Summary conclusions by the Co-Chairs

On 18 and 19 March 2018, the Bulgarian Parliament and the European Parliament (EP) jointly organised the 2nd meeting of the Joint Parliamentary Scrutiny Group (JPSG) in Sofia, Bulgaria. The meeting was co-chaired by Tsvetan TSVETANOV, Chair of the Committee on Internal Security and Public Order of the National Assembly of the Republic of Bulgaria and Head of the Bulgarian Delegation to the Joint Parliamentary Scrutiny Group and Claude MORAES, Chair of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament and Head of the EP delegation to the JPSG.

The JPSG meeting was attended by over 130 members of 27 national parliaments and 9 members of the European Parliament.

In line with the JPSG's tasks and responsibilities as set out in the Europol Regulation ((EU) 2016/794), the agenda included an exchange of views on the 2019-2021 Europol Multiannual Work Programme, an exchange of views with the Chairperson of the Europol Management Board and the European Data Protection Supervisor, as well as thematic discussions on cooperation with the Western Balkans, illegal content online and cybersecurity, and the fight against terrorism and organised crime.

Exchange of views and adoption of the Rules of Procedure

The JPSG debated the compromise proposal for the Rules of Procedure, as drafted by the Co-Chairs prior to the JPSG Meeting. The compromise text was based on feedback received after the Co-Chairs held an extensive set of bilateral meetings with those delegations that had tabled amendments before the JPSG constituent meeting or had expressed doubts regarding certain points. The compromise proposal reflects a strong role for national parliaments, through the Presidential Troika, notably in the agenda
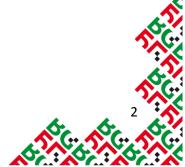
setting, the preparation of discussion documents, the secretariat and the drafting of meeting conclusions of the Joint Parliamentary Scrutiny Group. The text also gives delegations the possibility to effectively contribute to the agenda and the scrutiny findings. It warrants the right to ask questions while guaranteeing their quality control and ensuring a workable scenario for Europol and its services. A review clause was inserted and the text foresees the possibility to set up subgroups where the participation of all chambers and parliaments in the scrutiny activity in ensured. This compromise proposal was adopted on 19 March, by consensus, in line with the Speakers' Conference Conclusions of 24 April 2017.

Further to the adoption of the JPSG Rules of Procedure and to the meeting held on 18 March between the JPSG Co-Chairs, the Europol Rapporteur and the Danish Parliament delegation, the Co-Chairs announced the agreement reached on setting up a JPSG working group on the representation of Denmark in JPSG meetings. The working group will be composed of the Presidential Troïka and the Danish Parliament and deliver recommendations ahead of the revision of the JPSG Rules of Procedure scheduled for October 2019 (as provided for under Article 6 paragraph 2 thereof).

Further to the adoption of the JPSG Rules of Procedure, the Polish delegation reiterated the need for the new European Union's Multiannual Financial Framework to take due consideration of the necessity of adequate financing for Europol to be able to translate its documents in all EU languages.

Past and future EUROPOL cooperation with the Western Balkan countries

Presentations were made by Oldrich MARTINU (Deputy Executive Director Governance of EUROPOL) and Vladimir REBIC (General Police Director of Republic of Serbia), followed by a debate with the JPSG members.

Focus was put by Mr MARTINU on the fact that the Western Balkan region is a transit and destination area of several types of illicit goods, as well as an area of origin of some property and violent crimes, production of illicit drugs and smuggling of goods. Migrant smuggling was named as one of the major problems; despite the decrease of transits detected, the region remains one of the key secondary transit routes to the EU. Organised property crime remains an issue in this region; the crime rate remains high and so is the number of Balkan groups that are involved in property crime on European territory. Europol also identifies a growing trend in cybercrime. Radicalisation and recruitment remain a problem, however to a lesser extent than in previous years. By now, around 800 persons have travelled from the Balkan countries to the conflict zones of Syria and Iraq to join ISIS.

Mr MARTINU also highlighted that Europol has set up supporting operations to tackle main criminal activities, for example drugs, smuggling, weapons as well as counterterrorism. All Western Balkan countries have concluded and ratified operation agreements with Europol and posted or are about to post liaison officers in The Hague. Nevertheless, there is a need for further strengthening the cooperation. The pilot project on deployment of Europol liaison officers to the Western Balkan should be a priority.

