandate of the new agency, operational support and training for law enforcement, the full*** members of the Management Board should be appointed on the basis of their knowledge of law enforcement cooperation, ***whereas alternate members should be appointed on the basis of their knowledge of training for law enforcement officers. Alternate members should act as full members in the absence of the full member and in any case when training is discussed or decided. The Management Board should be advised by a scientific committee on technical training issues.***

Management Board of Europol to effectively supervise its work. ***The*** members of the Management Board should be appointed on the basis of their knowledge of law enforcement cooperation.

Amendment 18

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) The Management Board should be given the necessary powers, in particular to set the budget, verify its execution, adopt the appropriate financial rules and planning documents, establish transparent working procedures for decision-making by the Executive Director of Europol, and adopt the annual activity report. It should exercise the powers of appointing authority towards staff of the agency including the Executive Director. To streamline the decision making process, and to reinforce supervision of administrative and budgetary management, the Management Board should be also entitled to establish an Executive Board.

Amendment

(17) The Management Board should be given the necessary powers, in particular to set the budget, verify its execution, adopt the appropriate financial rules and planning documents, ***adopt measures to protect the financial interests of the Union and to fight against fraud, as well as adopt rules for the prevention and management of conflicts of interests***, establish transparent working procedures for decision-making by the Executive Director of Europol, and adopt the annual activity report. It should exercise the powers of appointing authority towards staff of the agency including the Executive Director. To streamline the decision making process, and to reinforce supervision of administrative and budgetary management, the Management Board should be also entitled to establish an Executive Board.

Amendment 19

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) For the purposes of preventing and combating crime falling under its objectives, it is necessary for Europol to have the fullest and most up-to-date information possible. Therefore, Europol should be able to process data provided to it by Member States, third countries, international organisations and Union bodies as well as coming from publicly available sources to develop an understanding of criminal phenomena and trends, to gather information about criminal networks, and to detect links between *different* offences.

Amendment

(19) For the purposes of preventing and combating crime falling under its objectives, it is necessary for Europol to have the fullest and most up-to-date information possible. Therefore, Europol should be able to process data provided to it by Member States, third countries, international organisations and Union bodies as well as coming from publicly available sources, ***as long as Europol can be considered to be lawful recipient of that data***, to develop an understanding of criminal phenomena and trends, to gather information about criminal networks, and to detect links between offences.

Amendment 20

Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) To improve Europol's effectiveness in providing accurate crime analyses to the Member States' law enforcement authorities, it should use new technologies to process data. Europol should be able to swiftly detect links between investigations and common modi operandi across different criminal groups, to check cross-matches of data and to have a clear overview of trends, while *maintaining* high level of protection of personal data for individuals. ***Therefore, Europol databases should not be pre-defined, allowing Europol to choose the most efficient IT structure.*** To ensure a high level of data protection, the purpose of processing operations and access rights as well as specific additional safeguards should be laid down.

Amendment

(20) To improve Europol's effectiveness in providing accurate crime analyses to the Member States' law enforcement authorities, it should use new technologies to process data. Europol should be able to swiftly detect links between investigations and common modi operandi across different criminal groups, to check cross-matches of data and to have a clear overview of trends, while ***guaranteeing*** high level of protection of personal data for individuals. To ensure a high level of data protection, the purpose of processing operations and access rights as well as specific additional safeguards should be laid down. ***The principles of relevance and proportionality must be observed with regard to personal data processing.***

Amendment 21

Proposal for a regulation
Recital 21

Text proposed by the Commission

(21) To respect ownership of data and protection of information, Member States and authorities in third countries and international organisations should be able to determine the purpose for which Europol may process the data they provide and to restrict access rights.

Amendment

(21) To respect ownership of data and protection of information, Member States and authorities in third countries and international organisations should be able to determine the purpose for which Europol may process the data they provide and to restrict access rights. ***Purpose limitation contributes to transparency, legal certainty and predictability and is especially of high importance in the area of police cooperation, where data subjects are usually unaware when their personal data are being collected and processed and where the use of personal data may have a very significant impact on the lives and freedoms of individuals.***

Amendment 22

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) To enhance operational cooperation between the agencies, and particularly to establish links between data already in possession of the different agencies, Europol should enable Eurojust ***and the European Anti-Fraud Office (OLAF)*** to have access to and be able to search against data available at Europol.

Amendment

(23) To enhance operational cooperation between the agencies, and particularly to establish links between data already in possession of the different agencies, Europol should enable Eurojust to have access to and be able to search against data available at Europol, ***on the basis of specific safeguards.***

Amendment 23

Proposal for a regulation

Recital 24

Text proposed by the Commission

(24) Europol should maintain cooperative relations with other Union bodies, law enforcement authorities ***and law enforcement training institutes*** of third countries, international organisations, and private parties to the extent required for the accomplishment of its tasks.

Amendment

(24) Europol should maintain cooperative relations with other Union bodies ***and*** law enforcement authorities of third countries, international organisations, and private parties to the extent required for the accomplishment of its tasks.

Amendment 24

Proposal for a regulation

Recital 25

Text proposed by the Commission

(25) To ensure operational effectiveness, Europol should be able to exchange all information, with the exception of personal data, with other Union bodies, law enforcement authorities **and law enforcement training institutes** of third countries, and international organisations to the extent necessary for the performance of its tasks. **Since companies, firms, business associations, non-governmental organisations and other private parties hold expertise and data of direct relevance to the prevention and combating of serious crime and terrorism, Europol should also be able to exchange such data with private parties.** To prevent and combat cybercrime, as related to network and information security incidents, Europol should, pursuant to Directive [name of adopted Directive] of the European Parliament and of the Council concerning measures to ensure a high common level of network and information security across the Union,³¹ cooperate and exchange information, with the exception of personal data, with national authorities competent for the security of network and information systems.

³¹ To insert reference to the adopted Directive (Proposal: COM (2013) 48 final).

Amendment

(25) To ensure operational effectiveness, Europol should be able to exchange all information, with the exception of personal data, with other Union bodies, law enforcement authorities of third countries, and international organisations to the extent necessary for the performance of its tasks. To prevent and combat cybercrime, as related to network and information security incidents, Europol should, pursuant to Directive [name of adopted Directive] of the European Parliament and of the Council concerning measures to ensure a high common level of network and information security across the Union, cooperate and exchange information, with the exception of personal data, with national authorities competent for the security of network and information systems.

³¹ To insert reference to the adopted Directive (Proposal: COM (2013) 48 final).

Amendment 25

Proposal for a regulation

Recital 26

Text proposed by the Commission

(26) Europol should be able to exchange personal data with other Union bodies to the extent necessary for the accomplishment of its tasks.

Amendment

(26) Europol should be able to exchange personal data with other Union bodies to the extent necessary for the accomplishment of its tasks. **The**

European Data Protection Supervisor should ensure that this exchange of information concerns only persons who have committed or who are thought likely to commit offences in respect of which Europol has competence.

Amendment 26

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) Serious crime and terrorism often have links beyond the territory of the EU. Europol should therefore be able to exchange personal data with law enforcement authorities of third countries and with international organisations such as Interpol to the extent necessary for the accomplishment of its tasks.

Amendment

(27) Serious crime and terrorism often have links beyond the territory of the EU. Europol should therefore be able to exchange personal data with law enforcement authorities of third countries and with international organisations such as Interpol to the extent necessary for the accomplishment of its tasks. ***In exchanging personal data with third countries and international organisations, it is necessary to strike an appropriate balance between the need for effective enforcement and personal data protection.***

Amendment 27

Proposal for a regulation

Recital 31

Text proposed by the Commission

(31) Any information which has clearly been obtained ***by a third country or international organisation*** in violation of human rights shall not be processed.

Amendment

(31) Any information which has clearly been obtained in violation of human rights shall not be processed.

Amendment 28

Proposal for a regulation

Recital 32

Text proposed by the Commission

(32) Data protection rules at Europol should be strengthened and draw on the principles underpinning Regulation (EC) No 45/2001³² to ensure a high level of

Amendment

(32) Data protection rules at Europol should be strengthened and ***aligned with other relevant data protection instruments applicable to processing of personal data***

protection of individuals with regard to processing of personal data. As Declaration 21 attached to the *Treaty recognizes the specificity of personal data* processing in the law enforcement context, *the data protection rules of Europol should be autonomous* and aligned with other relevant data protection instruments applicable in the area of police cooperation *in the Union, in particular Convention No. 108³³ and Recommendation No R(87) of the Council of Europe³⁴ and Council Framework Decision 2008/977/JHA on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters³⁵ [to be replaced by the relevant Directive in force at the moment of adoption].*

in the area of police cooperation in the Union to ensure a high level of protection of individuals with regard to processing of personal data. While Decision 2009/371/JHA provides for a robust data protection regime for Europol, it should be further elaborated to align Europol with the requirements of the Lisbon Treaty, reflect the growing role of Europol, improve the rights of data subjects and further enhance the trust between Member States and Europol which is necessary for a successful exchange of information. Data protection rules at Europol should be strengthened and draw on the principles underpinning Regulation (EC) No 45/2001³² or the instrument replacing Regulation (EC) 45/2001 to ensure a high level of protection of individuals with regard to processing of personal data, as well as on other data protection principles, including accountability principle, data protection impact assessment, privacy by design and by default and notification of personal data breaches. As soon as the new data protection framework of the EU institutions and bodies will be adopted, it should be applicable to Europol. As Declaration 21 attached to the Treaty acknowledges, the specific nature of the processing of personal data in the law enforcement context proves necessary that specific rules on the protection of personal data and the free movement of such data are established for Europol based on Article 16 of the Treaty on the Functioning of the European Union and aligned with other relevant data protection instruments applicable in the area of police cooperation in the Union, in particular Convention No. 108³³ and its Additional Protocol of 8 November 2001 and Recommendation No R(87) of the Council of Europe³⁴ and the robust data protection regime laid down in Council Framework Decision 2008/977/JHA³⁵ [to be replaced by the relevant Directive in force at the moment of adoption]. Transparency is a crucial part of data protection since it enables other data protection principles

and rights to be exercised. To enhance transparency, Europol should have transparent data protection policies that it should make easily publicly available setting out in an intelligible form and using clear and plain language the provisions regarding the processing of personal data and the means available for the exercise of the rights of data subjects, as well as publish a list of the international and cooperation agreements it has with third countries, Union bodies and international organisations.

³² OJ L 8, 12.1.2001, p. 1.

³³ Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, Strasbourg, 28.1.1981.

³⁴ Council of Europe Committee of Ministers Recommendation No. R(87) 15 to the Member States on regulating the use of personal data in the police sector, 17.9.1987.

³⁵ OJ L 350, 30.12.2008, p. 60.

³² 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, 12.1.2001, p. 1).

³³ Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, Strasbourg, 28.1.1981.

³⁴ Council of Europe Committee of Ministers Recommendation No. R(87) 15 to the Member States on regulating the use of personal data in the police sector, 17.9.1987.

³⁵ Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters (OJ L 350, 30.12.2008, p. 60).

Amendment 29

Proposal for a regulation

Recital 33

Text proposed by the Commission

(33) *As far as possible, personal* data should be distinguished according to the degree of their accuracy and reliability. Facts *should* be distinguished from

Amendment

(33) **Personal** data should be distinguished according to the degree of their accuracy and reliability. Facts **must** be distinguished from personal assessments, in order to

personal assessments, in order to ensure both the protection of individuals and the quality and reliability of the information processed by Europol.

ensure both the protection of individuals and the quality and reliability of the information processed by Europol.

Amendment 30

Proposal for a regulation Recital 33 a (new)

Text proposed by the Commission

Amendment

(33a) Bearing in mind the particular character of the Agency, it should have its own particular regime that should also guarantee data protection, which should on no account be at a lower level than the general regime applicable to the Union and its Agencies. Reforms relating to the general rules on data protection should thus apply to Europol as soon as possible and no later than two years after the entry into force of the new general rules; the legislative alignment between the particular data protection regimes of Europol and the EU should be completed before the end of two years following the adoption of any corresponding rules.

Amendment 32

Proposal for a regulation Recital 35

Text proposed by the Commission

Amendment

(35) In the light of fundamental rights to protection of personal data, Europol should not store personal data longer than necessary for the performance of its tasks.

(35) In the light of fundamental rights to protection of personal data, Europol should not store personal data longer than necessary for the performance of its tasks. ***At the latest three years after the data has been recorded, the need for the continued storage thereof should be considered.***

Amendment 33

Proposal for a regulation Recital 36

Text proposed by the Commission

Amendment

(36) To guarantee the security of personal data, Europol **should** implement **appropriate technical and organisational** measures.

(36) To guarantee the security of personal data, Europol **must** implement **the necessary** measures.

Amendment 34

Proposal for a regulation

Recital 37

Text proposed by the Commission

Amendment

(37) Any person should have a right of access to personal data concerning them, to have inaccurate data concerning them rectified and to erase or block data concerning them, **if the data is no longer required. The rights of the data subject and the exercise thereof should not affect the obligations placed on Europol and should be subject to the restrictions laid down in this Regulation.**

(37) Any person should have a right of access to personal data concerning them, to have inaccurate data concerning them rectified and to erase or block data concerning them.

Amendment 35

Proposal for a regulation

Recital 38

Text proposed by the Commission

Amendment

(38) The protection of the rights and freedoms of data subjects requires a clear attribution of the responsibilities under this Regulation. In particular, Member States should be responsible for accuracy and keeping up to date the data they have transferred to Europol and for the legality of such transfer. Europol should be responsible for accuracy and for keeping the data provided by other data suppliers up to date. Europol **should** also ensure that data are processed fairly and lawfully, are collected and processed for a specific purpose, that they are adequate, relevant, not excessive in relation to the purposes for which they are processed, and stored no longer than is necessary for that purpose.

(38) The protection of the rights and freedoms of data subjects requires a clear attribution of the responsibilities under this Regulation. In particular, Member States should be responsible for accuracy and keeping up to date the data they have transferred to Europol and for the legality of such transfer. Europol should be responsible for accuracy and for keeping the data provided by other data suppliers up to date. Europol **must** also ensure that data are processed fairly and lawfully, are collected and processed for a specific purpose, that they are adequate, relevant, not excessive in relation to the purposes for which they are processed, and stored no longer than is necessary for that purpose.

Amendment 36

Proposal for a regulation

Recital 39

Text proposed by the Commission

(39) Europol should keep records of collection, alteration, access, disclosure, combination or erasure of personal data for the purposes of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security. Europol **should be** obliged to co-operate with the European Data Protection Supervisor and make the logs or documentation available upon request, so that they can be used for monitoring processing operations.

Amendment

(39) Europol should keep records of collection, alteration, access, disclosure, combination or erasure of personal data for the purposes of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security. Europol **is** obliged to co-operate with the European Data Protection Supervisor and make the logs or documentation available upon request, so that they can be used for monitoring processing operations.

Amendment 37

Proposal for a regulation

Recital 40

Text proposed by the Commission

(40) Europol should designate a data protection officer to assist it in monitoring compliance with the provisions of this Regulation. The data protection officer should be in a position to perform his/her duties and tasks independently and effectively.

