

Strengthening Europol's mandate: cooperation with private parties, processing of personal data, and support for research and innovation

2020/0349(COD) - 09/12/2020 - Legislative proposal

PURPOSE: to strengthen Europol's mandate to support Member States in preventing and combatting serious crime and terrorism.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the EU faces a security landscape in flux, with evolving and increasingly complex security threats. Criminals and terrorists exploit the advantages that the digital transformation and new technologies bring about, including the inter-connectivity and blurring of the boundaries between the physical and digital world. The COVID-19 crisis has added to this, as criminals have quickly seized opportunities to exploit the crisis by adapting their modes of operation or developing new criminal activities.

These threats spread across borders and manifest themselves in poly-criminal organised crime groups that engage in a wide range of criminal activities. As action at national level alone does not suffice to address these transnational security challenges, therefore the Commission proposes to enhance Europol's mandate in order to give further support to Member States' law enforcement authorities.

This Commission proposal is part of the Counter-Terrorism package.

CONTENT: this proposal aims to support and strengthen action by the Member States' law enforcement services 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.

Specific provisions of the new mandate

The new mandate should:

- ensure effective cooperation between Europol and private parties: terrorists often abuse the services provided by private companies to recruit volunteers, to carry out terrorist attacks and to disseminate their propaganda. The revised mandate would allow private parties to refer such information directly to Europol. The Agency would be able to receive personal data directly from private parties and analyse it to identify all Member States concerned; request personal data from private parties (via the Member State where it is located); and act as a channel for Member States' requests to private parties, in compliance with data protection requirements;

- enable Europol to exchange personal data with private parties related to crisis response: the proposal sets out rules for Europol to support Member States in preventing the large scale dissemination, via online platforms, of terrorist content related to on-going or recent real-world events depicting harm to life or physical integrity. Europol would be able to exchange personal data with private parties, including hashes, IP addresses or URLs related to such content;

- allow Europol to analyse large datasets ('big data') to support criminal investigations, considering that the processing of large data sets is an integral part of police work in today's digital world;
- improve Europol's cooperation with the European Public Prosecutor's Office, including through analytical support to the work of the European Public Prosecutor's Office and information exchange, and with the European Anti-Fraud Office;
- reinforce Europol's role in developing new technologies for law enforcement, helping to equip national law enforcement authorities with modern technologies to counter serious crime and terrorism;
- strengthen Europol's data protection framework, accountability and democratic oversight, including by introducing new reporting obligations for Europol to the Joint Parliamentary Scrutiny Group in charge of monitoring its activities.

Budgetary implications

The proposal would have an impact on the budget and staff needs of Europol. It is estimated that an additional budget of around EUR 180 million and around 160 additional posts would be needed for the overall MFF period to ensure that Europol has the necessary resources to enforce its revised mandate.

This increase in staff and budget would give Europol the means to fulfil its strengthened mandate. It would provide the European Counter Terrorism Centre with adequate resources and to enable its EU Internet Referral Unit to monitor and refer all types of terrorist content to online platforms with a 24/7 availability.

The revision of Europol's mandate also opens the possibility for Member States to contribute directly to Europol's budget, where necessary and required by existing or new tasks.