



Summary conclusions by the Co-Chairs

On 23 and 24 September 2019, the European Parliament (EP) and the Finnish Presidency Parliament jointly organised the Fifth Meeting of the Joint Parliamentary Scrutiny Group on Europol (JPSG) at the premises of the European Parliament in Brussels. The meeting was Co-Chaired by Mr Juan Fernando LÓPEZ AGUILAR, Chair of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament (LIBE) and Ms Mari-Leena TALVITIE, Head of the delegation of the Finnish Parliament to the JPSG.

The JPSG meeting was attended by 64 national parliamentarians, representing 36 Parliaments/Chambers and 26 Member States. The European Parliament is represented in the JPSG by 16 Members or substitute Members.

The meeting tackled a number of concrete issues directly following from Article 51 of Regulation EU(2016)0794 (Europol Regulation), as well as the thematic priority of Europol's information management priorities in 2019. A keynote speech was delivered by Ms Maria OHISALO, Minister of Interior of Finland. Sir Julian KING, Commissioner for the Security Union, was invited to give a keynote speech during the reception hosted by the European Parliament in the House of European History on 23 September in the evening.

23 September 2019

Adoption of the agenda and opening remarks

At the opening of the 5th JPSG meeting, the Co-Chairs underlined that the Joint Parliamentary Scrutiny Group is a unique form of parliamentary oversight of an EU agency. It was set up by the European Parliament together with national parliaments pursuant to Article 88 TFEU and Article 51 of the Europol regulation.

The Co-Chairs reported to JPSG Members on the preparatory meeting of the Presidential Troika (According to Article 3.2 of the JPSG Rules of Procedure, the Presidential Troika of the JPSG shall consist of the heads of delegations of the current, preceding and following Presidency Parliaments and of the European Parliament), which took place on 23 September 2019 in order to prepare for the JPSG meeting. At the Troika meeting the following matters were discussed: Denmark's representation in the JPSG, representation of the JPSG at Europol Management Board meetings, review of the JPSG Rules of Procedure, written and oral questions and written contributions. Upon its request, the German delegation participated as an observer in part of the meeting including as regards the future German

Presidency. The Co-Chairs informed participants that they granted such participation on an exceptional basis and that they would continue deciding on any similar request on a case-by-case basis.

On Denmark's representation at the JPSG, all Troika Members agreed with the Working Group on the participation of Denmark in the JPSG and the resulting set of amendments to the JPSG Rules of Procedure on the participation of Danish Parliament in the JPSG, which were tabled by the Co-Chairs within the deadline for tabling amendments. Delegates were informed that if these amendments were to be adopted by consensus, this would entail a revision of the Rules of Procedure and for the changes to apply with immediate effect.

The Co-Chairs informed that they had received ahead of the JPSG meeting a written question by a Member of the European Parliament - Mr BILČÍK. Europol provided a reply to the question ahead of the JPSG meeting. Deadline for questions was set sufficiently ahead of the meeting in order to have six weeks for Europol to reply and the replies could be received prior to the meeting.

Reporting on Europol activities March - September 2019 and Europol Draft Multiannual Programming Document 2020-2022

Europol Executive Director, Ms DE BOLLE, gave a presentation on EUROPOL's activities in the period between March 2019 and September 2019 and main challenges ahead, including budgetary resources and perspectives. Ms DE BOLLE explained the Europol Draft Multiannual Programming Document 2020-2022 and reacted to written contributions on the document received from the delegations of Bundestag and the Parliament of Cyprus.

Ms DE BOLLE explained that the Europol Strategy 2020+ is the basis for the multiannual programming document. She outlined the main priorities of the Strategy being Europol becoming EU criminal information hub, delivering agile operational support (focusing on priority investigations of high value targets – the most sophisticated and dangerous criminals – and support these investigations with multidisciplinary teams), becoming a platform for European policing solutions and being at the forefront of innovation and research for law enforcement. In 2019, Europol has worked on organisational adjustments to create synergies and focus resources on priority areas. Concretely, it has set up a Taskforce for Analysis, a Taskforce for the new Financial and Economic Crime Centre that will be established in 2020, an Innovation Project (to focus on mapping the innovation landscape at EU law enforcement level and developing an innovation strategy) and the Information Management Program Board. In parallel to this, Europol will also further strengthen the three established Operational Centres at Europol – Cybercrime, Counter-Terrorism and Serious and Organised Crime.