Amendment

(40) Europol should designate a data protection officer to assist it in monitoring compliance with the provisions of this Regulation. The data protection officer should be in a position to perform his/her duties and tasks independently and effectively. ***The data protection officer should be given the resources necessary to fulfil his tasks.***

Amendment 38

Proposal for a regulation

Recital 41

Text proposed by the Commission

(41) National competent authorities for the supervision of the processing of personal data should monitor the lawfulness of the processing of personal data by Member States. The European Data Protection Supervisor should monitor the lawfulness of data processing by Europol exercising

Amendment

(41) ***An independent, sufficiently empowered, transparent, accountable and effective structure for supervision is essential for the protection of individuals with regard to the processing of personal data as required by Article 8 of the Charter of Fundamental Rights and***

its functions with complete independence.

Article 16 of the Treaty on the Functioning of the European Union.
National competent authorities for the supervision of the processing of personal data should monitor the lawfulness of the processing of personal data by Member States. The European Data Protection Supervisor should monitor the lawfulness of data processing by Europol exercising its functions with complete independence.

Amendment 40

Proposal for a regulation

Recital 43

Text proposed by the Commission

(43) As Europol is processing also non-operational personal data, not related to any criminal investigations, processing of such data should be subject to Regulation (EC) No 45/2001.

Amendment

(43) As Europol is processing also non-operational personal data, not related to any criminal investigations, ***such as personal data of staff of Europol, services providers or visitors***, processing of such data should be subject to Regulation (EC) No 45/2001.

Amendment 41

Proposal for a regulation

Recital 44

Text proposed by the Commission

(44) The European Data Protection Supervisor should hear and investigate complaints lodged by data subjects. The investigation following a complaint should be carried out, subject to judicial review, to the extent that is ***appropriate*** in the specific case. The supervisory authority should inform the data subject of progress and the outcome of the complaint within a reasonable period.

Amendment

(44) The European Data Protection Supervisor should hear and investigate complaints lodged by data subjects. The investigation following a complaint should be carried out, subject to judicial review, to the extent that is ***necessary for full elucidation*** in the specific case. The supervisory authority should ***immediately*** inform the data subject of progress and the outcome of the complaint within a reasonable period.

Amendment 42

Proposal for a regulation

Recital 48

Text proposed by the Commission

(48) **To ensure** that Europol *is* a fully accountable and transparent internal organisation, *it is necessary*, in the light of Article 88 of the Treaty on the Functioning of the European Union, **to lay down** procedures for scrutiny of Europol activities by the European Parliament together with national Parliaments, taking into due account the need to safeguard confidentiality of operational information.

Amendment

(48) **To respect the role of the parliaments in the monitoring of the European area of freedom, security and justice and the political responsibilities of the national parliaments and of the European Parliament in respecting and exercising their respective powers in the legislation process, it is necessary** that Europol **be** a fully accountable and transparent internal organisation. **To that end**, in the light of Article 88 of the Treaty on the Functioning of the European Union, procedures for scrutiny of Europol activities by the European Parliament together with national Parliaments **should be established in accordance with the provisions on interparliamentary cooperation laid down in Title II of Protocol No 1 on the role of national parliaments in the European Union**, taking into due account the need to safeguard confidentiality of operational information.

Amendment 43

Proposal for a regulation
Recital 50

Text proposed by the Commission

(50) Given the nature of the duties of Europol and the role of the Executive Director, the Executive Director **may** be invited to make a statement to and to answer questions from the **competent committee of the European Parliament** before his appointment, as well as before any extension of his term of office. The Executive Director should also present the annual report to the **European Parliament** and to the Council. Furthermore, the European Parliament should be able to invite the Executive Director to report on the performance of his duties.

Amendment

(50) Given the nature of the duties of Europol and the role of the Executive Director, the Executive Director **should** be invited to make a statement to and to answer questions from the **Joint Parliamentary Scrutiny Group** before his appointment, as well as before any extension of his term of office. The Executive Director should also present the annual report to the **Joint Parliamentary Scrutiny Group** and to the Council. Furthermore, the European Parliament should be able to invite the Executive Director to report on the performance of his duties.

Amendment 44

Proposal for a regulation

Recital 56

Text proposed by the Commission

(56) The necessary provisions regarding accommodation for Europol in the Member State in which it has its headquarters, in the Netherlands, and the specific rules applicable to all Europol's staff and members of their families should be laid down in a headquarters agreement. Furthermore, the host Member State should provide the best possible conditions to ensure the proper functioning of Europol, including schools for children and transport, so as to attract high-quality human resources from as wide a geographical area as possible.

Amendment

deleted

Amendment 45

Proposal for a regulation

Recital 57

Text proposed by the Commission

(57) Europol, as established by this Regulation, shall replace and succeed Europol as established by Decision 2009/371/JHA, **and CEPOL as established by Decision 2005/681/JHA**. It should therefore be a legal successor of all their contracts, including employment contracts, liabilities and properties acquired. International agreements concluded by Europol as established on the basis of Decision 2009/371/JHA **and CEPOL as established on the basis of Decision 2005/681/JHA** should remain in force, **with the exception of the headquarters agreement concluded by CEPOL**.

Amendment

(57) Europol, as established by this Regulation, shall replace and succeed Europol as established by Decision 2009/371/JHA. It should therefore be a legal successor of all their contracts, including employment contracts, liabilities and properties acquired. International agreements concluded by Europol as established on the basis of Decision 2009/371/JHA should remain in force.

Amendment 46

Proposal for a regulation

Recital 58

Text proposed by the Commission

(58) To enable Europol to continue to fulfil the tasks of Europol as established on the basis of Decision 2009/371/JHA **and CEPOL as established by Decision 2005/681/JHA** to the best of its abilities, transitional measures should be laid down, in particular with regard to the Management Board, the Executive Director **and ring-fencing part of Europol's budget for training for three years following the entry into force of this Regulation.**

Amendment

(58) To enable Europol to continue to fulfil the tasks of Europol as established on the basis of Decision 2009/371/JHA to the best of its abilities, transitional measures should be laid down, in particular with regard to the Management Board **and** the Executive Director.

Amendment 47

Proposal for a regulation

Recital 59

Text proposed by the Commission

(59) Since the objective of this Regulation, namely the establishment of an entity responsible for law-enforcement cooperation **and training** at Union level, cannot be sufficiently achieved by the Member States and can, therefore, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve that objective.

Amendment

(59) Since the objective of this Regulation, namely the establishment of an entity responsible for law-enforcement cooperation at Union level, cannot be sufficiently achieved by the Member States but, by reason of the scale and effects of the action, can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve that objective.

Amendment 48

Proposal for a regulation

Article 1 – title

Text proposed by the Commission

Establishment of the European Union

Amendment

Establishment of the European Union

Amendment 49

Proposal for a regulation Article 1 – paragraph 1

Text proposed by the Commission

1. A European Union Agency for Law Enforcement Cooperation *and Training* (Europol) is hereby established to improve mutual cooperation among law enforcement authorities in the European Union, to strengthen and support their actions *as well as to deliver a coherent European training policy*.

Amendment

1. A European Union Agency for Law Enforcement Cooperation (Europol) is hereby established to improve mutual cooperation among law enforcement authorities in the European Union *and* to strengthen and support their actions.

Amendment 50

Proposal for a regulation Article 1 – paragraph 2

Text proposed by the Commission

2. Europol, as established by this Regulation, shall replace and succeed Europol as established by Decision 2009/371/JHA, *and CEPOL as established by Decision 2005/681/JHA*.

Amendment

2. Europol, as established by this Regulation, shall replace and succeed Europol as established by Decision 2009/371/JHA.

Amendment 51

Proposal for a regulation Article 1 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Europol shall liaise with a single national unit in each Member State, to be established or designated in accordance with Article 7.

Amendment 52

Proposal for a regulation Article 2 – point a

Text proposed by the Commission

Amendment

(a) ‘the competent authorities of the

(a) ‘the competent authorities of the

Member States' means all **police** authorities **and other law enforcement services** existing in the Member States which are responsible **under** national law for preventing and combating criminal offences;

Member States' means all **public** authorities existing in the Member States which are responsible, **in accordance with the applicable** national law, for preventing and combating criminal offences **in respect of which Europol is competent**;

Amendment 53

Proposal for a regulation

Article 2– point b

Text proposed by the Commission

(b) 'analysis' means the **assembly, processing or use of data** with the aim of assisting criminal investigations;

Amendment

(b) 'analysis' means **the careful examination of information to discover its specific meaning and particular features** with the aim of assisting criminal investigations **and carrying out any of the other tasks listed in Article 4**;

Amendment 54

Proposal for a regulation

Article 2 – point i

Text proposed by the Commission

(i) 'personal data' means any information relating to an identified or identifiable natural person **hereinafter referred to as "data subject"**; an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his/her physical, physiological, mental, economic, cultural or social identity;

Amendment

(i) 'personal data' means any information relating to an identified or identifiable natural person ('**data subject**'); an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an **identifier such as a name**, an identification number, **location data, unique identifier** or to one or more factors specific to **the** physical, physiological, **genetic**, mental, economic, cultural or social **or gender** identity **of that person**;

Amendment 55

Proposal for a regulation

Article 2 – point k

Text proposed by the Commission

(k) 'recipient' means a natural or legal person, public authority, agency or any other body to whom data are disclosed,

Amendment

(k) 'recipient' means a natural or legal person, public authority, agency or any other body to whom data are disclosed,

whether a third party or not; *however, authorities which may receive data in the framework of a particular inquiry shall not be regarded as recipients;*

whether a third party or not;

Amendment 56

Proposal for a regulation Article 2 – point n

Text proposed by the Commission

(n) ‘the data subject’s consent’ means any freely given specific and informed indication of his/her wishes by which the data subject signifies his/her agreement to personal data relating to him/her being processed;

Amendment

(n) ‘the data subject’s consent’ means any freely given specific, *explicit* and informed indication of his/her wishes by which the data subject *clearly and unambiguously* signifies his/her agreement to personal data relating to him/her being processed;

Amendment 57

Proposal for a regulation Article 3 – paragraph 1

Text proposed by the Commission

1. Europol shall support and strengthen action by the competent authorities of the Member States and their mutual cooperation in preventing and combating serious crime affecting two or more Member States, *terrorism and forms of crime which affect a common interest covered by a Union policy, as specified in Annex 1.*

Amendment

1. Europol shall support and strengthen action by the competent authorities of the Member States and their mutual cooperation in preventing and combating *organised crime, terrorism and other forms of serious crime, as specified in Annex I and* affecting two or more Member States *in such a way to require a common approach by the Member States taking in account the scale, significance and consequences of the offences.*

Amendment 58

Proposal for a regulation Article 3 – paragraph 3

Text proposed by the Commission

3. Europol shall support, develop, deliver and coordinate training activities for law enforcement officers.

Amendment

deleted

Amendment 59

Proposal for a regulation

Article 4 – paragraph 1 – point b

Text proposed by the Commission

(b) to notify the Member States without delay of information concerning them and of any connections between criminal offences;

Amendment

(b) to notify the Member States without delay, ***through the Europol national units, as referred to in Article 7***, of information concerning them and of any connections between criminal offences;

Amendment 60

Proposal for a regulation

Article 4 – paragraph 1 – point c – point i

Text proposed by the Commission

(i) carried out jointly with the Member States' competent authorities; or

Amendment

(i) carried out jointly with the Member States' competent authorities, ***either in investigations already started by Member States or as a result of a request from Europol to a Member State to initiate a criminal investigation***; or

Amendment 61

Proposal for a regulation

Article 4 – paragraph 1 – point h

Text proposed by the Commission

(h) to provide technical and financial support to Member States' cross-border operations and investigations, including joint investigative teams;

Amendment

(h) to provide technical and financial support to Member States' cross-border operations and investigations, including ***through*** joint investigative teams ***in accordance with Article 5***;

Amendment 62

Proposal for a regulation

Article 4 – paragraph 1 – point i

Text proposed by the Commission

(i) to support, develop, deliver, coordinate and implement training for law enforcement officers in cooperation with the network of training institutes in

Amendment

deleted

Member States as set out in Chapter III;

Amendment 63

Proposal for a regulation

Article 4 – paragraph 1 – point j

Text proposed by the Commission

Amendment

(j) to provide the Union bodies established on the basis of Title V of the Treaty and the European Anti-Fraud Office (OLAF) with criminal intelligence and analytical support in the areas that fall under their competence;

deleted

Amendment 64

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(la) to aid investigations in the Member States, in particular by forwarding all relevant information to the national units;

Amendment 65

Proposal for a regulation

Article 4 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Europol shall not apply coercive measures.

Amendment 66

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. Europol may, within the limits provided by the law of the Member States in which joint investigative team is operating, assist in all activities and exchange of information with all members of the joint investigative team.

2. Europol may, within the limits provided by the law of the Member States in which joint investigative team is operating, assist in all activities and exchange of information with all members of the joint investigative team. *Europol officers shall not take part in the application of coercive*

measures.

Amendment 67

Proposal for a regulation Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Europol participation in a joint investigative team shall be agreed by the competent authorities of the Member States involved in that team and shall be recorded in a document signed in advance by the Director of Europol, which shall be annexed to the corresponding agreement on the setting-up of a joint investigative team.

Amendment 68

Proposal for a regulation Article 5 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. The annex referred to in paragraph 3a shall lay down the conditions under which Europol officers are to take part in the joint investigative team, including rules governing the privileges and immunities of those officers and the liabilities arising from possible irregular activities on the part of those officers.

Amendment 69

Proposal for a regulation Article 5 – paragraph 3 c (new)

Text proposed by the Commission

Amendment

3c. Europol officers taking part in a joint investigative team shall be subject, as regards any infringements against them or committed by them, to the national law of the Member State in which the joint investigative team is operating, applicable to members of the joint investigative team performing similar functions in that

Member State.

Amendment 70

Proposal for a regulation Article 5 – paragraph 3 d (new)

Text proposed by the Commission

Amendment

3d. Europol officers taking part in a joint investigative team may exchange information obtained from Europol's data storage systems with the members of the team. Given that this involves direct contact as regulated in Article 7, Europol shall simultaneously inform the Europol National Units in the Member States represented in the joint investigative team and the Europol National Units in the Member States which provided the information.

Amendment 71

Proposal for a regulation Article 5 – paragraph 3 e (new)

Text proposed by the Commission

Amendment

3e. Information obtained by a Europol officer while taking part in a joint investigative team may be incorporated into any of Europol's data storage systems, through the Europol National Units, with the consent and under the responsibility of the competent authority which provided that information.

Amendment 72

Proposal for a regulation 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 that falls under its objectives, it shall inform Eurojust.

1. In cases where Europol considers that a criminal investigation should be initiated into a crime that falls under its objectives, it shall inform Eurojust.

Amendment 73

Proposal for a regulation

Article 6 – paragraph 2

Text proposed by the Commission

2. At the same time, Europol **shall** request the National Units of the Member States concerned established on the basis of Article 7(2) to initiate, conduct or coordinate a criminal investigation.

Amendment

2. At the same time, Europol **may** request the National Units of the Member States concerned established on the basis of Article 7(2) to initiate, conduct or coordinate a criminal investigation.

Amendment 74

Proposal for a regulation

Article 6 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In the case of a suspicion of a malicious attack on the network and information system of two or more Member States or Union bodies, carried out by a state or non-state actor located in a third country, Europol shall initiate an investigation on its own initiative.

Amendment 75

Proposal for a regulation

Article 6 – paragraph 3

Text proposed by the Commission

3. **The National Units** shall inform Europol without delay **of the initiation of the** investigation.

