

Brussels, 01 February 2019

Summary conclusions by the Co-Chairs

On 24 and 25 September 2018, the Austrian Parliament and the European Parliament (EP) jointly organised the Third Meeting of the Joint Parliamentary Scrutiny Group on Europol (JPSG) at the premises of the European Parliament in Brussels. On 24 September 2018, the meeting was co-Chaired by Ms Angela LUEGER, Chair of the Committee on Internal Affairs of the Austrian National Council and Mr Claude MORAES, Chair of the Committee on Civil Liberties, Justice and Home Affairs and Chair of the EP Delegation to the JPSG. Mr Christian BUCHMANN, Chair of the EU Affairs Committee of the Austrian National Council and Mr Agustín DIAZ de MERA GARCÍA-CONSUEGRA, Vice-Chair of the EP Delegation to the JPSG co-chaired the meeting on Tuesday 25 September 2018.

The JPSG meeting was attended by over 67 Parliamentarians, representing 37 Parliaments/Chambers and 27 Member States as well as by the 16 Members of the European Parliament delegation to the JPSG.

The meeting tackled a number of concrete issues directly following from Article 51 of Regulation EU(2016)0794 (Europol Regulation) as well as a thematic debate on 'Europol's Contribution to the fight against financial crime, asset recovery and money laundering'.

At the opening of the meeting, the Co-Chairs welcomed Ms Catherine DE BOLLE who took office as Executive Director on Europol on 1 May 2018 and expressed their gratitude for the close and efficient cooperation with the JPSG.

The Co-Chairs informed JPSG Members that a preparatory meeting of the Presidential Troika took place on 24 September 2018 at which it was decided to hold the constituent meeting of the Working Group on the representation of Denmark in JPSG Meetings, composed of the Presidential Troika and the Danish delegation on 25 September 2018 in an in camera setting.

Presentation of JPSG Priorities by Presidential Troika 2018-2019.

Mr MORAES highlighted the need to develop the scrutiny tasks of the JPSG further. The EDPS, the Europol Executive Director and the Chairperson of the Management Board as well as the Chair of the Europol Cooperation Board would need to be present at each meeting. A standing invitation for the JPSG representative to attend the Europol Management Board Meetings is expected, in line with the spirit of the Europol Regulation. Mr MORAES also urged

delegates to send suggestions and requests to the JPSG secretariat ahead of the meeting in Bucharest in February 2019.

Mr Tsvetan TSVETANOV, Chairman of the Committee on Internal Security and Public Order of the 44th National Assembly of the Republic of Bulgaria, took the floor on behalf of the former Bulgarian Presidency parliament. Mr TSVETANOV highlighted that security and stability featured high among the priorities of the Bulgarian Presidency, working towards building up consensus on a number of issues, such as migration, asylum, effective readmission policies, border control, and exchange of information. He provided an overview of the progress attained on a number of legislative files that would have a direct impact on the topics that fall within the JPSG focus, namely the Schengen Information System, EU-Lisa, ETIAS, the new political cycle for counteracting organized and serious crime for 2018-2021, an initiative for overview and analysis of the good practices in counteraction and prevention of terrorism, etc. All those are related to and provide an added value to the work of Europol. He also noted the focus of the Bulgarian Presidency on the region of the Western Balkans and in particular the cooperation of Europol with those states that is vital not only for regional security and stability but also for the European security as a whole. Mr TSVETANOV noted that the continuity on the majority of the priorities in the field of security by the following Presidencies is a most welcome development to the benefit of our collective security and reminded that security is at the core of preserving our common European and democratic values.

Mr Peter WEIDINGER, Member of the Austrian National Council, took the floor on behalf of the current Austrian Presidency parliament and emphasized that the security aspect was a central topic during the presidency under the motto “A Europe that protects”. This could be further concretised with two of the three main Austrian priorities (security and the fight against illegal migration and stability in the neighbourhood). In addition to the already mentioned points, Mr WEIDINGER added that, when looking at the prioritisation of Europol from an Austrian point of view, the cooperation with the European Border and Coast Guard Agency Frontex was of high importance as well as Europol budget for 2019, whose negotiations between Europol and the EU Commission were still unsatisfactory.

Ms Oana-Consuela FLOREA, Member of the Chamber of Deputies, Joint Standing Committee of the Chamber of Deputies and the Senate for the exercise of parliamentary control over the activity of the Romanian Intelligence Service (SRI), took the floor on behalf of the future Romanian Presidency parliament. On this occasion, she stated that, when revising the JPSG Rules of procedure, clear rules would be needed as to the appointing procedure of the JPSG representative to the Europol Management Board and to the term of his/her appointment. Furthermore, Ms FLOREA mentioned that specific rules could be set out with respect to the procedure of addressing written questions.