The Executive Director stressed that in order to deliver on these priorities, Europol needs a sustainable budget, including a sufficient budget for long-term investments side-by-side with day-to-day operations, and the overall direction should be growth. She expressed concerns that the current MFF proposal introduces severe cuts to Europol's budget, with cuts of more than 10 per cent predicted for 2021 in comparison to current budget.

Ms DE BOLLE concluded her intervention by giving an update on the operational activities of Europol in the areas of cybercrime, the structure of organised criminal groups, money laundering and child pornography. In her conclusions, she mentioned that firstly, serious and organised crime is a real threat to the EU, with an increase in violence linked to clashes

between criminal groups; secondly, with regard to recent increase in migrants arriving at EU borders, this usually leads to an increase in migrant smuggling especially in facilitated secondary movements in the EU and related document fraud; and thirdly, another issue being the misuse of social media by terrorist but also organised crime groups.

JPSG delegates from the European Parliament, the Bundestag, the House of Representatives of Cyprus, the Hellenic Parliament, the Swedish Parliament, the House of Representatives of Ireland, the Parliament of Estonia, the Senate of Ireland and the Finnish Parliament took the floor. Their questions concerned the budget of Europol, migrant smuggling and cooperation with Frontex, Europol's external strategy and cooperation with third countries, including the Western Balkans countries and Turkey, preparation of Europol for Brexit, inclusion of data in Europol's databases and data protection constraints, gender balance with regard to Europol senior staff and fight against different forms of crime.

In her replies, the Executive Director reiterated that the budget proposed by the Commission for 2020 is below expectations of Europol - minus 33 million and minus 52 staff compared to the proposal of the Management Board and the agency is grateful for the support of parliamentarians. If the budget is lower than the proposal of the Management Board, Europol will have to re-prioritise activities described in the Programming document and the Europol Strategy 2020+ to re-focus on high-value targets.

Concerning Europol guests officers, she stressed that Europol cannot take executive measures. Europol can only accept information from Member States and process data in coherence with Member States' instructions. Europol does not become owner of information. Having different Member States with some diverging aspects of data protection, Europol is willing to contribute to the debate on data protection. Coordination and cooperation with Frontex in the field can be assessed as very good.

Cooperation with third countries is extremely important. She mentioned several countries already having operational agreements with Europol, including the Western Balkan countries. An agreement with Turkey is currently under negotiation by the Commission. On Brexit, the Europol's Management Board was presented with several scenarios.

Reporting by the Europol Management Board on activities March - September 2019 with a special focus on the functions listed in article 11 of the Europol Regulation (regulation (EU) 2016/794);

Mr Andrei LINTA, Chairperson of the Europol Management Board gave an extensive overview of the Management Board activities over the period March - September 2019. He explained that the Board is the primary governance body of Europol, playing a central role in driving and overseeing the agency. He mentioned several rules for Europol that the Management Board has adopted, e.g. the Rights and Obligations of Liaison Officers or the Anti-Fraud Strategy.

The next meeting was planned for 4 October. Although the Europol Regulation requires two meetings of the Board per year, the Board meets consistently four times per year. Two working groups - on Corporate matters and on Information management - meet regularly to prepare the Management Board discussions on related matters. Heads of Europol National Units and other bodies also advise the Management Board. The JPSG is a natural key partner for the Management Board. He thanked Ms FLOREA for her contribution to the Management Board discussions. The Management Board adopted the Annual activity report for 2018 and

some organisational changes with regard to priorities of the Europol 2020+ Strategy. All summaries of outcomes of the Board meetings are published on Europol's website, without prejudice to possibilities of restricted meetings in the future.

Ms Oana Consuela FLOREA, Head of the delegation of the Romanian Parliament to the JPSG reported about the 111th meeting of the Management Board of Europol which she attended in her capacity as former JPSG Co-Chair on 23-24 May 2019 in Bucharest, Romania.

