



Eerste Kamer der Staten-Generaal

COURTESY TRANSLATION

Binnenhof 22
postbus 20017
2500 EA Den Haag

telefoon 070-312 92 00
fax 070-312 93 90

e-mail postbus@eerstekamer.nl
internet www.eerstekamer.nl

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betreft COM(2013)173 Proposal for a Regulation on the European Union Agency for Law Enforcement Cooperation and Training (Europol)

ons kenmerk 153542.02U

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Dear Mr Šefčovič,

The Standing Committee for Immigration & Asylum / Justice and Home Affairs Council (I&A/JHA Committee) of the Senate of the States General has considered the proposal for a Regulation on the European Union Agency for Law Enforcement Cooperation and Training (Europol) and repealing Decisions 2009/371/JHA and 2005/681/JHA¹. The members of the VVD² and CDA³ parliamentary parties have the following comments and questions about the proposal in the context of the political dialogue with the European Commission. These comments and questions are endorsed by the members of the PvdA⁴ and D66⁵ parliamentary parties.

Like the Dutch government, the VVD and CDA parliamentary parties are cautiously positive about the general tenor of the proposal. Hitherto, the Dutch government has raised the following points of concern, which are shared by the parliamentary parties concerned, in the JHA Council.

1. The proposed article 35 of the Europol Regulation provides that the providing Member State should itself assess as far as possible the accuracy and reliability of the information provided. This obligation could easily result in an unwarranted increase in administrative expenses. How does the Commission consider that this could be avoided?

¹ Proposal for a Regulation on the European Union Agency for Law Enforcement Cooperation and Training (Europol) and repealing Decisions 2009/371/JBZ and 2005/681/JBZ (COM(2013)173), dated 27 March 2013. For an account of the deliberations in the Senate, see electronic dossier number E130019 at www.europapoort.nl.

² 16 seats in the Senate of the States General.

³ 11 seats in the Senate of the States General.

⁴ 14 seats in the Senate of the States General.

⁵ 5 seats in the Senate of the States General.



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2. As regards the proposed merger between Europol and CEPOL the members of these parliamentary parties note that the quality of the schooling is less well safeguarded than in the case of an independent agency. The much smaller CEPOL could easily be overwhelmed. If the merger nonetheless goes ahead, it would in that case be necessary to have a transparent division between the administrative and organisational responsibilities in Europol's operational and educational tasks. The members concerned would request the European Commission to respond to these observations.

3. The proposed article 36 prohibits the processing of personal data on victims of a criminal offence, witnesses and persons who are not suspects and on minors, unless it is strictly necessary. The members of the VVD and CDA parliamentary parties consider that this may hamper the effectiveness of Europol and would be grateful to learn of the Commission's reaction to this.

It should be noted, incidentally, that the parliamentary parties concerned consider it a good thing for the legal basis of Europol to be aligned with the Treaty of Lisbon by recording the field of work and the tasks in a regulation and strengthening the role of the European Parliament.

The standing committee for Immigration & Asylum / Justice and Home Affairs (JHA) Council looks forward with interest to reading the European Commission's answers and would be grateful to receive them no later than 3 months after the date of this letter.

Yours sincerely,

Dr G. ter Horst

Chair of the standing committee for Immigration & Asylum / Justice and Home Affairs (JHA)
Council