Europol Draft Multiannual Programming Document 2019-2021- Presentation and exchange of views with Catherine DE BOLLE, Europol Executive Director

In view of the obligation, pursuant to Article 51 paragraph 2 point c) of the Europol Regulation, to consult the Joint Parliamentary Scrutiny Group in relation to Europol's multiannual programming, a point was included in the agenda to follow up on the debate that took place during the Second JPSG Meeting on 18-19 March 2018 in Sofia, Bulgaria. JPSG members were invited, ahead of the meeting, to send written comments on the Europol Multiannual Programming. Written contributions from the Romanian and Cypriot delegation were received prior to the meeting.

Director DE BOLLE underlined the JPSG's role in enhancing Europol's credibility and gave a detailed overview of the activities undertaken since the beginning of her mandate, which included meetings with the European Commission, the LIBE Committee and on-going visits to national law-enforcement authorities. The latter expressed appreciation for Europol's functioning and support. They called on the agency to enhance its analytical capabilities, but also to provide more operational support and expertise to national investigations in the fight against international organized crime and terrorism, drug trafficking, financial crime and cyber -crime. Europol undertook to explore standardizing criminal analysis in order to facilitate the exchange of analytical products and expertise between Member States. Common training for analysts across the Member States is also foreseen, given their expectations on the analysis of big data and digital policing, as the agency is expected to be a platform for exchanging expertise.

Europol is successfully pursuing its strategy of increasing cooperation with EU institutions and agencies (especially in the area of Justice and Home Affairs) and international agencies. Several meetings have already taken place, and others are foreseen in the near future for closing the intelligence gap. The feedback received from the national level will be on the agenda of the upcoming Europol's Chief of Police Convention.

The Europol Multi-annual Programme 2019-2021, presented to the JPSG in March in 2018, will be adopted in November 2018. It focuses on making a significant contribution to criminal information management in the EU and on delivering maximum impact in its operational support to the Member States.

Its first objective is for Europol to be the EU criminal information hub, providing information sharing capabilities to law enforcement authorities in all the Member States. The work on integrated data management will continue with the Member States. Efforts will be made for

ensuring the connectivity and interoperability of the agency's systems with the relevant EU ones, which require considerable budget resources.

The second strategic goal consists in ensuring that Europol will provide the most effective operational support and expertise to Member States investigations by developing and employing a comprehensive portfolio of services. Feedback from the national level will be used to that end.

Another strategic goal is for Europol to be an efficient organisation with effective governance arrangements. The importance of Europol's budget in the next MFF was stressed, as the current proposal for 2019 falls short of the agency's needs. The EP was called upon to address that issue and national parliaments urged to raise awareness of their respective governments. The Director further referred to inter-agency strategic and operational cooperation, which should be based on complementarity and flexibility. Europol will join the network of JHA agencies in 2019. In conclusion, the agency's support to the recent Maltese and Slovak investigations and its focus on rule of law were also mentioned. JPSG members were encouraged to visit Europol and learn more about its work.

The LIBE Chair underscored the need to ensure the adequate resources for Europol and also called on national parliaments to duly consider that in their deliberations, just as the EP has committed to do.

The presentation was followed by an exchange of views with the JPSG Members. In particular, 15 representatives of the Romanian, Cyprus, French, Bulgarian, Irish, Dutch, Hungarian, UK, Hellenic, Spanish, Luxemburgish national parliaments and the European Parliament took the floor.

Among others, parliamentarians raised the following issues: the need to guarantee the agency will have sufficient resources, the fight against irregular migration and terrorism and the role of interoperability of EU systems, the cooperation with JHA agencies in a way that safeguards their prerogatives and avoids overlaps, the need to tackle corruption, which is an enabler of criminal activity, the cooperation with partners of third countries with questionable human rights and data protection track -record.

Members also underscored in their interventions: the need to provide significant IT investment for fighting effectively against cyber crime, the impact on BREXIT on the agency and the need to find a suitable future cooperation arrangement, cooperation with the Western Balkans but also with Turkey on the fight against illegal migration and related crime activities, the increased risk of radicalization of migrants in the absence of suitable solutions to the migration crisis, the possibility to deploy Europol's experts in the hotspots. In addition, the possible cooperation with the EPPO, the impact of privacy protection of travel intelligence

capabilities, the link between the agency's spending on the fight against organised crime and the spending at national level were mentioned. Parliamentarians also asked for more details on the use of joint investigation teams, the mandate of Europol's seconded officials in Member States and the possible joint parliamentary scrutiny thereon, the need to make Europeans aware of the agency's contribution to EU security ahead of the 2019 European election, the new contractual arrangements for the agency's staff and their impact on the overall agency performance.

