

# Commission Proposes Europol Reform



**Cornelia Riehle**

## News

On 9 December 2020, the European Commission published a [proposal for a Regulation](#) 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. Against the background of evolving and increasingly complex cross-border security threats – with blurring boundaries between the physical and digital world as well as the residual high threat of terrorism in Europe –, the European Commission proposes strengthening Europol's capacities, capabilities, and tools to support Member States effectively in countering serious crime and terrorism. The proposal suggests addressing the key issues as follows:

- Enable Europol to cooperate effectively with private parties;
- Enable Europol to support Member States with the analysis of large and complex datasets (big data);
- Allow Europol to request the competent authorities of a Member State to initiate, conduct, or coordinate the investigation of a crime that affects a common interest covered by a Union policy, regardless of the cross-border dimension of the crime.

Moreover, the Commission sees a need to strengthen Europol's cooperation with the European Public Prosecutor's Office (EPPO) as well as third states. Europol's role on research and innovation, its data protection framework, and its parliamentary oversight will also be bolstered.

As regards enhanced cooperation with private parties, the proposal sets out rules for Europol to exchange personal data with private parties (in order for the agency to be able to receive personal data from them), to inform them about missing information, and to ask Member States to request other private parties to share additional information. The rules also introduce the possibility for Europol to act as a technical channel for exchanges between Member States and private parties. In order to improve crisis response, other rules will govern support to Member States in preventing the large-scale dissemination of terrorist content via online platforms (related to ongoing or recent events depicting harm to life or physical integrity or calling for imminent harm to life or physical integrity). To be able to process large and complex datasets, the Commission intends to introduce the possibility to carry out pre-analysis of personal data, with the sole purpose of determining whether such data fall into the various categories of data subjects.

To effectively support criminal investigations in Member States or by the EPPO, in certain cases, Europol would be rendered able to process data that national authorities or the EPPO obtained in the context of criminal investigations – in accordance with procedural requirements and safeguards applicable under national criminal law. To this end, Europol will be able to process (and store upon request) all data contained in an investigative case file provided by the Member State or the EPPO for the duration of the agency's

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support for that specific criminal investigation. Ultimately, looking at budgetary implications, the proposal estimates that an additional budget of approximately €180 million and approximately 160 additional positions would be needed for the 2021-2027 period of the Multiannual Financial Framework.

The proposal for revising the current Europol Regulation comes around one and a half years before the planned, thorough evaluation of the Agency's impact, effectiveness, and efficiency and its working practices (Art. 68 of Regulation 2016/794). An adaptation of the schedule concerning review of the Europol Regulation was pushed by the Council (JHA Council conclusions of December 2019) and other stakeholders, who saw a pressing social need to enhance Europol's capabilities to fight serious crime, in particular cybercrime and terrorism.

A commissioned consultant study on the exchange of personal data between Europol and private parties (→ [eucrim 3/2020, 170](#)), a [public consultation on the "inception impact assessment"](#) of the early revision launched in May 2020, and a targeted stakeholder consultation served the Commission in preparing its proposal.

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