Amendment

3. **Member States** shall **give such requests due consideration and shall, through their National Units,** inform Europol without delay **whether an** investigation **will be initiated.**

Amendment 76

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

1. Member States shall cooperate **with Europol** in the fulfilment of **its** tasks.

Amendment

1. Member States **and Europol** shall cooperate in the fulfilment of **Europol's**

tasks.

Amendment 77

Proposal for a regulation

Article 7 – paragraph 2

Text proposed by the Commission

2. Each Member State shall establish ***or designate*** a National Unit which shall be the liaison body between Europol and the competent authorities in Member States ***as well as with training institutes for law enforcement officers***. Each Member State shall ***appoint an official as the*** head of the National Unit.

Amendment

2. Each Member State shall establish a National Unit which shall be the liaison body between Europol and the ***designated*** competent authorities in Member States. Each Member State shall ***designate a*** head of the National Unit.

Amendment 78

Proposal for a regulation

Article 7 – paragraph 4

Text proposed by the Commission

4. Europol may directly cooperate with competent authorities of the Member States in ***respect*** of individual investigations. ***In that case***, Europol shall inform the National Unit ***without delay and*** provide a copy of any information exchanged ***in the course of direct contacts between Europol and the respective competent authorities***.

Amendment

4. The national unit shall be the only liaison body between Europol and the competent authorities of the Member States. However Europol may directly cooperate with competent authorities of the Member States ***in the framework*** of individual investigations ***being carried out by those authorities provided that this direct contact represents added value with a view to the successful conclusion of the investigation and in accordance with national legislation***. Europol shall inform the National Unit ***of the need for such contact in advance***. ***Europol shall*** provide, ***as soon as possible***, a copy of the information exchanged ***through these*** direct contacts.

Amendment 79

Proposal for a regulation

Article 7 – paragraph 5 – introductory part

Text proposed by the Commission

5. Member States shall, via their National

Amendment

5. Member States shall, via their National

Unit *or a competent authority of a Member State*, in particular:

Unit, in particular:

Amendment 80

Proposal for a regulation

Article 7 – paragraph 5 – point a

Text proposed by the Commission

(a) supply Europol with the information necessary for it to *fulfil its objectives. This includes providing Europol without delay with information relating to crime areas that are considered a priority by the Union. It also includes providing a copy of bilateral or multilateral exchanges with another Member State or Member States in so far as the exchange refers to crime that falls under Europol's objectives;*

Amendment

(a) supply Europol, *on their own initiative*, with the information *and intelligence* necessary for it to *perform its functions, and respond to Europol's requests for information, the supply of intelligence and advice;*

Without prejudice to the Member States' discharging the responsibilities incumbent upon them with regard to the maintenance of law and order and the safeguarding of internal security, a national unit shall not in any particular case be obliged to supply information or intelligence if that would entail:

(i) harming essential national security interests;

(ii) jeopardising the success of a current investigation or the safety of individuals; or

(iii) disclosing information relating to organisations or specific intelligence activities in the field of State security.

Amendment 81

Proposal for a regulation

Article 7 – paragraph 5 – point b

Text proposed by the Commission

(b) ensure effective communication and cooperation of all relevant competent authorities *of the Member States and training institutes for law enforcement officers within the Member States*, with

Amendment

(b) ensure effective communication and cooperation of all relevant competent authorities with Europol;

Europol;

Amendment 82

Proposal for a regulation

Article 7 – paragraph 5 – point c

Text proposed by the Commission

Amendment

(c) raise awareness of Europol's activities. *deleted*

Amendment 83

Proposal for a regulation

Article 7 – paragraph 5 – point c a (new)

Text proposed by the Commission

Amendment

(ca) ask Europol to provide relevant information that might facilitate investigations being carried out by the designated competent authorities;

Amendment 84

Proposal for a regulation

Article 7 – paragraph 5 – point c b (new)

Text proposed by the Commission

Amendment

(cb) ensure effective communication and cooperation with the competent authorities;

Amendment 85

Proposal for a regulation

Article 7 – paragraph 5 – point c c (new)

Text proposed by the Commission

Amendment

(cc) ensure compliance with the law in every exchange of information between themselves and Europol.

Amendment 86

Proposal for a regulation

Article 7 – paragraph 9

Text proposed by the Commission

Amendment

9. Member States shall ensure **a minimum** level of security of all systems used to connect to Europol.

9. Member States shall ensure **the highest possible** level of security of all systems used to connect to Europol.

Amendment 229

Proposal for a regulation
Article 7 – paragraph 10

Text proposed by the Commission

Amendment

10. Each year Europol shall draw up a report **on the quantity and quality of information provided** by each Member State pursuant to paragraph 5(a) and on the performance of its National Unit. The annual report shall be sent to the European Parliament, the Council, the Commission and national parliaments.

10. Each year Europol shall draw up a report **regarding** information **sharing** by each Member State pursuant to paragraph 5(a) and on the performance of its National Unit. **The report shall be analysed by the Management Board with the objective of continuously improving the mutual cooperation between Europol and the Member States.** The annual report shall be sent to the European Parliament, the Council, the Commission and national parliaments.

Amendment 87

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

Amendment

3. Liaison officers shall **assist in the exchange of** information **between** Europol and **their Member States**.

3. Liaison officers shall **transmit** information **from their national units to** Europol, and **from Europol to the national units**.

Amendment 88

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission

Amendment

4. Liaison officers shall assist in the

4. Liaison officers shall assist in the

exchange of information between their Member States and the liaison officers of other Member States in accordance with national law. Europol's infrastructure may be used, in line with national law, for such bilateral exchanges also to cover crimes outside the objectives of Europol. The Management Board shall determine the rights and obligations of liaison officers in relation to Europol.

exchange of information between their Member States and the liaison officers of other Member States in accordance with national law. Europol's infrastructure may be used, in line with national law, for such bilateral exchanges also to cover crimes outside the objectives of Europol. The Management Board shall determine the rights and obligations of liaison officers in relation to Europol. ***All such exchanges of information shall be in accordance with Union and national law, in particular Decision 2008/977/JHA or Directive 95/46/EC of the European Parliament and of the Council, as applicable. Europol shall process data received under this provision only when it can be considered a lawful recipient under national or Union law.***

Amendment 89

Proposal for a regulation Chapter III

Text proposed by the Commission

Amendment

TASKS RELATED TO TRAINING FOR LAW ENFORCEMENT OFFICERS

deleted

Article 9

Europol Academy

1. A department within Europol, called the Europol Academy, as set up by this Regulation, shall support, develop, deliver and coordinate training for law enforcement officers in particular in the areas of the fight against serious crime affecting two or more Member States and terrorism, management of high-risk public order and sports events, strategic planning and command of non-military Union missions, as well as law enforcement leadership and language skills and in particular to:

(a) raise awareness and knowledge of:

i) international and Union instruments on law enforcement cooperation;

ii) Union bodies, in particular Europol,

Eurojust and Frontex, their functioning and role;

iii) judicial aspects of law enforcement cooperation and practical knowledge about access to information channels;

(b) encourage the development of regional and bilateral cooperation among Member States and between Member States and third countries;

(c) address specific criminal or policing thematic areas where training at Union level can add value;

(d) devise specific common curricula for law enforcement officers to train them for participation in Union civilian missions;

(e) support Member States in bilateral law enforcement capacity-building activities in third countries;

(f) train trainers and assist in improving and exchanging good learning practices.

2. The Europol Academy shall develop and regularly update learning tools and methodologies and apply these in a lifelong learning perspective to strengthen the skills of law enforcement officers. The Europol Academy shall evaluate the results of these actions with a view to enhancing the quality, coherence and efficacy of future actions.

Article 10

Tasks of the Europol Academy

1. The Europol Academy shall prepare multi-annual strategic training needs analyses and multi-annual learning programmes.

2. The Europol Academy shall develop and implement training activities and learning products, which may include:

(a) courses, seminars, conferences, web-based and e-learning activities;

(b) common curricula to raise awareness, address gaps and/or facilitate a common approach in relation to cross-border criminal phenomena;

(c) training modules graduated according to progressive stages or levels of complexity of skills needed by the relevant target group, and focused either on a defined geographical region, a specific thematic area of criminal activity or on a specific set of professional skills;

(d) exchange and secondment programmes of law enforcement officers in the context of an operational based training approach.

3. To ensure a coherent European training policy to support civilian missions and capacity-building in third countries the Europol Academy shall:

(a) assess the impact of existing Union-related law enforcement training policies and initiatives;

(b) develop and provide training to prepare Member States' law enforcement officers for participation in civilian missions, including to enable them to acquire relevant language skills;

(c) develop and provide training for law enforcement officers from third countries, in particular from the countries that are candidates for accession to the Union;

(d) manage dedicated Union External Assistance funds to assist third countries in building their capacity in relevant policy areas, in line with the established priorities of the Union.

4. The Europol Academy shall promote the mutual recognition of law enforcement training in Member States and related existing European quality standards.

Article 11

Research relevant for training

1. The Europol Academy shall contribute to development of research relevant for training activities covered by this Chapter.

2. The Europol Academy shall promote and establish a partnership with Union bodies as well as with public and private academic institutions and shall encourage

*the creation of stronger partnerships
between universities and law enforcement
training institutes in Member States.*

Amendment 90

Proposal for a regulation

Article 12 –point c

Text proposed by the Commission

Amendment

*(c) a Scientific Committee for Training in
accordance with Article 20;* **deleted**

Amendment 91

Proposal for a regulation

Article 12– point e

Text proposed by the Commission

Amendment

*(e) if appropriate, an Executive Board in
accordance with Articles 21 and 22.* **deleted**

Amendment 92

Proposal for a regulation

Article 13 – paragraph 1

Text proposed by the Commission

Amendment

1. The Management Board shall be
composed of one representative from each
Member State and **two representatives** of
the Commission, all with voting rights.

1. The Management Board shall be
composed of one representative from each
Member State and **one representative** of
the Commission, all with voting rights.

Amendment 93

Proposal for a regulation

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

***1a. A representative of the Joint
Parliamentary Scrutiny Group shall be
authorised to attend meetings of the
Management Board with observer status.
This representative shall not be entitled to
vote.***

Amendment 94

Proposal for a regulation Article 13 – paragraph 3

Text proposed by the Commission

3. Each member of the Management Board shall be represented by an alternate member who shall be appointed ***on the basis of his/her experience in the management of public and private sector organisations and knowledge of national policy on training for law enforcement officers. The alternate member shall act as a member on any issues related to training of law enforcement officers.*** The alternate member shall represent the member in his/her absence. ***The member shall represent the alternate on any issues related to training of law enforcement officers in his/her absence.***

Amendment

3. Each member of the Management Board shall be represented by an alternate member who shall be appointed ***by the full member on the basis of the criteria set out in Article 13(2).*** The alternate member shall represent the member in his/her absence.

Amendment 95

Proposal for a regulation Article 13 – paragraph 4

Text proposed by the Commission

4. All parties represented in the Management Board shall ***make efforts to limit the turnover of their representatives, to ensure continuity of the Management Board's work. All parties shall*** aim to achieve a balanced representation between men and women on the Management Board.

Amendment

4. All parties represented in the Management Board shall aim to achieve a balanced representation between men and women on the Management Board.

Amendment 96

Proposal for a regulation Article 13 – paragraph 5

Text proposed by the Commission

5. The term of office for members and alternate members shall be ***four years. That term shall be extendable. Upon expiry of their term of office or in the event of their resignation, members shall***

Amendment

5. The term of office for members and alternate members shall be ***determined by the period assigned to them by the designating Member State.***

remain in office until their appointments are renewed or until they are replaced.

Amendment 97

Proposal for a regulation

Article 13 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The Chairperson shall be supported by the Secretariat of the Management Board. The Secretariat shall in particular:

(a) be closely and continuously involved in organising, coordinating and ensuring the coherence of the Management Board’s work. Acting under the responsibility of and in accordance with guidelines given by the Chairperson;

(b) provide the Management Board with the administrative support necessary for it to carry out its duties.

Amendment 98

Proposal for a regulation

Article 13 – paragraph 5 b (new)

Text proposed by the Commission

Amendment

5b. Each member of the Management Board shall submit a declaration of his or her interests at the beginning of his or her term of office.

Amendment 99

Proposal for a regulation

Article 14 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) adopt a consolidated annual activity report on Europol’s activities and send it, by 1 July of the following year, to the European Parliament, the Council, the Commission, the Court of Auditors and national Parliaments. The consolidated annual activity report shall be made public;

(d) adopt a consolidated annual activity report on Europol’s activities, send ***and present it to the Joint Parliamentary Scrutiny Group, and forward*** it to the Council, the Commission, the Court of Auditors, the national Parliaments ***and the European Data Supervisor by 1 July of the following year.*** The consolidated

annual activity report shall be made public;

Amendment 100

Proposal for a regulation

Article 14 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) adopt an anti-fraud strategy, proportionate to fraud risks, taking into account the costs and benefits of the measures to be implemented;

deleted

Amendment 101

Proposal for a regulation

Article 14 – paragraph 1 – point h

Text proposed by the Commission

Amendment

(h) adopt rules for the prevention and management of conflicts of interest in respect of its members, as well as members of the Scientific Committee for Training;

(h) adopt rules for the prevention and management of conflicts of interest in respect of its members;

Amendment 102

Proposal for a regulation

Article 14 – paragraph 1 – point i

Text proposed by the Commission

Amendment

(i) in accordance with paragraph 2, exercise, with respect to the staff of Europol, the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants on the Authority Empowered to Conclude a Contract of Employment ('the appointing authority powers');

deleted

Amendment 103

Proposal for a regulation

Article 14 – paragraph 1 – point j

Text proposed by the Commission

Amendment

(j) adopt appropriate implementing rules

(j) on a proposal from the Director, adopt

for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations;

appropriate implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations;

Amendment 104

Proposal for a regulation

Article 14 – paragraph 1 – point n

Text proposed by the Commission

Amendment

(n) appoint the members of the Scientific Committee for Training;

deleted

Amendment 105

Proposal for a regulation

Article 14 – paragraph 1 – point o

Text proposed by the Commission

Amendment

(o) ensure adequate follow-up to findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of the European Anti-fraud Office (OLAF);

(o) ensure adequate follow-up to findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of the European Anti-fraud Office (OLAF) and from the European Data Protection Supervisor;

Amendment 106

Proposal for a regulation

Article 14 – paragraph 1 – point p

Text proposed by the Commission

Amendment

(p) take all decisions on the establishment of Europol's internal structures and, where necessary, their modification;

deleted

Amendment 107

Proposal for a regulation

Article 14 – paragraph 1 – point q a (new)

Text proposed by the Commission

Amendment

(qa) appoint a Data Protection Officer, who shall be independent in its functions

from the Management Board and shall be responsible for the setting up and managing of the data processing systems.

Amendment 108

Proposal for a regulation

Article 14 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The Management Board may, on a recommendation from the European Data Protection Supervisor under Article 46(3)(f) and with the support a two-thirds majority of its members, impose a temporary or definitive ban on processing.

Amendment 109

Proposal for a regulation

Article 14 – paragraph 2

Text proposed by the Commission

Amendment

2. The Management Board shall adopt, in accordance with Article 110 of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the Conditions of Employment of Other Servants delegating the relevant appointing authority powers to the Executive Director and defining the conditions under which this delegations of powers can be suspended. The Executive Director shall be authorised to sub-delegate those powers.

deleted

Where exceptional circumstances so require, the Management Board may, by way of a decision, temporarily suspend the delegation of the appointing authority powers to the Executive Director and those sub-delegated by the latter and exercise them itself or delegate those powers to one of its members or to a staff member other than the Executive Director.