Mr REBIC presented Serbia's experience on cooperation with Europol and other Western Balkan countries. He highlighted Serbia has had an operational agreement with Europol since June 2014. Serbia has actively participated together with countries of the region and EU member countries in more than 17 police operations against all types of crime, especially to combat of migrant smuggling, arms smuggling and cybercrime. Serbia shall continue to follow the priorities of Policy Cycle 2018-2021. Europol offers significant support to regional activities, strengthening cooperation, especially in the field of counterterrorism. Serbia has provided a national FTF list and also agrees that this list should be provided to the Schengen system in order to strengthen the security of the EU in the fight against terrorism. The migration routes along the Western Balkans could have been taken advantage of by terrorists in order to reach countries they consider interesting for potential attacks. However, thanks to the important cooperation between Western Balkan countries, this significant flow of illegal immigrants has been stopped. However, one should remain cautious and therefore cooperation to exchange information

with Europol is required. Serbia is willing to fully contribute to ensure stability and security through extensive cooperation with all partners.
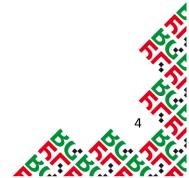
The presentations were followed by an exchange of views with the JPSG Members. In particular, representatives of the Spanish, Cypriot, French, and Slovenian national parliaments took the floor.

Multiannual programming document 2019-2021 Europol

A presentation was made by Mr Rob WAINWRIGHT, Executive Director of Europol. The multiannual programming document is comprised of three main elements, namely the strategic objectives based on a three-year program, a resource program and an external strategy. Two major objectives can be identified: on the one hand how to deal with the increase of information exchange and secondly to provide the most effective operational support, especially in the areas of organised crime, cybercrime and terrorism. To achieve this, Europol improves its core IT systems in order to be a principal provider of information exchange; over 1000 law enforcement agencies are now cooperating on the Europol channel. Looking at 2019 and beyond, Europol will further invest in technology and business innovation to try and increase the means by which it can deal with the significant expansion in information sharing. The last nine years, the amount of information sharing that Europol is now dealing with has experienced a nine-fold increase. To cope with this growth, Europol has to continuously invest in innovation and technology.

The second strategic goal is the provision of operational support and expertise to Member States' investigations. Last year, Europol supported around 1500 high-level operations.

Europol also aims to remain an efficient organisation with effective governance arrangements and with a positive reputation. Mr WAINWRIGHT welcomed the parliamentary scrutiny by JPSG as a means for Europol to project its image in a better and more transparent way.
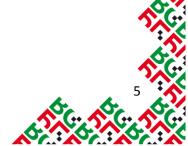
Mr WAINWRIGHT expressed concern about Europol's IT information technology capability. Although there have been important increases to budget and resources, these increases have gone directly to operational areas. Europol was not able to adjust the capabilities of, for example, the IT department. IT support is the frontline area of Europol's work and is needed to maintain Europol's core business of sharing information.

The presentation was followed by an exchange of views with the JPSG members, including representatives of the Belgian and Greek national parliaments as well as Members of the European Parliament.

JPSG members expressed concern over information-sharing between Member States as 85% of Europol's data originates from 5 Member States. The importance of funding was also highlighted as Europol receives half the size of Frontex's budget, for example. Members also addressed the strategy for relations with international organisations and third countries - including Europol's cooperation with Libya - and stressed that checks on the quality of information, data protection of personal data of EU citizens, etc. should be ensured. Other topics raised included Brexit, hotspot locations, interoperability of IT systems, the possible need for a European TFTP (Terrorist Finance Tracking) Programme and the future and current role of Europol in developing participation in EU operations and missions and further exploring the potential for deploying staff to delegation missions outside the EU.

Mr WAINWRIGHT confirmed Member States are aware of the funding needs, through the Europol Management Board representatives, but this understanding does unfortunately not materialize at the political level of the Council. The realities of fixing the EU budget as a whole tend to have the effect of pushing down the demands of Europol. This is more a question of the Ministries of Finance in Member States than the Ministries of Security and Justice. More funding is needed to be able to pay more attention to other topics such as child sex exploitation. But it is also needed to attract the best people from the technology sector.
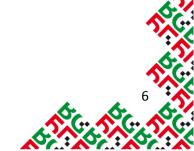
On the issue of relations with third countries, Mr WAINWRIGHT highlighted the global dimension of national security threats. This leads to Europol establishing a global information exchange network and the legal basis has to adjust to that. However, there are important differences in sharing data within the EU and outside. There are obvious challenges about how to strike agreements with third countries that would serve the operational requirements of Europol but at the same time still meet the EU data protection demands. Mr WAINWRIGHT confirmed that Europol liaison officers could be stationed in EU delegations.