Ms FLOREA stressed that her main goal as Co-Chair attending the Management Board of Europol was to create strong links between Europol and the JPSG. She had several fruitful discussions with the Executive Director of Europol, with the Chairperson, the members of the Management Board and with the representative of the European Commission. She paid special attention to the core instruments of the JPSG in exercising its functions – oral and written questions – and to the possibilities to make a better use of these tools. As she reported, at that May meeting Ms DE BOLLE provided an overview of the objectives pursued within the Europol's new external Strategy, a document which is now subject to further deliberations and which will be completed next year. The last part of the Management Board meeting brought in-depth discussions on Europol's budgetary perspective for the forthcoming years and the long-term implications for the agency's activity. The 2018 Work Programme revealed that the future budgetary constraints have led to de-prioritising important projects and activities of Europol. The list of such de-prioritised activities has raised deep concerns among the Management Board members. Ms FLOREA concluded that during the Management Board meeting important aspects regarding the Europol's future activities and organization were raised and that there is need to continue the debate in the JPSG to meet ongoing challenges.

JPSG Rules of Procedure - 1st part

The point on the Rules of Procedure was dealt with in two separate debates taking place on Monday and Tuesday. In the first part, the Co-Chairs presented the state of play concerning the JPSG Rules of Procedure. They highlighted that - following article 6.2 of the Rules of Procedure and in line with the EU Speakers' Conference recommendations - the JPSG was to carry out a review of its Rules of Procedure two years after its constituent meeting. The Co-Chairs informed delegates that 13 delegations had tabled amendments within the deadline set in Bucharest on 4 September 2019 and pointed out that a set of amendments was tabled by the Co-Chairs on behalf of the Working Group on the Participation of Denmark to the JPSG. Furthermore, several written contributions by delegations were received.

The Co-Chairs proposed to deal with the Danish amendments first and asked delegations to adopt the set of amendments that would enable Denmark to become a Member with limited rights instead of its current status as observer. The Danish delegation spoke in favour of the compromise and thanked all participants of the Working Group for the efforts made and the outcome. The set of amendments as well as the protocol were adopted by consensus.

The Chairs announced that the amendments to the Rules of Procedure took effect immediately, as these amendments were part of the revision of the Rules of Procedure and welcomed the Danish delegation as Member with limited rights.

The Co-Chairs then continued the exchange of views on the amendments and written contributions received. The following delegations took the floor to present the amendments tabled: the delegation of the States General of the Netherlands, delegations of the German Bundestag and Bundesrat, the Czech Chamber of Deputies, the delegation of the Romanian Parliament (as regards the joint amendment tabled by the German Bundestag and Bundesrat, the Romanian Parliament and the Croatian Parliament delegations), the delegation of the Assembly of Republic of Portugal, the delegation of the House of Representatives of Cyprus, the Swedish Parliament delegation and the European Parliament delegation. The Hungarian National Assembly, Czech Senate and Houses of the Oireachtas of Ireland delegations were invited to present their written contributions. The Co-Chairs then gave the floor to other delegations. Representatives of the Diet of Poland, German Bundestag, Parliament of Estonia, Hellenic Parliament and Parliament of the Republic of Lithuania delegations took the floor.

Reporting back by the European Data Protection Supervisor and the Europol Cooperation Board

Before starting this point on the agenda, the Co-Chair Mr LÓPEZ AGUILAR asked the JPSG participants to pay tribute to the late Mr Giovanni BUTTARELLI, who passed away in summer 2019. Mr BUTTARELLI was the European Data Protection Supervisor for the last five years and previously, he held the position of Assistant Supervisor. The participants paid tribute to Mr BUTTARELLI by holding one minute silence.