Amendment 110

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

1. The Management Board shall adopt the annual work programme the latest by 30 November each year, based on a draft put forward by the Executive Director, taking into account the opinion of the Commission. It shall forward it to the European Parliament, the Council, the Commission and national parliaments.

Amendment

1. The Management Board shall adopt the annual work programme **at** the latest by 30 November each year, based on a draft put forward by the Executive Director **and presented to the Joint Parliamentary Scrutiny Group**, taking into account the opinion of the Commission. It shall forward **it to the Joint Parliamentary Scrutiny Group**, the Council, the Commission, national parliaments **and the European Data Protection Supervisor**.

Amendment 111

Proposal for a regulation
Article 15 – paragraph 2

Text proposed by the Commission

2. The annual work programme shall comprise detailed objectives and expected results including performance indicators. It shall also contain a description of the actions to be financed and an indication of the financial and human resources allocated to each action, in accordance with the principles of activity-based budgeting and management. The annual work programme shall be **coherent with** the multi-annual work programme referred to in paragraph 4. It shall clearly indicate tasks that have been added, changed or deleted in comparison with the previous financial year.

Amendment

2. The annual work programme shall comprise detailed objectives and expected results including performance indicators. It shall also contain a description of the actions to be financed and an indication of the financial and human resources allocated to each action, in accordance with the principles of activity-based budgeting and management. The annual work programme shall be **subject to** the multi-annual work programme referred to in paragraph 4. It shall clearly indicate tasks that have been added, changed or deleted in comparison with the previous financial year.

Amendment 112

Proposal for a regulation
Article 15 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Any substantial amendment to the annual work programme shall be adopted by the same procedure as the initial annual work programme. The Management Board may

Amendment

Amendments to the annual work programme shall be adopted by the same procedure as the initial annual work programme. The Management Board may

delegate the power to make non-substantial amendments to the annual work programme to the Executive Director.

delegate the power to make non-substantial amendments to the annual work programme to the Executive Director.

Amendment 114

Proposal for a regulation

Article 15 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The Management Board shall also adopt the multi-annual work programme and update it by 30 November each year, taking into account the opinion of the Commission and after consulting the European Parliament and national parliaments.

Amendment

The Management Board shall also adopt the multi-annual work programme and update it by 30 November each year, taking into account the opinion of the Commission and after consulting the European Parliament and national parliaments, ***as well as the European Data Protection Supervisor.***

Amendment 113

Proposal for a regulation

Article 15 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The adopted multi-annual work programme shall be forwarded to ***the European Parliament***, the Council, the Commission and national Parliaments.

Amendment

The adopted multi-annual work programme shall be forwarded ***and presented to the Joint Parliamentary Scrutiny Group, and shall be forwarded*** to the Council, the Commission, national Parliaments ***and the European Data Protection Supervisor.***

Amendment 115

Proposal for a regulation

Article 16 – paragraph 2

Text proposed by the Commission

2. The terms of office of the Chairperson and of the Deputy Chairperson shall be ***four*** years. Their term of office may be renewed once. If, however, their membership of the Management Board ends at any time during their term of office as Chairperson or Deputy Chairperson,

Amendment

2. The terms of office of the Chairperson and of the Deputy Chairperson shall be ***five*** years. Their term of office may be renewed once. If, however, their membership of the Management Board ends at any time during their term of office as Chairperson or Deputy Chairperson, their term of office

their term of office shall automatically expire on that date.

shall automatically expire on that date.

Amendment 116

Proposal for a regulation

Article 17 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. A representative of the Joint Parliamentary Scrutiny Group shall be authorised to attend meetings of the Management Board with observer status.

Amendment 117

Proposal for a regulation

Article 18 – paragraph 1

Text proposed by the Commission

Amendment

1. Without prejudice to **Articles** 14(1)(a), (b) and (c), Article 16(1) and Article 56(8), the Management Board shall take decisions by a majority of members.

1. Without prejudice to **Article** 14(1), **first subparagraph**, (a), (b) and (c), **and Article 14(1), subparagraph 1a**, Article 16(1) and Article 56(8), the Management Board shall take decisions by a majority of members.

Amendment 118

Proposal for a regulation

Article 18 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The representative of the Joint Parliamentary Scrutiny Group shall not vote.

Amendment 119

Proposal for a regulation

Article 19 – paragraph 3

Text proposed by the Commission

Amendment

3. The Executive Director shall report to the European Parliament on the performance of his/her duties when invited to do so. The Council may invite the Executive Director to report on the

3. The Executive Director shall **appear and report regularly** to the **Joint Parliamentary Scrutiny Group** on the performance of his/her duties when invited to do so. The Council may invite the Executive Director

performance of his/her duties.

to report on the performance of his/her duties.

Amendment 120

Proposal for a regulation

Article 19 – paragraph 5 – point c

Text proposed by the Commission

(c) preparing the annual work programme and the multi-annual work programme and submitting them to the Management Board ***after consulting*** the Commission

Amendment

(c) preparing the annual work programme and the multi-annual work programme and submitting them to the Management Board, ***taking into account the opinion of*** the Commission;

Amendment 121

Proposal for a regulation

Article 19 – paragraph 5 – point h

Text proposed by the Commission

(h) preparing an anti-fraud ***strategy*** for Europol and presenting it to the Management Board for approval;

Amendment

(h) preparing an anti-fraud ***strategic analysis and a strategy to prevent and manage conflicts of interests*** for Europol and presenting it to the Management Board for approval;

Amendment 122

Proposal for a regulation

Article 19 – paragraph 5 – point k

Text proposed by the Commission

(k) preparing a draft multi-annual staff policy plan and submitting it to the Management Board ***after consultation of*** the Commission;

Amendment

(k) preparing a draft multi-annual staff policy plan and submitting it to the Management Board ***taking into account the opinion of*** the Commission;

Amendment 123

Proposal for a regulation

Article 19 – paragraph 5 – point k a (new)

Text proposed by the Commission

Amendment

(ka) exercising with respect to Europol staff those powers conferred by the Staff Regulations of Officials of the European

Communities on the Appointing Authority and by the Conditions of Employment of Other Servants of the Communities on the Authority empowered to Conclude contracts of Employment ('powers of the Appointing Authority'), without prejudice to Article 14(1)(j);

Amendment 124

**Proposal for a regulation
Article 19 – paragraph 5 – point k b (new)**

Text proposed by the Commission

Amendment

(kb) taking all decisions on the establishment of Europol's internal structures and, where necessary, their modification;

Amendment 125

**Proposal for a regulation
Section 3**

Text proposed by the Commission

Amendment

SECTION 3

deleted

**SCIENTIFIC COMMITTEE FOR
TRAINING**

Article 20

The Scientific Committee for Training

- 1. The Scientific Committee for Training shall be an independent advisory body guaranteeing and guiding the scientific quality of Europol's work on training. For that purpose, the Executive Director shall involve the Scientific Committee for Training early on in the preparation of all documents referred to in Article 14 as far as they concern training.***
- 2. The Scientific Committee for Training shall be composed of 11 persons of the highest academic or professional standing in the subjects covered by Chapter III of this Regulation. The Management Board shall appoint the members following a transparent call for applications and***

selection procedure to be published in the Official Journal of the European Union. The members of the Management Board shall not be members of the Scientific Committee for Training. The members of the Scientific Committee for Training shall be independent. They shall neither seek nor take instructions from any government, nor from any other body.

3. The list of members of the Scientific Committee for Training shall be made public and shall be updated by Europol on its website.

4. The term of office of the members of the Scientific Committee for Training shall be five years. It shall not be renewable and its members can be removed from office if they do not meet the criteria of independence.

5. The Scientific Committee for Training shall elect its Chairperson and Deputy Chairperson for a term of office of five years. It shall adopt positions by simple majority. It shall be convened by its Chairperson up to four times per year. If necessary, the Chairperson shall convene extraordinary meetings on his/her own initiative or at the request of at least four members of the Committee.

6. The Executive Director, Deputy Executive Director for Training or their respective representative shall be invited to the meetings as a non-voting observer.

7. The Scientific Committee for Training shall be assisted by a secretary who shall be a Europol staff member designated by the Committee and appointed by the Executive Director.

8. The Scientific Committee for Training shall, in particular:

(a) advise the Executive Director and the Deputy Executive Director for Training in drafting the annual work programme and other strategic documents, to ensure their scientific quality and their coherence with relevant Union sector policies and priorities;

(b) provide independent opinion and advice to the Management Board on matters pertaining to its remit;

(c) provide independent opinion and advice on the quality of curricula, applied learning methods, learning options and scientific developments;

(d) perform any other advisory task pertaining to the scientific aspects of Europol's work relating to training at the request of the Management Board or by the Executive Director or the Deputy Executive Director for Training.

9. The annual budget of the Scientific Committee for Training shall be allocated to an individual budget line of Europol.

Amendment 126

Proposal for a regulation Section 4

Text proposed by the Commission

Amendment

SECTION 4

deleted

EXECUTIVE BOARD

Article 21

Establishment

The Management Board may establish an Executive Board.

Article 22

Functions and organisation

1. The Executive Board shall assist the Management Board.

2. The Executive Board shall have the following functions:

(a) preparing decisions to be adopted by the Management Board;

(b) ensuring, together with the Management Board, adequate follow-up to the findings and recommendations stemming from the internal or external audit reports and evaluations, as well as on the investigation reports and recommendations from investigations of

the European Anti-Fraud Office (OLAF);

(c) without prejudice to the functions of the Executive Director, as set out in Article 19, assisting and advising the Executive Director in the implementation of the decisions of the Management Board, with a view to reinforcing supervision of administrative management.

3. When necessary, because of urgency, the Executive Board may take certain provisional decisions on behalf of the Management Board, in particular on administrative management matters, including the suspension of the delegation of the appointing authority powers.

4. The Executive Board shall be composed of the Chairperson of the Management Board, one representative of the Commission to the Management Board and three other members appointed by the Management Board from among its members. The Chairperson of the Management Board shall also be the Chairperson of the Executive Board. The Executive Director shall take part in the meetings of the Executive Board, but shall not have the right to vote.

5. The term of office of members of the Executive Board shall be four years. The term of office of members of the Executive Board shall end when their membership of the Management Board ends.

6. The Executive Board shall hold at least one ordinary meeting every three months. In addition, it shall meet on the initiative of its Chairperson or at the request of its members.

7. The Executive Board shall comply with the rules of procedure laid down by the Management Board.

Amendment 127

Proposal for a regulation Article 23 - paragraph 3

Text proposed by the Commission

3. Europol may retrieve and process information, including personal data, from information systems, of a national, Union or international nature, including by means of computerised direct access, in so far as authorised by Union, international or national legal instruments. The applicable provisions of such Union, international or national legal instruments shall govern the access to and use of that information by Europol insofar as they provide for stricter rules on access and use than those of this Regulation. The access to such information systems shall be granted only to duly authorised staff of Europol as far as this is necessary for the performance of their tasks.

Amendment

3. Europol may retrieve and process information, including personal data, from information systems, of a national, Union or international nature, including by means of computerised access, in so far as authorised by Union, international or national legal instruments **and where the necessity and proportionality of such access for the performance of a task falling under Europol's mandate can be demonstrated**. The applicable provisions of such Union, international or national legal instruments shall govern the access to and use of that information by Europol insofar as they provide for stricter rules on access and use than those of this Regulation.

They shall lay down the objectives, the categories of personal data and the purposes, means and the procedure to be followed for the retrieval and processing of the information, respecting the applicable data protection legislation and principles. The access to such information systems shall be granted only to duly authorised staff of Europol as far as this is ***strictly necessary and proportionate*** for the performance of their tasks.

Amendment 128

Proposal for a regulation Article 24

Text proposed by the Commission

1. In so far as necessary for the achievement of its objectives as laid down in Article 3(1) **and** (2), Europol **shall** process information, including personal data only for the purposes of:

(a) cross-checking aimed at identifying connections between information;

Amendment

1. In so far as necessary for the achievement of its objectives as laid down in Article 3, Europol **may** process information, including personal data.

Personal data may be processed only for the purposes of:

(a) cross-checking aimed at identifying connections ***or other relevant links*** between information ***limited to:***

- (b) analyses of a strategic or thematic nature;
- (c) operational analyses in specific cases:

- (i) persons who are suspected of having committed or having taken part in a criminal offence in respect of which Europol is competent, or who have been convicted for such an offence,*
- (ii) persons regarding whom there are factual indications or reasonable grounds that they will commit criminal offences;*

- (b) analyses of a strategic or thematic nature;
- (c) operational analyses in specific cases:

The execution of these tasks shall be performed under the following criteria:

- the checks under point (a) shall be carried out in accordance with the necessary data protection guarantees, and shall, especially, provide sufficient justification for the data request and its purpose. The necessary measures shall also be taken to ensure that only those authorities that are initially responsible for collecting the data may subsequently change them;

- for each operational analysis case referred to in point (c) the following specific safeguards shall apply:

(i) a specified purpose shall be defined; personal data may only be processed where they are relevant for this specific purpose;

(ii) all cross-matching operations by Europol staff shall be specifically motivated; the retrieval of data following a consultation shall be limited to the strict minimum required and specifically motivated;

(iii) only authorized staff in charge of the purpose for which the data were initially collected may modify that data.

Europol shall duly document these operations. The documentation shall be made available, at request, to the Data Protection Officer and to the European Data Protection Supervisor for the purpose of verifying the lawfulness of the processing operation.

2. Categories of personal data and categories of data subjects whose data may be collected for each specific purpose referred to under paragraph 1 are listed in Annex 2.

2. Categories of personal data and categories of data subjects whose data may be collected for each specific purpose referred to under paragraph 1 are listed in Annex 2.

2a. Europol may temporarily, in exceptional cases, process data for the purpose of determining whether such data are relevant to its tasks and for which of the purposes referred to under paragraph 1. The Management Board, acting on a proposal from the Director and after consulting the European Data Protection Supervisor, shall determine the conditions relating to the processing of such data, in particular with respect to access to and the use of the data, as well as time limits for the storage and deletion of the data that may not exceed six months, having due regard to the principles referred to in Article 34.

2b. The European Data Protection Supervisor will draft guidelines specifying the purposes listed in points (a), (b) and (c) of paragraph 1.

Amendment 129

Proposal for a regulation Article 25 - paragraph 1

Text proposed by the Commission

1. A Member State, a Union body, a third country or an international organisation providing information to Europol determines the purpose for which it shall be processed as referred to in Article 24. ***If it has not done so, Europol shall determine relevance of such information as well as the purpose for which it shall be processed.*** Europol may process information for a different purpose than the one for which information has been provided only if authorised by the data provider.

Amendment

1. A Member State, a Union body, a third country or an international organisation providing information to Europol determines the ***specific and well defined*** purpose for which it shall be processed as referred to in Article 24. Europol may process information for a different ***specific and explicit*** purpose than the one for which information has been provided only if ***explicitly*** authorised by the data provider, ***in accordance with the applicable law.***

Amendment 130

Proposal for a regulation

Article 25 a (new)

Text proposed by the Commission

Amendment

Article 25a

Data Protection impact assessment

1. Prior to any set of processing of personal data, Europol shall carry out an assessment of the impact of the envisaged processing systems and procedures on the protection of personal data and notify it to the European Data Protection Supervisor.