In her replies Director DE BOLLE elaborated on Europol's action to combat migrant smuggling and the proposals presented to the Council, among which the creation within Europol of a Joint Liaison Task Force on Migrant Smuggling, with the investigators of national authorities. She also referred to the increased focus on seizing criminal assets and profits, via parallel investigations in various Member States and the cooperation with non- EU countries for obtaining intelligence on migrants' smuggling.

Europol's Director explained that the agency was active in the fight against corruption by targeting specific domains and was exploring ways to further define the concrete support it could provide, while supporting national initiatives and cooperation with anti-corruption agencies.

The importance of cooperation with Western Balkans countries was stressed by the Director; as was the potential added-value of cooperation with Turkey, which excludes the sharing of personal data. The Commission is competent for negotiating such an agreement with Turkey, which was included on the list of priority countries by the management Board.

The achievements of the Internet Referral Unit on the fast removal of illegal content were underlined and the proposal of the Regulation preventing the dissemination of terrorist content online, on which Europol was consulted, was welcome.

Joining the network of European agencies and joint Management Board meetings, such as the upcoming one with Frontex, would define the further scope for joint activities. The exchange of information between the agencies would be duly taken into account in the next 'Frontex Regulation'. On the fight against financial crime, Europol's cooperation with 8 Financial Intelligence Units (FIUs) in the Member States is fruitful; the Directive on facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences will enable Europol to request information via the national FIUs.

The Director stated that the agency's 2019 budget represented a reduction by comparison to the 2018 budget; should the requested budget not be granted, this would have an impact on the fight against migrant smuggling, adversely affecting the number of guest officers deployed

in hotspots, but also on the fight against cybercrime (the maintenance of the decryption platform set up through an amendment budget in 2018, or the maintenance and update of current IT systems), the support to Member States' special intervention units (the 'Atlas network'), the fight against money laundering and terrorism financing, and the removal of terrorist content, the fight against criminality on the dark web. The Director stressed that investing in Europol equated with supporting Member States in areas such as decryption, analysis and connection.

Regarding Brexit, the Director explained that the agency has already taken steps for assessing its impact on Europol and committed to pursue discussions on all possible scenarios. On the integrated data management, the Director described the modernisation of the agency's systems architecture and information management strategy. The data internal and external checks performed on the agency's data protection -related activities were also presented; the Director explained that strong rules on the data access, processing and handling have been in place, and that ownership of the data lies with the Member States.

Europol Management Board activities March-September 2018 - Exchange of views with Priit PÄRKNA, Chairperson of Europol Management Board; - Report by Tsvetan TSVETANOV, Chairman of the Committee on Internal Security and Public Order, 44th national Assembly of the Republic of Bulgaria;

Mr TSVETANOV, former JPSG Co-Chair, and Mr Priit PÄRKNA, Chairperson of the Europol Management Board, informed delegates about Europol Management Board activities for the period March-September 2018.

Mr PÄRKNA expressed his certainty that the cooperation between JPSG and Europol will further progress in the coming 18 months. He reported about a number of corporate, strategic and operational matters with a view to Europol's external relations. Thus the MB adopted a new policy on protecting the dignity of the person and preventing psychological and sexual harassment. An annual report on the information provided by each Member State to Europol constitutes an important novelty. It will be transmitted to the European Parliament, the national parliaments, the other recipients specified in the Europol Regulation, and to the JPSG. Furthermore, the MB endorsed criteria for the evaluation of the deployment of Europol's liaison officers to Albania, Bosnia and Herzegovina, and Serbia, with a view to assessing the operational value of this initiative besides the role played by the liaison officers posted to Europol from those countries (currently from Albania and Serbia). This evaluation is expected to be completed by the end of 2019. Moreover, the Board acknowledged the importance of Europol's cooperation with Western Balkan countries, which are key partners in fighting against organised crime and countering terrorism, as also highlighted in the recently published Europol's Terrorism and Situation Trend Report (TE-SAT 2018). He

reported also that the Board approved the conclusion of a working arrangement between Europol and the Israel law enforcement authorities.

He noted that the draft budget 2019 put forward to the Council and the European Parliament implies a reduction of €21M and 38 Temporary Agent Posts compared to the draft budget initially approved by the Management Board.

Jointly with the Europol Executive Director, he alerted the European Parliament, the current EU Presidency and the EU Commissioner for Migration, Home Affairs and Citizenship that Europol's operational activities in key areas, such as the EU Agendas for Security and Migration, the 'Interoperability' agenda or cooperation between law enforcement authorities and online service providers against terrorist propaganda or online child sexual exploitation, are at stake.