A European TFTP equivalent is needed according to Mr WAINWRIGHT. Currently, the TFTP programme excludes the possibility to monitor terrorist financial tracking within the EU and this needs to be changed in the future. Furthermore, Europol and EU law enforcement should not be fragmented. Europol has an interest in ensuring that the instruments built will be maintained in the future, even after Brexit.

Europol Management Board - Update on the work of the Europol Management Board, with special focus on the Europol External Strategy 2017-2020

Mr Priit PÄRKNA, Chairperson of the Europol Management Board, presented the activities of the Europol Management Board. His presentation focussed on the following subjects: interoperability of EU information systems, the 2019-2021 Multiannual Programming Document and the Europol external strategy. Europol's external relations are governed by the new Europol Regulation (article 23 - 25). In addition to setting up international agreements to exchange personal data with third countries, the Europol Management Board encourages the expansion of liaison offices attached to Europol. The number of liaison offices already increased from 55 in 2017 to 68 currently. On the 13th of December 2017, the Europol Management Board adopted the list of priority partners, which reflects the growing need to establish partnerships with the MENA region.

A representative of the European Parliament delegation enquired about the envisaged international agreement with Israel.

Exchange of views with European Data Protection Supervisor - 'EDPS supervision of Europol: 2017 activities and ongoing work '

Mr Giovanni BUTARELLI, European Data Protection Supervisor, presented in a video message the outcome of the first year of the supervision of Europol. An in-depth exchange of views with Wojciech WIEWIOROWSKI, European Data Protection Assistant Supervisor, followed.

The JPSG's essential role in politically monitoring Europol's activities and the support the EDPS will provide the JPSG in its tasks were mentioned. Focussing on accountability, cooperation with national supervisory authorities, and an innovative approach, in 2017 the EDPS established effective working relationships with the Europol staff, organised operational visits to its premises, and had regular contacts with Europol's Data Protection Function team. The EDPS held exchanges on Europol's portfolio existing operational analysis projects for each of which Europol must define the specific purpose, the categories of data and the individuals involved, the participants, how long the data will be stored and the conditions for access, transfer or use of the data concerned

The first Europol Opinion on Europol's Integrated Data Management Concept (IDMC) Guidelines was published in 2017. It clarifies the procedures according to which Europol must carry out all future processing of personal data and addressed the different purposes for which Europol can carry out simultaneous data processing for operational and for strategic analysis. Europol was commended for its prompt implementation of the recommendations contained in the opinion, and its general positive approach on scrutiny.

The EDPS carried out its first inspection of Europol in 2017, aimed to check on the implementation of the Joint Supervisory Body's pending recommendations and assess Europol's level of compliance with the new legal framework. The legal part the inspection focused on Europol's data lifecycle, while the technical one focused on the audit of the Information Security Management Programme applied by Europol.
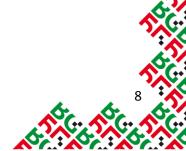
In 2017 the EDPS received 3 prior consultations, required whenever a new data processing activity involves the processing of sensitive data or might present a specific risk to individuals. It received 2 complaints, one of which was deemed admissible. In 2017 several meetings of the Cooperation Board composed of representatives from the relevant national DPAs and the EDPS were held. In its exchanges with the Europol Management Board the EDPS called for a data protection approach based on accountability and for the use of risk assessments.

Other points raised in the presentation concerned: the effective cooperation with national DPAs and the importance of joint inspections, the EDPS recent opinion on 8 negotiating mandates to conclude international agreements allowing the exchange of data between Europol and third countries, the impact of the application of the GDPR, the need for the EU to develop appropriate legislation on ePrivacy to complement the GDPR, as well as to finalise the regulation on data protection in the EU institutions encompassing both the administrative and operational data, and the upcoming launch of the European Data Protection Board. The upcoming challenges of making Europol a hub for the exchange of information in the EU and of the interoperability of large scale info systems were also discussed.

Representatives of the European Parliament and French and Cypriot national intervened in the ensuing debate.

The discussion revolved around the negotiation and conclusion of cooperation agreements with third countries, the need for a differentiated approach and for guarantees that such agreements are not instrumentalised. The purpose limitation and purpose specification of data transfers by Europol and the specific restrictions on the processing of information transferred by Europol were also mentioned. The need to ensure the right balance between security and privacy when dealing with data processing for the purpose of law enforcement was underlined.