2. The assessment shall contain at least a general description of the envisaged processing operations, an assessment of the risks to the rights and freedoms of data subjects, the measures envisaged to address those risks, safeguards, security measures and mechanisms to ensure the protection of personal data and to demonstrate the compliance with the provisions in this Regulation, taking into account the rights and legitimate interests of the data subjects and other persons concerned.

Amendment 131

Proposal for a regulation

Article 26

Text proposed by the Commission

Amendment

1. Member States shall have access to and be able to search all information which has been provided for the purposes of Article 24(1)(a) and (b), without prejudice to the right for Member States, Union bodies and third countries and international organisations to indicate restrictions on access and use of such data. Member States shall designate these competent authorities allowed to perform such a search.

2. Member States shall have indirect access on the basis of a hit/no hit system to information provided for **the purposes of** Article 24(1)(c), without prejudice to any

1. Member States, **where they can justify the need for the legitimate performance of their tasks**, shall have access to and be able to search all information which has been provided for the purposes of Article 24(1)(a) and (b), without prejudice to the right for Member States, Union bodies and third countries and international organisations to indicate restrictions on access and use of such data. Member States shall designate these competent authorities allowed to perform such a search.

2. Member States shall have indirect access on the basis of a hit/no hit system to information provided for **a specific purpose under** Article 24(1)(c), without

restrictions indicated by the Member States, Union bodies and third countries or international organisations providing the information, in accordance with Article 25(2). In the case of a hit, Europol shall initiate the procedure by which the information that generated the hit may be shared, in accordance with the decision of the Member State ***that provided the information to Europol.***

3. Europol staff duly empowered by the Executive Director shall have access to information processed by Europol to the extent required for the performance of their duties.

prejudice to any restrictions indicated by the Member States, Union bodies and third countries or international organisations providing the information, in accordance with Article 25(2). In the case of a hit, Europol shall ***inform the provider of the information and*** initiate the procedure by which the information that generated the hit may be shared, in accordance with the decision of the ***provider of the information to Europol and to the extent necessary for the legitimate performance of the task of the Member State concerned.***

3. Europol staff duly empowered by the Executive Director shall have access to information processed by Europol to the extent required for the performance of their duties.

3a. Europol shall keep detailed records of all hits and information accessed in accordance with Article 43.

Amendment 132

Proposal for a regulation Article 27

Text proposed by the Commission

Access to Europol information for Eurojust ***and OLAF.***

1. Europol shall take all appropriate measures to enable Eurojust ***and the European Anti-Fraud Office (OLAF)*** within ***their respective mandates,*** to have access to and be able to search all information that has been provided for the purposes of Article 24(1)(a) and (b), without prejudice to the right for Member States, Union bodies and third countries and international organisations to indicate restrictions to the access and use of such data. Europol shall be informed where a search by Eurojust ***or OLAF*** reveals the existence of a match with information processed by Europol.

2. Europol shall take all appropriate measures to enable Eurojust ***and OLAF,*** within ***their respective mandates,*** to have

Amendment

Access to Europol information for Eurojust

1. Europol shall take all appropriate measures to enable Eurojust within ***its mandate*** to have access to and be able to search all information that has been provided for the purposes of Article 24(1)(a) and (b), without prejudice to the right for Member States, Union bodies and third countries and international organisations to indicate restrictions to the access and use of such data. Europol shall be informed where a search by Eurojust reveals the existence of a match with information processed by Europol.

2. Europol shall take all appropriate measures to enable Eurojust, within ***its mandate,*** to have indirect access on the

indirect access on the basis of a hit/no hit system to information provided for **the purposes** under Article 24(1)(c), without prejudice to any restrictions indicated by the providing Member States, Union bodies and third countries or international organisations, in accordance with Article 25(2). In case of a hit, Europol shall initiate the procedure by which the information that generated the hit may be shared, in accordance with the decision of the Member State, Union body, third country or international organisation that provided the information to Europol.

3. Searches of information in accordance with paragraphs 1 and 2 shall be made only for the purpose of identifying whether information available at Eurojust **or OLAF, respectively**, matches with information processed at Europol.

4. Europol shall allow searches in accordance with paragraphs 1 and 2 only after obtaining from Eurojust information about which National Members, Deputies, Assistants, as well as Eurojust staff members, **and from OLAF information about which staff members**, have been designated as authorised to perform such searches.

5. If during Europol's information processing activities in respect of an individual investigation, Europol or a Member State identifies the necessity for coordination, cooperation or support in accordance with the mandate of Eurojust **or OLAF**, Europol shall notify them thereof and shall initiate the procedure for sharing the information, in accordance with the decision of the Member State providing the information. In such a case Eurojust **or OLAF** shall consult with Europol.

6. Eurojust, including the College, the National Members, Deputies, Assistants, as

basis of a hit/no hit system to information provided for **a specific purpose** under Article 24(1)(c), without prejudice to any restrictions indicated by the providing Member States, Union bodies and third countries or international organisations, in accordance with Article 25(2). In case of a hit, Europol shall initiate the procedure by which the information that generated the hit may be shared, in accordance with the decision of the Member State, Union body, third country or international organisation that provided the information to Europol. ***In case of a hit, Eurojust shall specify which data it needs and Europol may share the data only to the extent that the data generating the hit are necessary for the legitimate performance of its tasks. Europol shall log which information has been accessed.***

3. Searches of information in accordance with paragraphs 1 and 2 shall be made only for the purpose of identifying whether information available at Eurojust matches with information processed at Europol.

4. Europol shall allow searches in accordance with paragraphs 1 and 2 only after obtaining from Eurojust information about which National Members, Deputies, Assistants, as well as Eurojust staff members have been designated as authorised to perform such searches.

5. If during Europol's information processing activities in respect of an individual investigation, Europol or a Member State identifies the necessity for coordination, cooperation or support in accordance with the mandate of Eurojust, Europol shall notify them thereof and shall initiate the procedure for sharing the information, in accordance with the decision of the Member State providing the information. In such a case Eurojust shall consult with Europol.

6. Eurojust, including the College, the National Members, Deputies, Assistants, as

well as Eurojust staff members, **and OLAF**, shall respect any restriction to access or use, in general or specific terms, indicated by Member States, Union bodies, third countries and international organisations in accordance with Article 25(2).

well as Eurojust staff members, shall respect any restriction to access or use, in general or specific terms, indicated by Member States, Union bodies, third countries and international organisations in accordance with Article 25(2).

6a. Europol and Eurojust shall inform each other if, after consultation of each other's data, there are indications that data may be incorrect or conflicting with other data.

Amendment 133

Proposal for a regulation Article 28 – paragraph 1

Text proposed by the Commission

1. If Europol, in accordance with its task pursuant to Article 4(1)(b), needs to inform a Member State about information concerning it, and that information is subject to access restrictions pursuant to Article 25(2), that would prohibit sharing it, Europol shall consult with the data provider stipulating the access restriction and **seek** its authorisation for sharing.

Without **such an** authorisation, the information shall not be shared.

Amendment

1. If Europol, in accordance with its task pursuant to Article 4(1)(b), needs to inform a Member State about information concerning it, and that information is subject to access restrictions pursuant to Article 25(2), that would prohibit sharing it, Europol shall consult with the data provider stipulating the access restriction and **ask for** authorisation for sharing.

Without **explicit** authorisation, the information shall not be shared.

In cases where the information is not subject to access restrictions pursuant to Article 25, Europol shall nevertheless inform the Member State which provided the information that it has been passed on.

Amendment 134

Proposal for a regulation Article 29

Text proposed by the Commission

1. In so far as necessary for the performance of its tasks, Europol may establish and maintain cooperative relations with the Union bodies in

Amendment

1. In so far as necessary for the performance of its tasks, Europol may establish and maintain cooperative relations with the Union bodies in

accordance with the objectives of those bodies, the law enforcement authorities of third countries, *law enforcement training institutes of third countries*, international organisations and private parties.

2. In so far as relevant to the performance of its tasks and subject to any restriction stipulated pursuant to Article 25(2), Europol may directly exchange all information, with the exception of personal data, with entities referred to in paragraph 1.

3. Europol may receive and process personal data *from* entities referred to in paragraph 1 except from private parties, in so far as necessary for the performance of its tasks and subject to the provisions of this Chapter.

4. Without prejudice to Article 36(4), personal data shall only be transferred by Europol to Union bodies, third countries and international organisations, if this is necessary for preventing and combating crime that falls under Europol's *objectives* and in accordance with this Chapter. If the data to be transferred have been provided by a Member State, Europol shall seek that Member State's consent, unless:

(a) the authorisation can be assumed as the Member State has not expressly limited the possibility of onward transfers;
or

(b) the Member State has granted its prior authorisation to such onward transfer, either in general terms or subject to specific conditions. Such consent may be withdrawn any moment.

5. Onward transfers of personal data by Member States, Union bodies, third countries and international organizations shall be prohibited unless Europol has given its explicit consent.

accordance with the objectives of those bodies, the law enforcement authorities of third countries, international organisations and private parties.

2. In so far as relevant to the performance of its tasks and subject to any restriction stipulated pursuant to Article 25(2), Europol may directly exchange all information, with the exception of personal data, with entities referred to in paragraph 1.

3. Europol may receive and process personal data *held by* entities referred to in paragraph 1 except from private parties, in so far as *it is strictly necessary and proportionate* for the *legitimate* performance of its tasks and subject to the provisions of this Chapter.

4. Without prejudice to Article 36(5), personal data shall only be transferred by Europol to Union bodies, third countries and international organisations, if this is necessary for preventing and combating crime that falls under Europol's *tasks* and in accordance with this Chapter *and if the recipient gives an explicit undertaking that the data will be used solely for the purpose for which they were transmitted*. If the data to be transferred have been provided by a Member State, Europol shall seek that Member State's *prior and explicit* consent, unless

(b) the Member State has granted its prior authorisation to such onward transfer, either in general terms or subject to specific conditions. Such consent may be withdrawn any moment.

5. Onward transfers of personal data by Member States, Union bodies, third countries and international organizations shall be prohibited unless Europol has given its *prior* explicit consent *and if the recipient gives an explicit undertaking*

that the data shall be used solely for the purpose for which they were transmitted.

5a. Europol shall ensure that detailed records of all transfers of personal data and their grounds are recorded in accordance with this Regulation.

5b. Any information which has been obtained by a third country, international organization or private party in violation of fundamental rights, as enshrined in the EU Charter of Fundamental Rights, shall not be processed.

Amendment 135

Proposal for a regulation Article 30

Text proposed by the Commission

Subject to any possible restrictions stipulated pursuant to Article 25(2) or (3) Europol may directly transfer personal data to Union bodies in so far as it is necessary for the performance of its tasks or those of the recipient Union body.

Amendment

Subject to any possible restrictions stipulated pursuant to Article 25(2) or (3), ***and without prejudice to Article 27,*** Europol may directly transfer personal data to Union bodies in so far as it is necessary for the performance of its tasks or those of the recipient Union body. ***Europol shall make public the list of EU institutions and bodies with whom it shares information, by posting such a list on its website.***

Amendment 136

Proposal for a regulation Article 31 - paragraph 1 - subparagraph 1 a (new)

Text proposed by the Commission

Amendment

These cooperation agreements shall be amended within five years after the entry into force of this Regulation and replaced by a subsequent agreement in accordance with point (b).

Amendment 137

Proposal for a regulation Article 31 - paragraph 1 - subparagraph 2

Such transfers do not require any further authorisation.

The European Data Protection Supervisor shall be consulted in a timely manner before and during the negotiation of an international agreement referred to in point (b) and in particular before adoption of the negotiating mandate as well as before the finalisation of the agreement.

Europol shall make publicly available a regular updated list of international and cooperation agreements it has with third countries and international organisations, by posting this list on its website.

Amendment 138

Proposal for a regulation Article 31 - paragraph 2

2. By way of derogation from paragraph 1, the Executive Director may authorise the transfer of personal data to third countries or international organisations on a case-by-case basis if:

(a) the transfer *of the data* is *absolutely necessary to safeguard the essential interests of one or more Member States within the scope of Europol's objectives*;

(b) the transfer *of the data* is *absolutely necessary in the interests of preventing imminent danger associated with crime or terrorist offences*;

(c) the transfer is *otherwise necessary or legally required on important public interest grounds, or for the establishment, exercise or defence of legal claims*; or

(d) the transfer is necessary *to protect the vital interests of the data subject or another person*.

2. By way of derogation from paragraph 1, the Executive Director may, *whilst observing his/her obligations regarding discretion, confidentiality and proportionality*, authorise the transfer of personal data to third countries or international organisations on a case-by-case basis if:

(a) the transfer is necessary *in order to protect the vital interests of the data subject or another person*; or

(b) the transfer is necessary *to safeguard legitimate interests of the data subject where the law of the Member State or third country transferring the personal data so provides*; or

(c) the transfer *of the data* is *essential for the prevention of an immediate and serious threat to public security of a Member State or a third country*; or

(d) the transfer is necessary *in individual cases for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of*

criminal penalties; or

(da) the transfer is 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 or the execution of a specific criminal penalty.

The Executive Director shall in all circumstances consider the data protection level applicable in the third country or international organisation in question, taking into account the nature of the data, the purpose for which the data is intended, the duration of the intended processing, the general or specific data protection provisions applying in that country, and whether or not specific conditions required by Europol concerning the data have been accepted.

Derogations may not be applicable to systematic, massive or structural transfers.

Moreover the **Management Board** may, in agreement with the European Data Protection Supervisor, authorise a set of transfers in conformity with points (a) to (d) above, **taking into account of the existence** of safeguards with respect to the protection of privacy and fundamental rights and freedoms of individuals, for a period not exceeding one year, renewable.

Moreover **the European Data Protection Supervisor** may authorise a **transfer or a set of transfers** in conformity with points (a) to (d) above, **adducing adequate** safeguards with respect to the protection of privacy and fundamental rights and freedoms of individuals, for a period not exceeding one year, renewable.

Amendment 139

Proposal for a regulation Article 31 – paragraph 3

Text proposed by the Commission

3. The Executive Director shall inform the Management Board and the European Data Protection Supervisor of cases where he/she applied paragraph 2.

Amendment

3. The Executive Director shall inform **without delay** the Management Board and the European Data Protection Supervisor of cases where he/she applied paragraph 2.

Amendment 140

Proposal for a regulation Article 31 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Europol shall keep detailed records of all transfers under this Article.

