

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

2020/0349(COD) - 15/10/2021 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Javier ZARZALEJOS (EPP, ES) on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2016/794, as regards Europol's cooperation with private parties, the processing of personal data by Europol in support of criminal investigations, and Europol's role on research and innovation.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Tasks

Members proposed that Europol should cooperate with Financial Intelligence Units (FIUs) to support cross-border investigations by Member States into the money laundering activities of transnational criminal organisations and terrorism financing. Europol should also support the Commission and Member States in the screening of specific cases of foreign direct investments into the EU that concern undertakings providing technologies, including software or critical technologies that could be used to **facilitate terrorism**.

Request by Europol for the initiation of a criminal investigation

The report added that where Europol considers that a criminal investigation should be initiated into a specific crime which affects a common interest covered by a Union policy but is not of a cross-border nature, it should request the competent authorities of the Member State concerned via the national unit to initiate, conduct or coordinate such criminal investigation.

Multiannual programming and annual work programmes

Members suggested that the multiannual programming should set out the overall strategic programming, including the objectives, expected results and performance indicators. It should also set out the resource planning, including the multiannual budget and staff. It should also include the strategy for relations with third countries and international organisations and its planned **research and innovation activities**.

Transfer of personal data to third countries and international organisations

In the absence of an adequacy decision, the report proposed that Europol may transfer personal data to a third country or an international organisation where:

- appropriate safeguards regarding the protection of personal data are provided for in a legally binding instrument; or
- Europol has assessed all the circumstances surrounding the transfer of personal data and has concluded that appropriate safeguards exist with regard to the protection of personal data.

Exchanges of personal data with private parties

According to Members, Europol may send a request to Member States to provide it with personal data from private parties, that are established or have a legal representative in their territory. Such a request shall be reasoned and as targeted as possible. Europol should also carry out an assessment of the possible security risks posed by the opening of its infrastructure for use by private parties and, where necessary, implement appropriate preventive and mitigating measures.

Data Protection Officer

The report specified that the Data Protection Officer should be appointed for a term of four years and shall be eligible for reappointment. The Data Protection Officer may make recommendations to the Management Board for the practical improvement of data protection and advise on matters concerning the application of data protection provisions.

Fundamental Rights Officer

Members proposed that a Fundamental Rights Officer should be appointed to:

- monitor Europol's compliance with fundamental rights;
- promote Europol's respect of fundamental rights in the performance of its tasks and activities;
- advise Europol where he or she deems it necessary or where requested on any activity of Europol without impeding or delaying those activities.

Moreover, the report provided that all Europol staff involved in operational tasks involving personal data processing should receive mandatory training on the protection of fundamental rights and freedoms, including with regard to the processing of personal data.

Adequate funding

Members highlighted that expanding Europol's mandate and the scope of its data processing activities will require the EDPS to dedicate additional financial and human resources to exercise its supervisory role as regards Europol.

Joint Parliamentary scrutiny

The report stressed the importance of providing Europol with additional tools and capabilities requires reinforcing the democratic oversight, transparency and accountability of Europol. Joint parliamentary scrutiny constitutes an important element of political monitoring of Europol's activities. To enable effective political monitoring of the way Europol applies additional tools and capabilities, Europol should provide the Joint Parliamentary Scrutiny Group with annual information on the use of these tools and capabilities and the result thereof.