Countering illegal content online and optimizing cybersecurity: Europol's Cybercrime Centre and the EU Internet Referral Unit

Mariya GABRIEL (Commissioner for Digital Economy and Society) outlined the Commission's response to illegal content online as set out in its Communication of September 2017 and Recommendation of March 2018.

She explained that the latest set of operational measures to be taken by companies and Member States apply to all forms of illegal content online and aim to ensure faster detection and removal of illegal content online, and to reinforce the cooperation between companies, trusted flaggers and law enforcement authorities. The recommendations build on the on-going voluntary initiatives, such as the EU Internet Forum on terrorist content online, and the Code of Conduct on Countering Illegal Hate Speech Online. There are specific provisions to further curb terrorist content online, such as the 'one-hour rule': enabling the removal by companies of terrorist content in the first hours of its appearance online within one hour from its referral. In addition to referrals, internet companies should use automated detection, to swiftly remove terrorist content and stop it from reappearing once it has been removed. To assist smaller platforms with more limited resources and expertise, companies should share and optimise appropriate technological tools.

Fast-track procedures should be put in place to process referrals, and Member States were urged to ensure the necessary capabilities and resources to detect and refer terrorist content, as well as to report on a regular basis to the Commission on referrals.

The need for a clear definition of "illegal online content" and for deepening cooperation with national authorities, the EU institutions and agencies, and private companies was underlined. The successful cooperation between Europol and ENISA, or between the Computer Emergency Response Team for the EU Institutions, bodies and agencies (CERT-EU) with other CERTs in the Members States and with specialised IT security companies were mentioned. A Memorandum of understanding ENISA, EDA, EC3, and CERT-EU is under negotiation. Setting up a Network of Cybersecurity

Competence Centres and a European Cybersecurity Research and Competence Centre in 2018, which would collaborate with all EU agencies with tasks in the area of cybersecurity, remains a priority.

Sir Julian KING (Commissioner for the Security Union) gave a brief overview of the evolving on-line security threats to Europe's citizens, businesses and public and democratic institutions ant the need for the EU to create an effective EU cyber deterrence and criminal law response.

He presented the Cybersecurity Package which is building EU resilience, via a strong EU Cybersecurity Agency which will ensure sharing of threat intelligence, help implement the Directive on the Security of Network and Information Systems, and the EU-wide certification framework for cyber secure products and services. Stepping up the EU's cybersecurity capacity by setting up the European Cybersecurity Research and Competence Centre and help develop the technology needed to keep up with an ever-changing threat, was also mentioned. Creating an effective criminal law response focusing on detection, traceability and the prosecution of cyber criminals remains a priority; it includes a Directive on combating fraud and counterfeiting of non-cash means of payment, proposals to facilitate cross-border access to electronic evidence, reflections on the role of encryption in criminal investigations.

While stressing that there should be no trade-off between online safety and fundamental rights, the Commissioner called for a joint approach at policy and operational level and commended Europol and the European Cybercrime Centre (EC3), for its activity and its role of facilitator of private-public cooperation in this field.

Rob WAINWRIGHT (Executive Director, Europol) gave an overview of Europol's activities on cybercrime and the work of the European Cybercrime Centre, a leading international law-enforcement centre which engages with the large private tech firms and with the banking sector. He pointed to the trends of cybercrime, namely the growing number of ransom ware attacks, enabled by the exploitation of crypto currencies, as well as data breaches and their impact on critical infrastructure. The infrastructure of cyber criminality on the dark web, the blend of cybercriminal capability

with that of state actors were also mentioned. A trend towards more aggressive and direct targeting against states, critical infrastructure, banking, highest profile organisations or high, net worth individuals.

In 2018 the impact of the GDPR and the Directive on security of network and information systems will impose on companies and critical services minimum standards of cyber security. The response trend was improved due to legislative and policy action at national and mostly at the EU level on e-evidence, encryption, and the emergency protocol for coordinating law-enforcement response. Europol wants to act as an international centre of expertise in this field; it is also active in countering the evolving threat of terrorism contents online, via its European Union Internet Referral Unit. Europol is also taking an intelligence-based approach to identify how the of eco system of online terrorism functions, in cooperation with platforms and national counterparts. Pilot projects on improving automatic detection capability are currently ongoing.

Members of the Polish, Greek, French, Dutch, Austrian, UK national parliaments and European Parliament took the floor in the subsequent debate.