Amendment 141

Proposal for a regulation

Article 32 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. In so far as necessary for Europol to perform its tasks, Europol may process personal data originating from private parties on condition that **are** received via:

1. In so far as necessary for Europol to perform its tasks, Europol may process personal data originating from private parties on condition that **they are not** received **directly from the private parties but only** via:

Amendment 142

Proposal for a regulation

Article 32 – paragraph 3

Text proposed by the Commission

Amendment

3. Europol shall not contact private parties **directly** to retrieve personal data.

3. Europol shall not contact private parties to retrieve personal data.

Amendment 143

Proposal for a regulation

Article 33 – paragraph 3

Text proposed by the Commission

Amendment

3. Europol shall not contact private persons **directly** to retrieve information.

3. Europol shall not contact private persons to retrieve information.

Amendment 144

Proposal for a regulation

Article 34

Text proposed by the Commission

Amendment

Personal data shall be:

(a) processed **fairly and** lawfully;

1. Personal data shall be:

(a) processed lawfully, **fairly and in a transparent and verifiable manner in**

(b) collected for specified, explicit and legitimate purposes and not further processed in a manner incompatible with those purposes. ***Further processing of personal data for historical, statistical or scientific purposes shall not be considered incompatible provided that Europol provides appropriate safeguards, in particular to ensure that data are not processed for any other purposes;***

(c) adequate, relevant, and ***not excessive*** in relation to the purposes for which they are processed;

(d) accurate and, ***where necessary***, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;

(e) kept in a form which permits identification of data subjects ***and*** for no longer than necessary for the purposes for which the personal data are processed.

relation to the data subject;

(b) collected for specified, explicit and legitimate purposes and not further processed in a manner incompatible with those purposes;

(c) adequate, relevant, and ***limited to the minimum necessary*** in relation to the purposes for which they are processed; ***they shall only be processed if, and as long as, the purposes could not be fulfilled by processing information that does not involve personal data;***

(d) accurate and kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;

(e) kept in a form which permits identification of data subjects for no longer than ***it is*** necessary for the purposes for which the personal data are processed;

(ea) processed in a way that effectively allows the data subject to exercise his or her rights;

(eb) processed in a way that protects against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures;

(ec) processed by only those duly authorised staff who need them for the performance of their tasks.

1a. Europol shall make publicly available a document setting out in an intelligible form the provisions regarding the processing of personal data and the means available for the exercise of the rights of data subjects.

Amendment 145

Proposal for a regulation

Article 35 – paragraph 1 – introductory part

Text proposed by the Commission

1. The source of information originating from a Member State shall be assessed **as far as possible** by the providing Member State using the following source evaluation codes:

Amendment

1. The source of information originating from a Member State shall be assessed by the providing Member State using the following source evaluation codes:

Amendment 146

Proposal for a regulation

Article 35 – paragraph 2 – introductory part

Text proposed by the Commission

2. Information originating from a Member State shall be assessed **as far as possible** by the Member State providing information on the basis of its reliability using the following information evaluation codes:

Amendment

2. Information originating from a Member State shall be assessed by the Member State providing information on the basis of its reliability using the following information evaluation codes:

Amendment 147

Proposal for a regulation

Article 35 – paragraph 4

Text proposed by the Commission

4. Where Europol receives information from a Member State without an assessment, Europol shall **attempt as far as possible to** assess the reliability of the source or the information on the basis of information already in its possession. The assessment of specific data and information shall take place in agreement with the supplying Member State. A Member State may also agree with Europol in general terms on the assessment of specified types of data and specified sources. If no agreement is reached in a specific case, or no agreement in general terms exists, Europol shall evaluate the information or data and shall attribute to such information or data the evaluation codes (X) and (4),

Amendment

4. Where Europol receives information from a Member State without an assessment, Europol shall assess the reliability of the source or the information on the basis of information already in its possession. The assessment of specific data and information shall take place in agreement with the supplying Member State. A Member State may also agree with Europol in general terms on the assessment of specified types of data and specified sources. If no agreement is reached in a specific case, or no agreement in general terms exists, Europol shall evaluate the information or data and shall attribute to such information or data the evaluation codes (X) and (4), referred to in paragraphs

referred to in paragraphs 1 and 2.

1 and 2.

Amendment 148

Proposal for a regulation Article 35 – paragraph 6

Text proposed by the Commission

6. Information from publicly-available sources shall be assessed by Europol using the evaluation codes *set out in paragraphs 1 and 2*.

Amendment

6. Information from publicly-available sources shall be assessed by Europol using the evaluation codes (X) and (4).

Amendment 149

Proposal for a regulation Article 36 – paragraph 1

Text proposed by the Commission

1. Processing of personal data on victims of a criminal offence, witnesses or other persons who can provide information on criminal offences, or on persons under the age of 18 shall be prohibited unless it is strictly necessary for preventing or combating crime that falls under Europol's objectives.

Amendment

1. Processing of personal data on victims of a criminal offence, witnesses or other persons who can provide information on criminal offences, or on persons under the age of 18 shall be prohibited unless it is strictly necessary *and duly justified* for preventing or combating crime that falls under Europol's objectives.

Amendment 150

Proposal for a regulation Article 36 – paragraph 2

Text proposed by the Commission

2. Processing of personal data, by automated or other means, revealing racial *or* ethnic origin, political opinions, religion or beliefs, trade-union membership and of data concerning health or sex life shall be prohibited, unless it is strictly necessary for preventing or combating crime that falls under Europol's objectives and if those data supplement other personal data already processed by Europol.

Amendment

2. Processing of personal data, by automated or other means, revealing racial, ethnic *or social* origin, political opinions, religion or beliefs, trade-union membership and of data concerning health or sex life shall be prohibited, unless it is strictly necessary *and duly justified* for preventing or combating crime that falls under Europol's objectives and if those data supplement other personal data already processed by Europol.

Amendment 151

Proposal for a regulation

Article 36 – paragraph 4

Text proposed by the Commission

4. No decision which produces legal effects concerning a data subject shall be based solely on automated processing of data referred to in paragraph 2, unless the decision is expressly authorised pursuant to national or Union legislation or, *if necessary*, by the European Data Protection Supervisor.

Amendment

4. No decision which produces legal effects concerning a data subject shall be based solely on automated processing of data referred to in paragraph 2, unless the decision is expressly authorised pursuant to national or Union legislation or by the European Data Protection Supervisor.

Amendment 152

Proposal for a regulation

Article 36 – paragraph 5

Text proposed by the Commission

5. Personal data referred to in paragraphs 1 and 2 shall not be transmitted to Member States, Union bodies, third countries or international organisations unless strictly necessary in individual cases concerning crime that falls under Europol's objectives.

Amendment

5. Personal data referred to in paragraphs 1 and 2 shall not be transmitted to Member States, Union bodies, third countries or international organisations unless strictly necessary *and duly justified* in individual cases concerning crime that falls under Europol's objectives. *Such transmission shall be in accordance with the provisions laid down in Chapter VI of this Regulation.*

Amendment 153

Proposal for a regulation

Article 37 – paragraph 1

Text proposed by the Commission

1. Personal data processed by Europol shall be stored by Europol only as long as necessary for the *achievement of its objectives*.

Amendment

1. Personal data processed by Europol shall be stored by Europol only as long as *strictly* necessary for the *purposes for which the data are processed*.

Amendment 154

Proposal for a regulation

Article 37 – paragraph 6 – point a

Text proposed by the Commission

(a) this would damage the interests of a data subject who requires protection. In such cases, the data shall be used only with the consent of the data subject.

Amendment

(a) this would damage the interests of a data subject who requires protection. In such cases, the data shall be used only with the ***express and written*** consent of the data subject.

Amendment 155

Proposal for a regulation

Article 37 – paragraph 6 – point c

Text proposed by the Commission

(c) the personal data have to be maintained for purposes of proof;

Amendment

(c) the personal data have to be maintained for purposes of proof ***or for the establishment, exercise or defence of legal claims;***

Amendment 156

Proposal for a regulation

Article 38 – paragraph 2 – point g a (new)

Text proposed by the Commission

Amendment

(ga) ensure that it is possible to verify and establish what data have been accessed by which member of personnel and at what time (access log);

Amendment 157

Proposal for a regulation

Article 38 a (new)

Text proposed by the Commission

Amendment

Article 38a

Data protection by design and by default

1. Europol shall implement appropriate technical and organisational measures and procedures in such a way that the processing will meet the requirements of provisions adopted pursuant to this Regulation and ensure the protection of the rights of the data subject.

2. Europol shall implement mechanisms for ensuring that, by default, only those personal data which are necessary for the purposes of the processing are processed.

Amendment 158

**Proposal for a regulation
Article 38 b (new)**

Text proposed by the Commission

Amendment

Article 38b

Notification of a personal data breach to the European Data Protection Supervisor

1. In the case of a personal data breach, Europol shall notify, without undue delay and, where feasible, not later than 24 hours after having become aware of it, the personal data breach to the European Data Protection Supervisor. Europol shall provide, on request, a reasoned justification in cases where the notification is not made within 24 hours.

2. The notification referred to in paragraph 1 shall at least:

(a) describe the nature of the personal data breach including the categories and number of data subjects concerned and the categories and number of data records concerned;

(b) recommend measures to mitigate the possible adverse effects of the personal data breach;

(c) describe the possible consequences of the personal data breach;

(d) describe the measures proposed or taken by the controller to address the personal data breach.

3. Europol shall document any personal data breaches, comprising the facts surrounding the breach, its effects and the remedial action taken, enabling the European Data Protection Supervisor to verify compliance with this Article.

Amendment 159

Proposal for a regulation Article 38 c (new)

Text proposed by the Commission

Amendment

Article 38c

Communication of a personal data breach to the data subject

1. Where a personal data breach referred to in Article 38b is likely to adversely affect the protection of the personal data or privacy of the data subject, Europol shall communicate the personal data breach to the data subject without undue delay.

2. The communication to the data subject referred to in paragraph 1 shall describe the nature of the personal data breach and contain the identity and contact details of the data protection officer referred to in Article 44.

3. The communication of a personal data breach to the data subject shall not be required if Europol demonstrates to the satisfaction of the European Data Protection Supervisor that it has implemented appropriate technological protection measures, and that those measures were applied to the personal data concerned by the personal data breach. Such technological protection measures shall render the data unintelligible to any person who is not authorised to access it.

4. The communication to the data subject may be delayed, restricted or omitted where it is necessary and proportionate measure with due regard for the legitimate interests of the person concerned:

(a) to avoid obstructing official or legal inquiries, investigations or procedures;

(b) to avoid prejudicing the prevention, detection, investigation and prosecution of criminal offences or for the execution of criminal penalties;

(c) to protect public and national security;
(d) protect the rights and freedoms of third parties.

Amendment 160

Proposal for a regulation

Article 39 – paragraph 1 – introductory part

Text proposed by the Commission

1. Any data subject shall have the right, at reasonable intervals, to obtain information on whether personal data relating to him/her are processed by Europol. Where such personal data are being processed, Europol shall provide the following information to the data subject:

Amendment

1. Any data subject shall have the right, at reasonable intervals, to obtain information on whether personal data relating to him/her are processed by Europol. Where such personal data are being processed, Europol shall provide ***at least*** the following information to the data subject:

Amendment 161

Proposal for a regulation

Article 39 – paragraph 1 – point b

Text proposed by the Commission

(b) information at least as to the purposes of the processing operation, the categories of data concerned, and the recipients to whom the data are disclosed;

Amendment

(b) information at least as to the purposes of the processing operation, the categories of data concerned, ***the period for which the data will be stored***, and the recipients to whom the data are disclosed;

Amendment 162

Proposal for a regulation

Article 39 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) an indication of the legal basis for processing the data;

Amendment 163

Proposal for a regulation

Article 39 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) the existence of the right to request

from Europol rectification, erasure or restriction of processing of personal data concerning the data subject;

Amendment 164

Proposal for a regulation

Article 39 – paragraph 1 – point c c (new)

Text proposed by the Commission

Amendment

(cc) a copy of the data undergoing processing.

Amendments 165 and 234

Proposal for a regulation

Article 39 – paragraph 2

Text proposed by the Commission

Amendment

2. Any data subject wishing to exercise the right of access to personal data may make a request to that effect *without excessive costs* to the authority appointed for this purpose in the Member State of his/her choice. That authority shall refer the request to Europol without delay and in any case within one month of receipt.

2. Any data subject wishing to exercise the right of access to personal data may make a request to that effect *free of charge* to the authority appointed for this purpose in the Member State of his/her choice. That authority shall refer the request to Europol without delay and in any case within one month of receipt. *Europol shall confirm receipt of the request.*

Amendment 166

Proposal for a regulation

Article 39 – paragraph 3

Text proposed by the Commission

Amendment

3. Europol shall answer the request without undue delay and in any case within three months of *its* receipt.

3. Europol shall answer the request without undue delay and in any case within three months of *the* receipt *of the request from the national authority.*

Amendment 167

Proposal for a regulation

Article 39 – paragraph 5 – introductory part

Text proposed by the Commission

Amendment

5. *Access to personal data* shall be refused

5. *The provision of information in*

or restricted, if it constitutes a necessary measure to:

response to a request under paragraph 1 shall be refused *to the extent that such partial or complete refusal is* a necessary measure to:

Amendment 168

Proposal for a regulation

Article 39 – paragraph 5 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Any decision on the restriction or refusal of the information requested shall take into account the fundamental rights and interests of the data subject.

Amendment 169

Proposal for a regulation

Article 40 – paragraph 1

Text proposed by the Commission

Amendment

1. Any data subject shall have the right to ask Europol to rectify personal data relating to him/her if they are incorrect and, *where this is possible and necessary*, to complete or update them.

1. Any data subject shall have the right to ask Europol to rectify personal data relating to him/her if they are incorrect and to complete or update them.

Amendment 170

Proposal for a regulation

Article 40 – paragraph 4

Text proposed by the Commission

Amendment

4. If data as described in paragraphs 1, 2 and 3 held by Europol have been provided to it by third countries, international organisations, or are the results of Europol's own analyses, Europol shall rectify, erase or block such data.

4. If data as described in paragraphs 1, 2 and 3 held by Europol have been provided to it by third countries, international organisations, or are the results of Europol's own analyses, Europol shall rectify, erase or block such data *and inform, where relevant, the originators of the data.*

Amendment 171

Proposal for a regulation

Article 41 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Europol shall store personal data in such a way that they can be rectified and erased.

Amendment 172

Proposal for a regulation Article 41 – paragraph 2

Text proposed by the Commission

Amendment

2. The responsibility for the quality of personal data as referred to in Article 34(d) shall lie with the Member State which provided the personal data to Europol and with Europol for personal data provided by Union bodies, third countries or international organisations, as well for personal data retrieved by Europol from publicly-available sources.

2. The responsibility for the quality of personal data as referred to in Article 34(d) shall lie with the Member State which provided the personal data to Europol and with Europol for personal data provided by Union bodies, third countries or international organisations, as well for personal data retrieved by Europol from publicly-available sources. ***Union bodies shall be responsible for the quality of the data until and including the moment of the transfer.***

Amendment 173

Proposal for a regulation Article 41 – paragraph 4 – introductory part

Text proposed by the Commission

Amendment

4. The responsibility for the ***legality of transfer*** shall lie:

4. The responsibility for the ***applicable data protection principles*** shall lie:

Amendment 174

Proposal for a regulation Article 41 – paragraph 5 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Europol shall verify the competence of the recipient and evaluate the necessity for the transfer of the data. If doubts arise as to this necessity, Europol shall seek further information from the recipient. The recipient shall ensure that the need for the transfer of the data can be verified.

The recipient shall process the personal data only for the purposes for which they were transmitted.