Mr Wojciech WIEWIÓROWSKI, Assistant Supervisor to the European Data Protection Supervisor, reported about the collaboration between EDPS and Europol during the last six months. He recalled that the EDPS is in charge of supervising EU institutions when dealing with data processing, including for the purpose of law enforcement. The EDPS took over responsibility for supervising the processing of personal data for operational activities of Europol on 1 May 2017. Since then, the EDPS has been developing a sound and effective supervision scheme thanks to continuous cooperation with Europol and close monitoring of their operational activities. Mr WIEWIÓROWSKI gave an overview of the responsibilities of the EDPS, national data protection authorities and the European Cooperation Board. He specified the EDPS role as supervisor of Europol, highlighted recent activities in this respect, pointing inter alia to the exchange of personal data with third countries with neither adequacy, nor operational agreement for the exchange of personal data being in place. He mentioned also the issues concerning the FIUs (financial intelligence units) that are in charge of establishing links between suspicious financial transactions and underlying criminal activities in order to prevent and to combat money laundering. He referred to the EDPS Opinion (2018) on the embedment of the FIU.net into the Secure Information Exchange Network Application (SIENA) and pointed to a compliance issue. The Europol Regulation does not allow exchanging personal data via the FIU network about persons who are not “suspects”. This causes problems since there is no definition in the Europol Regulation or at European level of when a person becomes a “suspect”. The Europol Regulation refers to national law on this point. The EDPS decided to refer the matter to the Europol Cooperation Board (ECB), as it is up to each national supervisory authority to make this interpretation. Furthermore, he reported that the EDPS has received only two admissible complaints from individuals relating to the processing of their personal data by Europol since May 2017. In

2019, the EDPS has launched four “own initiative inquiries” so far. They concern issues that come to its knowledge in the course of other supervisory activities. The EDPS has conducted three general inspections (once a year) since May 2017, the last one in June 2019. It is a cornerstone of EDPS supervisory activities, covering in depth selected legal and technical aspects of data processing. National DPAs were invited to participate. Finally, he referred to eight EDPS recommendations, based on findings of a targeted inspection of the Terrorist Finance Tracking Programme (TFTP) Agreement in February 2019. All recommendations relate to Europol’s verification process and to security measures. He stated that Europol only verifies the requests from the U.S. to the designated provider, but it does not have access to the data that are actually transferred from the designated provider to the U.S.

Professor Francois PELLEGRINI, Chair of the Europol Cooperation Board (ECB), reported about recent actions and perspectives of the Europol Cooperation Board, which was established in accordance with Article 45 of the Europol regulation. He explained that the EDPS and national data protection authorities (DPAs) compose this board. He underlined the importance of the involvement of national data protection authorities bearing in mind that Member States have transferred the large majority of personal data processed by Europol. The ECB maintains a pool of national experts who participate in all joint inspections of Europol organised by the EDPS. This operational cooperation proves essential to maintain accurate knowledge about the functioning of Europol among national DPAs..

Professor PELLEGRINI referred to the ECB Activity report 2017 - 2018 and the updated Work Programme 2018-2020. He informed about two recently published opinions, concerning the “European Tracking Solution” and the “FIU Network”. Both opinions are dealing with legal limits and risks related to the processing of personal data within the given legal framework. He took the position that the question of an adequate mandate and supervision is also of importance with a view to other operational files and information systems. This includes the interconnection of the European Travel Information and Authorisation System (ETIAS) and the Entry- Exit System (EES) with the Europol Information System (EIS). He pointed to another subject of growing importance concerning eight operational agreements concluded in the past and including the exchange of personal data with Europol (inter alia with Canada and Australia). The European Commission has to review all eight agreements by 2021 in accordance with Article 25(4) of the Europol Regulation. These reviews should be carried out at the earliest opportunity to ensure full compliance with the new legal data protection framework. Eight new agreements between Europol and Middle East and North African countries will be negotiated according to respective Council decisions (inter alia with Turkey). Professor PELLEGRINI explained that the ECB proposes to establish a generic framework for such operational agreements, ensuring highest data protection standards and including a follow-up of supervision and inspections.

An exchange of views with JPSG Members followed. Members from the EP and German Bundestag took the floor as regards the option for a new data retention law, the situation after Brexit without agreement, issues linked with the FIU.net and Europol’s role concerning US requests to access designated provider’s data

Mr WIEWIÓRWSKI and Professor PELLEGRINI replied that no data retention issues were discovered at Europol. In general, most data retention issues are linked to some important questions, e.g. who should have the right to access stored data, for which purposes and under which preconditions.

Brexit scenarios are currently under discussion. One solution could be to adapt Europol's operational agreements, which the Council and Commission are aiming for with other third countries.