The following issues were discussed: Europol's cooperation with third countries and international organisations; the calendar and necessary resources for ensuring the interoperability of large-scale databases set up at EU level to deal with migration, asylum and internal security; the need to ensure that security is at the service of freedom and avoid the risk or arbitrary law-enforcement in the referrals process, via a possible role of judicial authority on determining if content is illegal; possible new prevention measures or legal instruments to remove illegal content in real time and address swiftly the ever-evolving cyber threats; the need for a strategy to prevent cyber-attacks, and for a less fragmented approach in addressing cyber threats stemming from the dark net, the Internet of things, the need to ensure more flexible working structures, endowed with substantial resources; cooperation with trust flaggers and smaller platforms; a possible EU strategy for countering cyber threats to democratic institutions; the gaps in the current anti -money laundering regime and the lack of regulation of crypto currencies; the role of national parliaments in
pushing governments to step up cooperation on cyber security;

possible measures to mitigate the impact of artificial intelligence on labour markets.

Europol's contribution to the fight against terrorism and the prevention of organised crime:

Sir Julian KING (Commissioner for the Security Union) explained in his address how the EU could support national action in the field of prevention, protection and response to transnational security threats. He underlined Europol's essential role in providing operational support in this field, as outlined in the Commission's comprehensive assessment.

Closing down the space in which terrorists operate, by making harder for them to access money, fire arms, explosives, strengthen control of terrorists' travel, disrupt networks, get the best of existing information systems, to develop new ones like the planned European Travel Information and Authorisation System or ensuring the interoperability of systems. Work was undertaken to better protect public spaces, in cooperation with all relevant stakeholders and Europol. Via its IRU Europol helped tackling radicalization on the online platforms and shared its expertise.

The Commissioner mentioned the upcoming package of new measures for combating terrorism, on explosive precursors, firearms, terrorism financing, the security of ID cards, and better and faster access to electronic evidence. The work of the European Counter-Terrorism Centre was commended and the increasing engagement of member States was welcomed.

Given the link between terrorism and organised crime, the Commission will continue to support Member States help to fight organised crime, with the help of Europol, in the current policy cycle (2018-2021) with 10 priority areas among which the fight against illicit fire arm trafficking or the fight against against drug trafficking. Crime prevention is included as a horizontal priority in the current policy cycle.

Rob WAINWRIGHT (Executive Director of Europol) underlined the complexity of the terrorist threats, the issue of foreign fighters and the emergence of stronger crime and terrorist networks. In his view, beyond the traditional response based on the institutional and intelligence community, it is necessary to turn to the broader capabilities of the police community and increased information sharing. On organised crime, he referred to: drug trafficking and the need for better partnerships among Member States; trafficking of human beings, migrants' smuggling, exploitation of unaccompanied minors by crime syndicates which required closing the gaps on intelligence sharing; the need to fight fake and counterfeit market in the technology space; environmental crime; money laundering where the remaining problem is minor confiscation of freezing of proceeds of crime. He praised the work of national liaison officers, a successful integrated team effort for operational success.

Members of the French, Irish, Spanish, Portuguese, Belgian, Bulgarian national parliaments and European Parliament took the floor in the subsequent debate. The issues raised included: the action of national Parliaments to encourage governments to support the work of Europol and share more information; a joint strategy for combatting terrorism and organised crime and a mandate for the EPPO; the fight against the illegal tobacco trade; possible ways to increase freezing of assets; the risk of overlapping between the actions of Frontex and Europol, the need to engage with diplomatic actors for access to information; the exchange on best practices on radicalization and return of foreign fighters; the possible improvements to the money laundering regime; the impact on the EU of attacks in third countries which are EU neighbours.

Conclusions and closing of the meeting by the Co-Chairs

In their concluding remarks, the Co-Chairs welcomed the adoption of the Rules of Procedure of the JPSG. The Presidential Troika will set up a working group with the Danish Parliament in order to come up with recommendations on Denmark's status, before the 2019 general review of the RoP. The summary conclusions of the 2nd JPSG meeting will mention the importance of linguistic diversity and of the necessary resources enabling Europol to provide documents in additional languages. The Presidential Troika will draw up guidelines for the procedure for questions to Europol and launch a debate on

the topics for which subgroups could be established. Delegates were invited to send written contributions on the Europol multi-annual programme, ahead of the September meeting of the JPSG.

Next meeting will take place on 24 and 25 September 2018 at the European Parliament in Brussels.

Claude MORAES

Chair of the Committee on Civil Liberties, Justice and Home Affairs

Tsvetan TSVETANOV

Head of the Bulgarian Delegation to the Joint Parliamentary Scrutiny Group