Amendment 175

Proposal for a regulation

Article 42 – paragraph 1 – introductory part

Text proposed by the Commission

1. The processing of personal data **which will form part of a new filing system to be created** shall be subject to prior checking where:

Amendment

1. The processing of personal data **in any set of processing operations that serve a single or several related purposes in relation to its core activities** shall be subject to prior checking where:

Amendment 176

Proposal for a regulation

Article 42 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The European Data Protection Supervisor shall deliver his/her opinion within two months following receipt of the notification. This period may be suspended until the European Data Protection Supervisor has obtained any further information that he/she may have requested. When the complexity of the matter so requires, this period may also be extended for a further two months, by decision of the European Data Protection Supervisor. This decision shall be notified to Europol prior to expiry of the initial two-month period.

Amendment

The European Data Protection Supervisor shall deliver his/her opinion within two months following receipt of the notification. This period may be suspended **at any time** until the European Data Protection Supervisor has obtained any further information that he/she may have requested. When the complexity of the matter so requires, this period may also be extended for a further two months, by decision of the European Data Protection Supervisor. **No more than two extensions shall be possible.** This decision shall be notified to Europol prior to expiry of the initial two-month period.

Amendment 177

Proposal for a regulation

Article 43 – paragraph 1

Text proposed by the Commission

1. For the purposes of verifying the lawfulness of data processing, self-monitoring and ensuring proper data integrity and security Europol shall keep

Amendment

1. For the purposes of verifying the lawfulness of data processing, self-monitoring and ensuring proper data integrity and security Europol shall keep

records of collection, alteration, access, disclosure, combination or erasure of personal data. Such logs or documentation shall be deleted after three years, unless the data are further required for on-going control. There shall be no possibility to modify the logs.

records of collection, alteration, access, **retrieval**, disclosure, combination or erasure of personal data. Such logs or documentation shall be deleted after three years, unless the data are further required for on-going control. There shall be no possibility to modify the logs.

Amendment 178

Proposal for a regulation

Article 44 – paragraph 7 – point a

Text proposed by the Commission

(a) ensuring, in an independent manner, **lawfulness and compliance with** the provisions of this Regulation concerning the processing of personal data;

Amendment

(a) ensuring, in an independent manner, **the internal application of** the provisions of this Regulation concerning the processing of personal data;

Amendment 179

Proposal for a regulation

Article 44 – paragraph 7 – point e

Text proposed by the Commission

(e) cooperating with the European Data Protection Supervisor;

Amendment

(e) cooperating with the European Data Protection Supervisor, **especially with regards to the processing operations referred to in Article 42;**

Amendment 180

Proposal for a regulation

Article 44 – paragraph 7 – point f a (new)

Text proposed by the Commission

Amendment

(fa) acting as a contact point for access requests pursuant to Article 39;

Amendment 181

Proposal for a regulation

Article 44 – paragraph 7 – point f b (new)

Text proposed by the Commission

Amendment

(fb) keeping a register of all processing operations carried out by Europol,

including, where relevant, information regarding the purpose, data categories, recipients, time limits for blocking and erasure, transfers to third countries or international organisations and security measures;

Amendment 182

Proposal for a regulation Article 44 – paragraph 7 – point f c (new)

Text proposed by the Commission

Amendment

(fc) keeping a register of incidents and security breaches affecting operational or administrative personal data.

Amendment 183

Proposal for a regulation Article 44 – paragraph 8

Text proposed by the Commission

Amendment

8. Moreover, the Data Protection Officer shall carry out the functions foreseen by Regulation (EC) No 45/2001 with regard to ***personal data of Europol staff members as well as*** administrative personal data.

8. Moreover, the Data Protection Officer shall carry out the functions foreseen by Regulation (EC) No 45/2001 with regard to administrative personal data.

Amendment 184

Proposal for a regulation Article 44 – paragraph 9

Text proposed by the Commission

Amendment

9. In the performance of his/her tasks, the Data Protection Officer shall have access to all the data processed by Europol and to all Europol premises.

9. In the performance of his/her tasks, the Data Protection Officer shall have access to all the data processed by Europol and to all Europol premises. ***Such access shall be possible at any time and without prior request.***

Amendment 185

Proposal for a regulation Article 44 – paragraph 11

Text proposed by the Commission

11. The Management Board shall adopt 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 and his/her dismissal, tasks, duties and powers and safeguards for independence of the Data Protection Officer. Europol shall provide the Data Protection Officer with the staff and resources necessary for him/her to carry out his/her duties. These staff members shall have access to the personal data processed at Europol and to Europol premises only to the extent necessary for the performance of their tasks.

Amendment

11. The Management Board shall adopt 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 and his/her dismissal, tasks, duties and powers and safeguards for independence of the Data Protection Officer. Europol shall provide the Data Protection Officer with the staff and resources necessary for him/her to carry out his/her duties. These staff members shall have access to the personal data processed at Europol and to Europol premises only to the extent necessary for the performance of their tasks. ***Such access shall be possible at any time and without prior request.***

Amendment 186

**Proposal for a regulation
Article 44 – paragraph 11 a (new)**

Text proposed by the Commission

Amendment

11a. The Data Protection Officer shall be provided with the resources necessary for the performance of his/her tasks.

Amendment 187

**Proposal for a regulation
Article 46 – paragraph 2 – point b**

Text proposed by the Commission

Amendment

(b) conduct inquiries either on his/her own initiative or on the basis of a complaint, and inform the data subjects of the outcome ***within a reasonable period;***

(b) conduct inquiries either on his/her own initiative or on the basis of a complaint, and inform the data subjects of the outcome ***without delay;***

Amendment 189

**Proposal for a regulation
Article 46 – paragraph 3 – point f**

Text proposed by the Commission

Amendment

(f) **impose** a temporary *or* definitive ban on processing;

(f) **propose to the Management Board that** a temporary or definitive **partial or total** ban **be imposed** on processing;

Amendment 190

Proposal for a regulation Article 46 – paragraph 5

Text proposed by the Commission

Amendment

5. The European Data Protection Supervisor shall draw up an annual report on the supervisory activities on Europol. This report shall be part of the annual report of the European Data Protection Supervisor referred to in Article 48 of Regulation (EC) No 45/2001.

5. The European Data Protection Supervisor shall draw up an annual report on the supervisory activities on Europol. This report shall be part of the annual report of the European Data Protection Supervisor referred to in Article 48 of Regulation (EC) No 45/2001.

This report shall include statistical information regarding complaints, inquiries, investigations, the processing of sensitive information, transfers of personal data to third countries and international organisations, prior checking and notifications, and the use of the powers referred to in paragraph 3.

This report shall be forwarded and presented to the Joint Parliamentary Scrutiny Group, and shall be forwarded to the Council, the Commission and national Parliaments. On the basis of this report, the European Parliament and the Council may request the European Data Protection Supervisor to undertake additional action to ensure the application of the provisions of this Regulation.

Amendment 191

Proposal for a regulation Article 47 - paragraph 2

Text proposed by the Commission

Amendment

2. **In the cases referred to in paragraph 1,** the European Data Protection Supervisor and the national supervisory authorities

2. **The European Data Protection Supervisor shall, where relevant, use the expertise and experience of national data**

shall, each acting within the scope of their respective competences, exchange relevant information, assist each other in carrying out audits and inspections, examine difficulties of interpretation or application of this Regulation, study problems relating to the exercise of independent supervision or the exercise of the rights of data subjects, draw up harmonised proposals for joint solutions to any problems and promote awareness of data protection rights, as necessary.

protection authorities in carrying out his duties set out in Article 46(2). In carrying out activities in cooperation with the European Data Protection Supervisor, members and staff of national data protection authorities shall, taken due account of the principle of subsidiarity and proportionality, have equivalent powers as those laid down in Article 46(4) and be bound by an equivalent obligation as that laid down in Article 46(6). The European Data Protection Supervisor and the national supervisory authorities shall, each acting within the scope of their respective competences, exchange relevant information, assist each other in carrying out audits and inspections, examine difficulties of interpretation or application of this Regulation, study problems relating to the exercise of independent supervision or the exercise of the rights of data subjects, draw up harmonised proposals for joint solutions to any problems and promote awareness of data protection rights, as necessary.

Amendment 192

Proposal for a regulation Article 47 - paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The European Data Protection Supervisor shall keep national supervisory authorities fully informed of all issues relevant for them.

Amendment 193

Proposal for a regulation Article 47 - paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. In cases where specific issues concern data originating from one or several Member States, the European Data Protection Supervisor shall consult the concerned and competent national

supervisory authorities. The European Data Protection Supervisor shall not decide on further action to be taken before the concerned and competent national supervisory authorities have informed the European Data Protection Supervisor of their position, within a deadline specified by the EDPS which shall not be shorter than two months. The EDPS shall take utmost account of the position of the concerned and competent national supervisory authorities. In cases where the EDPS intends not to follow their position, he shall inform them and provide a justification. In cases which the EDPS deems to be extremely urgent, he may decide to take immediate action. In such cases, the EDPS shall immediately inform the concerned and competent national supervisory authorities and justify the urgent nature of the situation as well as the action he has taken.

Amendment 194

Proposal for a regulation Article 47 - paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. The European Data Protection Supervisor shall consult the concerned and competent national supervisory authorities before taking any of the actions stipulated Article 46(3), points (e) to (h). The EDPS shall take utmost account of the position of the concerned and competent national supervisory authorities communicated within a deadline specified by him and which shall not be shorter than two months. If the EDPS intends not to follow the positions of national supervisory authorities, he shall inform them and provide a justification. In cases which the EDPS deems to be extremely urgent, he may decide to take immediate action. In such cases, the EDPS shall immediately inform the concerned and competent national supervisory authorities and justify the urgent nature of the situation as well as

the action he has taken. The European Data Protection Supervisor shall refrain from taking action if all national supervisory authorities informed the European Data Protection Supervisor of their negative position.

Amendment 195

Proposal for a regulation Article 47 - paragraph 3

Text proposed by the Commission

3. The national supervisory authorities and the European Data Protection Supervisor shall meet, **where needed**. The costs and servicing of such meetings shall be borne by the European Data Protection Supervisor. Rules of procedure shall be adopted at the first meeting. Further working methods shall be developed jointly as necessary.

Amendment

3. The **heads of the** national supervisory authorities and the European Data Protection Supervisor shall meet **at least once per year to discuss strategic and general policy issues or other issues referred to in paragraphs 1 and 2**. The costs and servicing of such meetings shall be borne by the European Data Protection Supervisor. Rules of procedure shall be adopted at the first meeting. Further working methods shall be developed jointly as necessary.

Amendment 196

Proposal for a regulation Article 48 – title

Text proposed by the Commission

Administrative personal data **and Staff data**

Amendment

Administrative personal data

Amendment 197

Proposal for a regulation Article 48

Text proposed by the Commission

Regulation (EC) No 45/2001 shall apply to all **personal data of Europol staff members as well as** administrative personal data held by Europol.

Amendment

Regulation (EC) No 45/2001 shall apply to all administrative personal data held by Europol.

Amendment 198

Proposal for a regulation Article 49 – paragraph 2

Text proposed by the Commission

2. Where a complaint relates to a decision as referred to in Article 39 or 40, the European Data Protection Supervisor shall consult the national supervisory bodies or the competent judicial body in the Member State that was the source of the data or the Member State directly concerned. ***The decision of the European Data Protection Supervisor, which may extend to a refusal to communicate any information, shall be taken in close cooperation with the national supervisory body or competent judicial body.***

Amendment

2. Where a complaint relates to a decision as referred to in Article 39 or 40, the European Data Protection Supervisor shall consult the national supervisory bodies or the competent judicial body in the Member State(s) that was the source of the data or the Member State(s) directly concerned.

Amendment 199

Proposal for a regulation Article 49 – paragraph 3

Text proposed by the Commission

3. Where a complaint relates to the processing of data provided by a Member State to Europol, the European Data Protection Supervisor ***shall ensure that the necessary checks have been carried out correctly*** in close cooperation with the national supervisory body of the Member State that provided the data.

Amendment

3. Where a complaint relates to the processing of data provided by a Member State to Europol, the European Data Protection Supervisor, in close cooperation with the national supervisory body of the Member State that provided the data, ***shall ensure that the data processing in the Member State concerned was lawful and that the necessary checks have been carried out correctly.***

Amendment 200

Proposal for a regulation Article 53

Text proposed by the Commission

Parliamentary scrutiny

Amendment

Joint Parliamentary Scrutiny

1. The mechanism for the control of Europol's activities by the European Parliament, together with national

Parliaments, shall take the form of a specialised Joint Parliamentary Scrutiny Group, to be established within the competent committee of the European Parliament, comprising the full members of the competent committee of the European Parliament and one representative of the competent committee of the national parliament for each Member State and a substitute. Member States with bicameral parliamentary systems may instead be represented by a representative from each chamber.

2. The Joint Parliamentary Scrutiny Group meetings shall always be convened in the European Parliament premises by the Chair of the European Parliament's competent committee. The meetings shall be co-chaired by the Chair of the competent committee of the European Parliament and the representative from the national Parliament of the Member State holding the rotating Council Presidency.

3. The Joint Parliamentary Scrutiny Group shall monitor the application of the provisions of this Regulation, in particular in relation to their impact on the fundamental rights and freedoms of natural persons.

4. To this end, the Joint Parliamentary Scrutiny Group shall have the following duties:

1. The Chairperson of the Management Board and the Executive Director shall appear before the European Parliament, jointly with national Parliaments, at their request to discuss matters relating to Europol, taking into account the obligations of discretion and confidentiality.

2. Parliamentary scrutiny by the European Parliament, together with national Parliaments, of Europol's activities shall be exercised in accordance with this Regulation.

a) the Chairperson of the Management Board, the Executive Director and a representative of the Commission shall appear before the Joint Parliamentary Scrutiny Group at its request to discuss matters relating to Europol, taking into account, if appropriate, the obligations of discretion and confidentiality. The Group may decide to invite to its meetings other relevant persons, if appropriate;

b) the European Data Protection Supervisor shall appear before the Joint Parliamentary Scrutiny Group at its request and at least once per year to discuss matters relating to the protection of fundamental rights and freedoms of

natural persons, and in particular the protection of personal data, with regard to Europol's operations, taking into account, if appropriate, the obligations of discretion and confidentiality.

The following documents shall be presented and debated in the Joint Parliamentary Scrutiny Group meetings:

- the draft annual and multiannual work programmes, referred to in Article 15;

- the consolidated annual activity report on Europol's activities, referred to in Article 14;

- the annual report of the European Data Protection Supervisor on the supervisory activities of Europol, referred to in Article 46;

- the evaluation report drawn up by the Commission to review the effectiveness and efficiency of Europol, referred to in Article 70.

The following persons shall appear before the Joint Parliamentary Scrutiny Group at its request:

- the selected candidates for the posts of Executive Director, referred to in Article 56(2);

- the Executive Director, whose term of office is intended to be extended, as provided for in Article 56(5);

- the Executive Director, in order to report on the performance of their duties.

The Chairperson of the Management Board shall inform the Joint Parliamentary Scrutiny Group before removing the Executive Director from office, as well as to the reasons or grounds for such decision.

3. In addition *to the obligations of information and consultation set out in this Regulation*, Europol shall transmit *to the European Parliament and to the national parliaments*, taking into account the obligations of discretion and confidentiality, for information:

(a) threat assessments, strategic analyses

5. In addition, Europol shall transmit to the *Joint Parliamentary Scrutiny Group*, taking into account, *if appropriate*, the obligations of discretion and confidentiality, for information:

(a) threat assessments, strategic analyses

and general situation reports relating to Europol's objective as well as the results of studies and evaluations commissioned by Europol;

(b) the working arrangements adopted pursuant to Article 31(1).

and general situation reports relating to Europol's objective as well as the results of studies and evaluations commissioned by Europol;

(b) the working arrangements adopted pursuant to Article 31(1).