Europol should have more rights concerning the designated provider in order for the agency to be able to conduct effective checks of access requests by the U.S. Both agreed that the decentralized FIU.net should be based on a new improved technical system. Europol could act as "provider", comparable to the SIENA infrastructure. Such a new technical system should be backed by a new legal framework that allows Europol to access data under specific conditions, for specific purposes and in line with all data protection requirements. Furthermore, the issue of fragmented diverging national legal bases for data processing by FIUs should be addressed.

24 September

Keynote speech by Ms Maria OHISALO, Minister of Interior of Finland

In her address, Ms OHISALO, Minister of Interior of Finland noted that internal security of the Union faces diverse and cross border challenges that need to be approached from an integrated and multidisciplinary perspective. Among the most prominent threats are the climate crisis, social polarization, hybrid threats and terrorism and they require a comprehensive approach to security.

As she explained, the Finnish Presidency is leading a debate on the future direction of EU internal security. Emphasis is put on the enhancement of operational cooperation between law enforcement authorities and the important role of the Justice and Home affairs agencies such as Europol. She underlined the importance of technological solutions and information systems and their interoperability. The capabilities of countering hybrid threats should be strengthened at both the European Union and the Member State levels. Concerning terrorism, the Minister stressed that the threat persists. As she added, violent extremism has to be tackled and the effectiveness of measures must be assessed. She stressed the need for a clear-cut legislation on terrorist content online. On terrorist travel, the Finnish Presidency finds it important to investigate the effects that expanding the collection of PNR data to cross-border shipping and cross-border rail traffic would have.

Disinformation is a critical challenge to law enforcement and the Presidency highlights the role of Europol in this regard. Ms OHISALO highlighted the need for quick access to electronic evidence. The Finnish Presidency also underscores the need to examine existing legislation and resource development from the perspective of artificial intelligence, automation and 5G.

On migration, the Minister stressed the need for a comprehensive approach that addresses both its internal and external dimensions. The Presidency will address origin and transit of migration and wants to strengthen the partnership between the EU and Africa. Irregular migration must be reduced by fighting smugglers and traffickers. Finland's Presidency also wants to promote legal migration pathways, such as resettlement, meaning the reception of quota refugees. The Finnish Presidency underlines the need to reform the Common European Asylum System, where all Member States must bear responsibility for effectively implementing the common rules and the effectiveness of EU's return policy must be

improved. At the same time, the EU must be efficient and more coordinated in managing its external borders.

The minister highlighted also the importance of European information systems and interoperability. A fully functioning Schengen Area of free movement is a key driver for prosperity, security and freedom. In addition to the existing Commission proposal on the amendment to the Schengen Borders Code, the Presidency stressed the need for new initiatives to safeguard the freedom of action of the Member States. Finland is moreover prepared to seek new solutions in order to abolish internal border checks.

Promoting EU funding for migration, border management and internal security is one of the key objectives of the Finnish Presidency.

The minister concluded that it is needed to look far when coming up with solutions to the complex threats and challenges facing the internal security of the Union, minor changes and short-term plans are not enough.

In the discussion, Members of the European Parliament and representatives of the Parliaments of Poland, Cyprus, Belgium, Finland and Slovenia took the floor. The topics included cybercrime, terrorist content online, disinformation in the internet and hate speech, EPPO competences, budget of EU agencies in the area of internal security, extension of PNR to other means of transport, privacy rights, protection of freedom of speech and a fully functioning Schengen area.

The minister in her replies reiterated that Finland would like to find solutions to internal border checks, maybe by use of technology. Internal border checks are related to the protection of external borders, where it is important that legislation is implemented and cooperation with third countries is indispensable.

For the fight against cybercrime, capacities need to be developed. The minister stressed the need for effective e-evidence.

The Presidency will focus on rule of law, including freedom of expression, but responsibility is important as well and Council will have a further discussion on this with internet platforms.

On the extension of PNR, she stressed the need to find a European level solution on how the PNR data could be collected, in line with data protection rules.

