

OLAF and Europol Cooperation on New Footing

Thomas Wahl

News

OLAF and Europol agreed on a new working arrangement. The arrangement entered into force on 9 October 2020 and replaces the administrative agreement between the two bodies of 2004. The working arrangement lays the basis for the exchange of operational, tactical, strategic, and technical information, including personal data and classified information. The arrangement is relevant for the areas within the respective mandates of the bodies, e.g. fraud, corruption, money laundering, intellectual property crime and illegal activities affecting the EU's financial interests. The forms of cooperation will include:

- Exchange of information, including case-related information;
- Cooperation/participation in joint operations, such as Joint Customs Operations, Joint Action Days and Joint Investigation Teams;
- Exchange of specialist knowledge, reports and results of analyses;
- Information on criminal investigation procedures and on crime prevention methods;
- Training activities;
- Support concerning the use of technical tools/equipment.

The arrangement also establishes the mode of cooperation that includes, for instance, the designation of a single point of contact in each organisation and regular consultations. The exchange of liaison officers will be possible. The main part of the arrangement addresses data protection issues, such as rules on the exchange of personal data and on the security of processing of personal data. Provisions also relate to how information is secured and protected.

OLAF will be enabled to have - on a hit/no hit basis – indirect access to personal data stored at/processed by Europol in line with the Europol Regulation (Art. 18(2) lit. a-c) of Regulation 2016/794). This concerns personal data on criminal suspects or convicted persons and persons about whom there are factual indications or reasonable grounds to believe that they will commit criminal offences (as far as the offences fall within the competence of Europol); personal data processed within analyses of a strategic or thematic nature and those in operational analyses. OLAF now has also access to Europol's Secure Information Exchange Network Application (SIENA) which will make the exchange of operational and strategic information faster and more efficient.

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