Mr TSVETANOV referred to his letter of 30 May 2018 in which he reported on the proceedings of the 107th Meeting of the Europol Management Board of 4 May 2018 in Sofia, Bulgaria. He attended this management board meeting in his capacity as Co-Chair of the JPSG during specifically devoted agenda. Mr TSVETANOV raised the following issues:

That the Rules of Procedure of the JPSG were adopted by consensus at the Second Meeting of the JPSG on 18-19 March in Sofia, Bulgaria. That it was common desire of the Co-Chairs that the provisions for JPSG participation in Management Board meetings (Recital 20 and Article 14(4) of Regulation (EU) 2016/794) be interpreted as broadly as possible. Hence, the JPSG would expect the invitation to be extended in respect to all future Management Board meetings and that it was the Co-Chairs expectation for the JPSG representative to be invited to stay for other relevant agenda items, apart for the one specifically devoted to relations of the Management Board with the JPSG. In this respect, Mr TSVETANOV also highlighted that the attendance of the JPSG representative at Management Board meetings should reflect the scope of Article 51 of the Europol Regulation in terms of content, of course with no prejudice to requirements of confidentiality.

Mr TSVETANOV also raised the issue of providing the Multiannual Programming document at least in both English and French, with a view to the EU principle of linguistic diversity, the fact that both English and French are working languages for the JPSG, and in abidance with Article 12 of the Europol Regulation that stipulates that the Management Board should hold consultations with the JPSG on the multiannual programming document. He also suggested that the Management Board should propose a joint work calendar for the consultation process. Mr TSVETANOV informed delegates that he also raised the issue of confidentiality of

some documents and that he called for the Management Board Secretariat to establish a joint agreement with the JPSG Secretariat in this respect.

In reply, Mr Pritt PÄRKNA noted that Article 14 of the Regulation gives the Management Board considerable latitude, in particular when it comes to observers at its meetings. He underlined that it is necessary for the Management Board to decide together and mentioned that he has called on national representatives to discuss the details with their respective national services and parliamentarians, starting this process immediately, so at the next Management Board meeting in October an informed debate on the matter could be held. The Management Board will convey its position to the JPSG Co-Chairs by letter.

Protection of fundamental rights and freedoms of natural persons, and in particular the protection of personal data, with regard to Europol's activities - Presentation and exchange of views with Wojciech WIEWIÓROWSKI, European Data Protection Assistant Supervisor

In his address, Mr Wiewiórowski gave a comprehensive overview of the ongoing fruitful cooperation with Europol on data protection, undertaken since 2017. He referred to specific operational visits, recent inspections, bi-monthly meetings with Europol and high-level meetings organised recently.

The outcome of the first visit of 2017, involving a legal, technical, and administrative data check, was reflected in a report comprising 45 recommendations of technical or correctional nature only. There were no grounds for an EDPS investigation and the implementation of the recommendations was currently monitored by the EDPS.

The EDPS is in the process of drafting the report and recommendations of the second inspection of May 2018, dealing among others with European information systems and focusing on processing data of minors and security check of migrants in hotspots. An inspection on TFTP is scheduled for the end of 2018. Another part of the coordination between the European Data Protection Supervisor and Europol is the organisation of cooperation with the 28 national data protection authorities of the Member States, within the Cooperation Board. The EDPS has issued an opinion on the cooperation between Europol and international partners. On the agreements for the possible transfer of personal data between Europol and Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Tunisia and Turkey, several EDPS recommendations were partly included in the negotiation mandates adopted by the Council.

The EDPS Assistant Supervisor referred to the outcome of the consultation on the Europol-Frontex exchange of information. The EDPS answered a consultation on the ICANN and the

WHOIS system and the role of the Europol on the processing of the data from them. It has also undertaken work on the cooperation of FIU network.

Both on legal and practical level the cooperation with Europol was deemed very good, and the agency's response in finding solutions was prompt.

The presentations were followed by an exchange of views with the JPSG Members. In particular, 8 representatives of the Czech, Cyprus, French, German and Finnish Parliaments and of the European Parliament took the floor.

Members expressed reservations concerning a possible agreement on the exchange of personal data with Turkey and other third countries not observing the rule of law. Some inquired whether the current legislative framework was not sufficient to enable Europol to conduct its operations, unburdened by further strains, as high standards, namely in the field of data protection, were embedded in its functioning. The issue of the impact of interoperability in the context of police and judicial cooperation and the coordination of supervision was also raised. Parliamentarians further inquired on the exchange of data between Europol and Frontex, the possible coordination on best practice to achieve convergent standards in the field of data protection in the Member States, the division of roles between the EDPS and the national DPS authorities.