Europol's information management priorities in 2019

Mr Luis DE EUSEBIO RAMOS, Deputy Executive Director of Europol for Capabilities, gave a presentation on Europol's information management priorities in 2019, followed by an exchange of views with JPSG delegates. Mr DE EUSEBIO RAMOS highlighted that information is the most valuable asset and its management is therefore at the core of counter terrorism, fight against international serious crime and of smuggling of migrants. He gave an overview about Europol's "Secure Information Exchange Network Application (SIENA), Europol Information System (EIS), Europol Analysis System (EAS) and Europol's platforms for experts. He explained that Europol's budget will not be sufficient to further develop Europol's IT capacities as necessary and expected by Member states and the European Parliament. In this respect, he referred to Member States' information management priorities in 2020, such as the EU Interoperability – SIS, VIS, EES, ETIAS and enhanced analytical capabilities. Europol's priorities, adopted in May 2019, are: facilitating information exchange, enhancing

collaboration with Member States, developing more efficient IT tools, e.g. for analyses, automated information exchange and forensic computer capabilities. It is also a priority to take part in important EU projects, such as the interoperability mechanism. At this stage, Europol is to be connected with the VIS. Europol intends to provide input for the next “Prüm generation” with respect to the biometric identification system. Finally, he pointed to some discrepancies with respect to demands, expectations on the one hand and the budget that is currently discussed, on the other hand. He explained that ICT demands for 2020, currently about 48 Mio Euros, are facing plans for a budget of 23 Mio Euros only.

Mr Anssi KANGAS, Chief Superintendent of the National Police Board of Finland reported that the EU Council Working Party DAPIX is currently discussing new options to automatize information exchange. He recalled that Member States’ access to information stored by Europol has been stipulated in the Europol Regulation. Member States use in particular the Europol Information System (EIS) for this purpose. He reported that a new UMF 3+ project aims at automatizing access and querying Europol’s data directly from national systems. The functionality is called QUEST (Querying Europol System) and it is to be piloted in the EU funded project (UMF3+). [The Universal Message Format (UMF) is a set of concepts to construct standard data exchanges for interconnecting dispersed law enforcement systems.] QUEST enables Member States’ law enforcement officers, working on a single computer to automatically consult Europol databases simultaneously with their own national system/s, possibly also SIS II and INTERPOL. QUEST is also envisaged to be part of the EU interoperability landscape allowing Member States’ searches through the European Search Portal (ESP) directly into Europol data in addition to the centralized EU – databases.

Mr Anssi KANGAS explained that Article 20(2) of the Europol regulation requires indirect access for Member States on the basis of a hit/no hit system to information provided for the purposes of operational analyses (EIS). The next step of the project is using this indirect hit-no-hit searches for the Europol’s Analysis System by 2020.

An exchange of views with JPSG delegates followed. Delegates from the European Parliament, Italy and Cyprus took the floor. Their questions related to the collaboration between Europol and Frontex, Finland and its neighbours and the planned Travel Intelligence Centre at Europol. Another question concerned the level of IT capacities and information management.

Mr DE EUSEBIO RAMOS and Mr KANGAS explained that the collaboration between Europol and Member States works in general. It is closer with some Member States, less with others, that are less committed. Collaboration between Europol and Frontex with a view to border protection will be enhanced. Europol will provide information to eu-LISA for ETIAS and thus contribute to border protection. Europol’s information management is of high quality compared to international standards, not lagging behind.

JPSG Rules of Procedure - 2nd part

During the second part, a further debate on the tabled amendments was held. In the discussion, Members of the European Parliament and representatives of the Parliaments of Finland, the Netherlands, Germany, Sweden, Cyprus, Romania, Hungary, France, Ireland and Portugal took the floor.

After the exchange of views, the Co-Chairs informed delegates on the situations as regards the amendments put forward and stated that no consensus could be reached on any of the amendments tabled as one or more delegations had spoken against all proposed ones.

The Co-Chairs reminded delegates that the end of today's debates led to the conclusion of the revision procedure. They would therefore report to the EU Speakers' Conference on the outcome of the review. They also stated that, based on that reporting, the Co-Chairs would consider if further steps could be envisaged to seek consensus on the topics raised by delegations.

Designation of the JPSG representative to the meetings of the Europol Management Board

As no agreement was reached on changing the Rules of Procedure regarding the designation of the representative, and as there was no agreement on the designation, the Co-Chairs will continue to represent the JPSG towards the Europol Management Board.

Closing remarks by JPSG Co-Chairs

Co-Chairs informed that the next JPSG meeting would take place in Zagreb, Croatia on 22-23 March 2020 and will be organised jointly by the European Parliament and the Parliament of Croatia.