6. The Joint Parliamentary Scrutiny Group may request any relevant document necessary for the fulfilment of its tasks, subject to Regulation (EC) No 1049/2001^{1a} as well as rules governing the treatment of confidential information by the European Parliament.

7. The Joint Parliamentary Scrutiny Group may draw up summary conclusions on the supervisory activities on Europol to the European Parliament.

^{1a} **Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).**

Amendment 201

Proposal for a regulation Article 54

Text proposed by the Commission

1. For the purpose of enabling it to exercise parliamentary scrutiny of Europol's activities in accordance with Article 53, access to European Union Classified Information and sensitive non-classified information processed by or through Europol **may** be granted to the **European Parliament** and its representatives upon request.

2. Access to European Union Classified Information and sensitive non-classified information shall be in compliance with the **basic principles and minimum standards as referred to in Article 69. The details**

Amendment

1. For the purpose of enabling it to exercise parliamentary scrutiny of Europol's activities in accordance with Article 53, access to European Union Classified Information and sensitive non-classified information processed by or through Europol **shall** be granted to the **Joint Parliamentary Scrutiny Group** and its representatives upon request **and where relevant, after the consent of the data provider.**

2. **Given the sensitive and classified nature of this information,** access to European Union Classified Information and sensitive non-classified information shall be in compliance with the **rules**

shall be governed by a working arrangement concluded between Europol and the European Parliament.

governing the treatment of confidential information by the European Parliament^{1a}. Further details may be governed by a working arrangement concluded between Europol and the European Parliament.

^{1a} *As laid down in the Decision of the Bureau of the European Parliament of 15 April 2013.*

Amendment 202

Proposal for a regulation

Article 55 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The appointing authority shall make full use of the possibilities given by the Staff Regulation and provide specialised staff such as IT-experts with a higher function group and grade according to their qualification to fulfil the tasks of the Agency pursuant to Article 4 in an ideal manner.

Amendment 203

Proposal for a regulation

Article 56 – paragraph 2

Text proposed by the Commission

Amendment

2. The Executive Director shall be appointed by the Management Board, *from a list of candidates proposed* by the Commission, *following an open and transparent selection procedure.*

For the purpose of concluding the contract with the Executive Director, Europol shall be represented by the Chairperson of the Management Board.

2. The Executive Director shall be appointed by the Management Board, *in accordance with a cooperation procedure, which shall be as follows:*

(a) on the basis of a list of at least three candidates proposed by a committee composed of the Commission representative on the Management Board and two other members of the Management Board, following an open and transparent selection procedure, the applicants will be asked, before appointment, to address the Council and

Before appointment, the candidate selected by the Management Board may be invited to make a statement before the competent committee of the European Parliament and to answer questions put by its members.

the Joint Parliamentary Scrutiny Group and, to reply to questions;

(b) the Joint Parliamentary Scrutiny Group and the Council will then give their opinions and state their orders of preference;

(c) the Management Board will appoint the Executive Director taking these opinions into account.

Amendment 204

Proposal for a regulation Article 56 – paragraph 4

Text proposed by the Commission

4. The Management Board, acting on a proposal from the Commission that takes into account the assessment referred to in paragraph 3, may extend the term of office of the Executive Director once, for no more than five years.

Amendment

4. The Management Board, *after seeking the opinion of the Joint Parliamentary Scrutiny Group and* acting on a proposal from the Commission that takes into account the assessment referred to in paragraph 3, may extend the term of office of the Executive Director once, for no more than five years.

Amendment 205

Proposal for a regulation Article 56 – paragraph 5

Text proposed by the Commission

5. The Management Board shall inform the European Parliament if it intends to extend the Executive Director's term of office. Within the month before any such extension, the Executive Director *may* be invited to make a statement before the *competent committee of the Parliament* and answer questions put by its members.

Amendment

5. The Management Board shall inform the European Parliament if it intends to extend the Executive Director's term of office. Within the month before any such extension, the Executive Director *shall* be invited to make a statement before the *Joint Parliamentary Scrutiny Group* and answer questions put by its members.

Amendment 206

Proposal for a regulation

Article 56 – paragraph 7

Text proposed by the Commission

7. The Executive Director may be removed from office only upon a decision of the Management Board *acting on a proposal from the Commission*.

Amendment

7. The Executive Director may be removed from office only upon a decision of the Management Board, *explained to the Joint Parliamentary Scrutiny Group and the Council*.

Amendment 207

Proposal for a regulation

Article 57 – paragraph 1

Text proposed by the Commission

1. **Four** Deputy Executive Directors, *including one responsible for training*, shall assist the Executive Director. *The Deputy Executive Director for Training shall be responsible for managing the Europol Academy and its activities*. The Executive Director shall define the tasks of the others.

Amendment

1. **Three** Deputy Executive Directors shall assist the Executive Director. The Executive Director shall define the tasks of the others.

Amendment 208

Proposal for a regulation

Article 60 – paragraph 2

Text proposed by the Commission

2. The Management Board shall, on the basis of that draft, produce a provisional draft estimate of Europol's revenue and expenditure for the following financial year. The provisional draft estimate of Europol's revenue and expenditure shall be sent to the Commission each year by [date set out in the framework Financial Regulation]. The Management Board shall send a final draft estimate, which shall include a draft establishment plan, to the Commission, *the European Parliament and* the Council by 31 March.

Amendment

2. The Management Board shall, on the basis of that draft, produce a provisional draft estimate of Europol's revenue and expenditure for the following financial year. The provisional draft estimate of Europol's revenue and expenditure shall be sent to the Commission each year by [date set out in the framework Financial Regulation]. The Management Board shall send *and submit* a final draft estimate, which shall include a draft establishment plan, to the *Joint Parliamentary Scrutiny Group, the Commission, the Council and the national parliaments* by 31 March.

Amendment 209

Proposal for a regulation

Article 62 – paragraph 2

Text proposed by the Commission

2. Europol shall send the report on the budgetary and financial management to ***the European Parliament***, the Council and the Court of Auditors by 31 March of the following financial year.

Amendment

2. Europol shall send the report on the budgetary and financial management ***and submit it to the Joint Parliamentary Scrutiny Group***, the Council and the Court of Auditors by 31 March of the following financial year.

Amendment 210

Proposal for a regulation

Article 62 – paragraph 6

Text proposed by the Commission

6. The Executive Director shall, by 1 July following each financial year, send the final accounts to ***the European Parliament***, the Council, the Commission, the Court of Auditors and national ***Parliaments***, together with the Management Board's opinion.

Amendment

6. The Executive Director shall, by 1 July following each financial year, send ***and submit*** the final accounts ***to the Joint Parliamentary Scrutiny Group***, the Council, the Commission, the Court of Auditors and national ***parliaments***, together with the Management Board's opinion.

Amendment 211

Proposal for a regulation

Article 63 – paragraph 1

Text proposed by the Commission

1. The financial rules applicable to Europol shall be adopted by the Management Board after consultation with the Commission. They shall not depart from [the framework Financial Regulation] unless such a departure is specifically required for Europol's operation and the Commission has given its prior consent.

Amendment

1. The financial rules applicable to Europol shall be adopted by the Management Board after consultation with the Commission. They shall not depart from [the framework Financial Regulation] unless such a departure is specifically required for Europol's operation and the Commission has given its prior consent. ***The European Parliament shall be notified of any such departure.***

Amendment 212

Proposal for a regulation Article 63 – paragraph 2

Text proposed by the Commission

Amendment

2. Because of the specificity of the Members of the Network of National Training Institutes which are the only bodies with specific characteristics and technical competences to perform relevant training activities, these members may receive grants without a call for proposals in accordance with Article 190(1)(d) of the Commission Delegated Regulation (EU) No 1268/2012⁴¹.

deleted

⁴¹ OJ L 362, 31.12.2012, p. 1.

Amendment 213

Proposal for a regulation Article 67 – paragraph 1

Text proposed by the Commission

Amendment

1. Regulation (EC) No 1049/2001⁴³ shall apply to documents held by Europol.

1. Regulation (EC) No 1049/2001⁴³ shall apply to **all administrative** documents held by Europol.

⁴³ OJ L 145, 31.5.2001, p. 43.

⁴³ OJ L 145, 31.5.2001, p. 43.

Amendment 214

Proposal for a regulation Article 67 – paragraph 3a (new)

Text proposed by the Commission

Amendment

3a. Europol shall publish on its website a list of its Management Board members and external and in-house experts, together with their respective declarations of interests and curricula vitae. The minutes of the meetings of the Management Board shall be systematically published. Europol may temporarily or permanently restrict the

publication of documents if it risks jeopardising the performance of Europol's tasks, taking into account its obligations of discretion and confidentiality.

Amendment 215

Proposal for a regulation Article 67 a (new)

Text proposed by the Commission

Amendment

Article 67a

Prior notification and red-flag-mechanism

The Commission shall activate a warning system if it has serious concerns that the Management Board may be about to take decisions which would not comply with Europol's mandate, would breach Union law or would be in contradiction with Union policy objectives. In such cases, the Commission shall raise the matter formally with the Management Board and ask it to refrain from adopting the relevant decision. Should the Management Board refuse to comply with the request, the Commission shall formally inform the European Parliament and the Council thereof, with a view to a swift response. The Commission may ask the Management Board to refrain from implementing the contentious decision for as long as the representatives of the institutions are still discussing the issue.

Amendment 216

Proposal for a regulation Article 70 – paragraph 1

Text proposed by the Commission

Amendment

1. No later than five years after [the date of application of this Regulation,] and every five years thereafter, the Commission shall commission an evaluation to assess particularly the impact, effectiveness and efficiency of Europol and its working

1. No later than five years after [the date of application of this Regulation,] and every five years thereafter, the Commission shall commission an evaluation to assess particularly the impact, effectiveness and efficiency of Europol and its working

practices. The evaluation shall, in particular, address the possible need to modify the objectives of Europol, and the financial implications of any such modification.

practices *as well as the functioning of the mechanisms for control of Europol's activities by the European Parliament together with national parliaments*. The evaluation shall, in particular, address the possible need to modify the objectives of Europol, and the financial implications of any such modification.

Amendment 217

Proposal for a regulation Article 70 – paragraph 2

Text proposed by the Commission

2. The Commission shall forward the evaluation report together with its conclusions on the report to *the European Parliament*, the Council, the national parliaments and the Management Board.

Amendment

2. The Commission shall forward *and submit* the evaluation report together with its conclusions on the report, *if appropriate accompanied by a proposal to amend this Regulation*, to *the Joint Parliamentary Scrutiny Group*, the Council, the national parliaments and the Management Board. *In addition, the Commission shall provide the European Parliament, the Council and the national parliaments with any other information on the evaluation if requested.*

Amendment 218

Proposal for a regulation Article 70 – paragraph 3

Text proposed by the Commission

3. On the occasion of every second evaluation, the Commission shall also assess the results achieved by Europol having regard to its objective, mandate and tasks. If the Commission considers that the continuation of Europol is no longer justified with regard to its assigned objectives and tasks, it may propose that this Regulation be amended accordingly or repealed.

Amendment

3. On the occasion of every second evaluation, the Commission shall also assess the results achieved by Europol having regard to its objective, mandate and tasks. If the Commission considers that the continuation of Europol is no longer justified with regard to its assigned objectives and tasks, it may propose that this Regulation be amended accordingly or repealed *under the ordinary legislative procedure*.

Amendment 219

Proposal for a regulation Article 73 – paragraph 1

Text proposed by the Commission

1. Europol, as established by this Regulation, shall be the general legal successor in respect of all contracts concluded by, liabilities incumbent on, and properties acquired by Europol, as established by Decision 2009/371/JHA, **and CEPOL, as established under Decision 2005/681/JHA.**

Amendment

1. Europol, as established by this Regulation, shall be the general legal successor in respect of all contracts concluded by, liabilities incumbent on, and properties acquired by Europol, as established by Decision 2009/371/JHA.

Amendment 220

Proposal for a regulation Article 73 – paragraph 3

Text proposed by the Commission

3. This Regulation shall not affect the legal force of agreements concluded by CEPOL as established by Decision 2005/681/JHA before the date of entry into force of this Regulation.

Amendment

deleted

Amendment 221

Proposal for a regulation Article 73 – paragraph 4

Text proposed by the Commission

4. By way of derogation from paragraph 3, the Headquarters Agreement concluded on the basis of the Decision 2005/681/JHA shall be terminated from the date of entry into application of this Regulation.

Amendment

deleted

Amendment 222

Proposal for a regulation

Article 74 – paragraph 1

Text proposed by the Commission

Amendment

1. The term of office of the members of the Governing Board of CEPOL as established on the basis of Article 10 of Decision 2005/681/JHA shall terminate on [date of entry into force of this Regulation].

deleted

Amendment 223

Proposal for a regulation

Article 74 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The Management Board shall formulate detailed provisions governing the procedure provided for in Article 67a and submit them to the Commission for approval.

Amendment 224

Proposal for a regulation

Article 75 – paragraph 4

Text proposed by the Commission

Amendment

4. The Executive Director of CEPOL appointed on the basis of Article 11(1) of Decision 2005/681/JHA shall, for the remaining periods of his/her term of office, be assigned to the functions of the Deputy Executive Director of training of Europol. The other conditions of his/her contract remain unchanged. If the term of office ends after [the date of entry into force of this Regulation] but before [the date of application of this Regulation], he/she shall be extended automatically until one year after the date of application of this Regulation.

deleted

Amendment 225

Proposal for a regulation Article 76 – paragraph 1

Text proposed by the Commission

1. For each of the three budgetary years following the entry into force of this Regulation, at least EUR 8 million of the operational expenses of Europol shall be reserved for training, as described in Chapter III.

Amendment

deleted

Amendment 226

Proposal for a regulation Article 77

Text proposed by the Commission

This Regulation replaces and repeals Decision 2009/371/JHA **and Decision 2005/681/JHA**.

References to the replaced **Decisions** shall be construed as references to this Regulation.

Amendment

This Regulation replaces and repeals Decision 2009/371/JHA.

References to the replaced **Decision** shall be construed as references to this Regulation.

Amendment 227

Proposal for a regulation Article 78 – paragraph 1

Text proposed by the Commission

1. All legislative measures implementing **the Decisions** 2009/371/JHA **and Decision 2005/681/JHA** are repealed with effect from the date of application of this Regulation.

2. All non-legislative measures implementing Decision 2009/371/JHA which sets up the European Police Office (Europol) **and Decision 2005/681/JHA which sets up CEPOL** shall remain in force following the [date of application of this Regulation], unless otherwise decided by the Management Board of Europol in the implementation of this Regulation.

Amendment

1. All legislative measures implementing **Decision** 2009/371/JHA are repealed with effect from the date of application of this Regulation.

2. All non-legislative measures implementing Decision 2009/371/JHA which sets up the European Police Office (Europol) shall remain in force following the [date of application of this Regulation], unless otherwise decided by the Management Board of Europol in the implementation of this Regulation.

Amendment 228

Proposal for a regulation

Annex 1 – indent 27

Text proposed by the Commission

– sexual abuse and sexual exploitation of women and children.

Amendment

– sexual abuse and sexual exploitation of *individuals, especially* women and children.