

EDPS Gives Opinion on Europol Reform



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News

On 8 March 2021, the EDPS published its [Opinion 4/2021](#) on the Commission's [Proposal of 9 December 2020](#) for a Regulation amending [Regulation \(EU\) 2016/794](#) (→ [eucrim 4/2020, 279](#)). The revision of the current Europol Regulation will mainly include amendments 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. Additional changes will affect the work of Europol, e.g., the legal regime on data protection, transfers of data to third countries, and the entering of alerts into the Schengen Information System (SIS).

Looking at the impact on data protection rules, the EDPS has raised concerns that exceptions from the current data protection rules applicable to Europol could become reality in practice. He therefore recommends better defining the situations and conditions in which Europol may resort to the proposed derogations.

Concerning Europol's extended legal possibilities to cooperate with private parties, the EDPS welcomes the insertion of extended safeguards, e.g., the prohibition of systematic, massive, or structural transfers of data. At the same time, however, the EDPS recommends that these restrictions be applied to all exchanges between Europol and private parties, irrespective of their location within or outside the EU. Europol's legal role and responsibility when acting as service provider to national authorities and thus as a data processor should be further clarified in a binding legal act. In addition, an assessment should be made of the possible security risks created by the opening of Europol's communication infrastructure for use by private parties.

Regarding the envisaged use of personal data by Europol for research and innovation purposes, the EDPS recommends clarifying the scope of these activities in a binding document. Lastly, the EPDS calls for alignment of his supervisory powers vis-à-vis Europol, as provided for in [Regulation \(EU\) 2018/1725](#) and as applicable to the other EU institutions, agencies, and bodies, including the European Parliament, the Council, and the Commission.

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