

European Union Agency for Law Enforcement Cooperation (Europol)

2013/0091(COD) - 08/04/2016 - Commission communication on Council's position

The Commission stated that despite the changes that the Common position has introduced at first reading, **the Commission's objectives for the Europol reform have been achieved** by aligning Europol with the requirements of the Treaty of Lisbon and by increasing its efficiency, effectiveness and accountability.

The Commission recalled the main differences between the Council position and the Commission's initial proposal:

Merger between Europol and CEPOL: as a result of the widespread and strong opposition expressed both in Council formations and in LIBE against the merger of Cepol with Europol, the Commission decided to renounce to this aspect of its legislative proposal.

Internet Referral Unit: this was a new element to the regulation introduced following the terrorist attacks in Paris in 2015. The text allows Europol to **transfer publicly available personal data to private parties**, if necessary to support Member States in the prevention and fight against the crime falling under Europol's mandate, committed or facilitated by the use of internet.

Governance provisions: provisions on governance as presented in Commission's original proposal stemmed from the Common Approach on EU Decentralised Agencies. Governance was one of the most controversial issues discussed during the negotiations.

The text of the Common position departs from Commission's proposed procedure, which was aligned with the Common Approach on Decentralised Agencies (preselection of candidates by the Commission and the appointment by the MB).

It sets out a procedure where the appointment is done by the Council on the basis of a shortlist drawn up by a mixed committee, consisting of a Commission representative and representatives of the Member State

Access by Eurojust to information stored by Europol: following a strong request by the European Parliament, the access by Eurojust to information stored by Europol has been limited to an indirect one, based on a hit-no-hit system.

Cooperation between the European Data Protection Supervisor and national supervisory authorities : the Common position enhances the cooperation between the European Data Protection Supervisor (EDPS) and national supervisory authorities through: (a) the creation of a **"Cooperation Board"** as a formal discussion platform for the EDPS and national data protection supervisory authorities to regularly discuss general data protection strategy; (ii) a reinforced "daily" cooperation between the EDPS and the national supervisory authorities.

Parliamentary scrutiny: during the negotiations, the European Parliament stressed the need to spell out more in detail the way in which parliamentary scrutiny is carried out. As a consequence, the creation of a **Joint Parliamentary Scrutiny Group (JPSG)** was included in the text of the Common position. The JPSG will be a specialised body established together by the national parliaments and the competent committee of the European Parliament, responsible for the political monitoring of Europol's activities.

Statements by the Commission:

- **On the Common Approach to the EU Decentralised Agencies:** the Commission recalled that the agreed text is not fully aligned with the principles of the Common Approach on the EU decentralised agencies. The Commission remains convinced of the benefits of establishing an Executive Board as part of the governance structure of Europol and other agencies. The Commission will review the situation concerning Europol governance within the next two years, in particular with a view to determining whether further proposals on this point will be warranted.
- **On the Cooperation Board:** the Commission considered that the functions exercised by Cooperation Board set up by the Europol Regulation shall be exercised by the newly created European Data Protection Board.