In his replies Mr WIEWIÓROWSKI referred to the need of cooperation with non-EU countries, taking different approaches based on the specific situation of each country: some with well - established systems for data processing and control, some having data protection authorities set up recently or starting the process, and others lacking such authorities. In some, he clarified, although the legal data protection regime was quite recent, it was inspired by former EU data protection regimes. He stressed that provisions formalised in cooperation agreements needed to be enforceable.

Overall, the legal system set up for Europol to deal with personal data was described as fit for the purposes of the agency, strong and comprehensive and possibly in need only for some further corrections. In the context of major updates of Europol's IT systems, the EDPS will assist Europol on the assessment of the impact on data protection. On cooperation with other bodies, it was explained that reciprocity was a strong component of such agreements and that the EDPS stood ready to help EU institutions in the analysis of that aspect.

Mr WIEWIÓROWSKI explained that the EDPS was invited to take part on the institutional consultation on interoperability. The EDPS is party of the High-level Working Group on Interoperability and was invited to assess the 'interoperability package'. Cooperation with national data protection authorities is extensive within the Cooperation Board notably on the

use of the Europol infrastructure by the Member States, and passing data from Member States to the EU, and within the European Data Protection Board is a body responsible for harmonisation of the way the data protection legal instruments implemented in the Member States. Mr WIEWIÓROWSKI also explained that currently there was no sufficient legal basis transfer of data from Europol to Frontex, which required corrections. The Chair concluded the debate by raising the issue of interoperability with international security organizations and the need to reflect on the budget and legal constraints it entailed.

Europol's contribution to the fight against financial crime, asset recovery and money laundering' - Presentation and exchange of views with Maarten RIJSSENBEK, National Coordinating Prosecutor Terrorist Financing; - Exchange of views with Catherine DE BOLLE, Europol Executive Director;

Ms DE BOLLE highlighted that money laundering and the fight against financial crime are important elements that have links and consequences on other fields of crime such as terrorism, drug trafficking, human trafficking etc. A holistic approach is needed.

Mr Maarten RIJSSENBEK, National Coordinating Prosecutor Terrorist Financing, reported about a new Dutch approach where the competent law enforcement authorities are cooperating closely with the private financial sector to identify suspicious transactions of terrorists. He stressed that this cooperation meets all data protection requirements. The results of these new cooperation models were significant.

The presentations were followed by an exchange of views with the JPSG Members. In particular Cypriot Members and members of the European Parliament took the floor and focussed on the issue of crypto currencies and statistics on asset recoveries.

Keynote speech by Sir Julian KING, European Commissioner for Security Union

Commissioner Sir J. KING emphasized that the JPSG is a valuable tool for national Parliaments and the European Parliament to understand in greater depth the functioning and the needs of the Agency and, in return, for the agency to be more accountable to citizens and their representatives. He gave an overview of the new security package the EU Commission has submitted on 17 April 2018.

The new package of legislative proposals aims at strengthening the EU toolbox further reducing terrorist threats. It provides proposals on the security of identity cards, expanding the possibilities of law enforcement and judicial authorities to access financial information, further restrict terrorists' access to explosives precursors, minimize the dissemination of

terrorist contend online and strengthen controls on the import and export of firearms. He explained that these tools are of imminent importance.

Mr KING informed delegates also about the process of creating a genuine EU Cybersecurity Agency. This agency will help to set EU-wide cybersecurity standards a building on the base of the existing EU Network and Information Security Agency (ENISA). In terms of crimes related to the financial sector or abusing the sector he informed about considerations of setting up an advanced European terrorist tracking system.

Finally, he thanked Europol for the excellent work done to support Member State law enforcement authorities to stop criminals and terrorists.

Closing remarks by JPSG Co-Chairs: Agustín DIAZ de MERA GARCÍA-CONSUEGRA, Vice-Chair of the EP Delegation to the JPSG and Christian BUCHMANN, Chairman of the EU committee of the Austrian Federal Council.

In their concluding remarks, the Co-Chairs welcomed the lively discussion on Europol's priorities and the presentations made by the different speakers and questions raised by delegates. They congratulated Mr TSVETANOV for being confirmed by the plenary as JPSG representative to the Europol Management Board with a mandate until 25 February 2019. They concluded that the newly set-up Working Group on the participation of Denmark to the JPSG will strive to submit recommendations ahead of the review of the JPSG Rules of Procedure. The next meeting will take place in Bucharest on 24 and 25 February 2019.